

Canada International Extradition Treaty with the United States

December 3, 1971, Date-Signed

March 22, 1976, Date-In-Force

STATUS:

Treaty signed at Washington on December 3, 1971. An agreement amending the treaty effected by exchange of notes signed at Washington on June 28 and July 9, 1974. Ratification of the treaty, as amended, advised by the Senate of the United States of America on December 1, 1975. It was Ratified by the President of the United States of America on December 12, 1975. It was Ratified by Canada on February 2, 1976. Ratifications exchanged at Ottawa on March 22, 1976. It was Proclaimed by the President of the United States of America May 6, 1976 and Entered into force March 22, 1976.

TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND CANADA

TRAITE D'EXTRADITION ENTRE LES ETATS-UNIS D'AMERIQUE ET LE CANADA

TEXT:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Treaty on Extradition between the United States of America and Canada was signed at Washington on December 3, 1971, as amended by an exchange of notes on June 28 and July 9, 1974, the original of which Treaty, as amended, is hereto annexed;

The Senate of the United States of America by its resolution of December 1, 1975, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Treaty, as amended;

The Treaty was ratified by the President of the United States of America on December 12, 1975, in pursuance of the advice and consent of the Senate, and has been duly ratified on the part of Canada; The respective instruments of ratification were exchanged at Ottawa on March 22, 1976;

It is provided in Article 18 of the Treaty that the Treaty shall enter into force upon the exchange of ratifications;

Now, THEREFORE, I, Gerald R. Ford, President of the United States of America, proclaim and make public the Treaty, as amended, to the end that it shall be observed and fulfilled with good faith on and after March 22, 1976, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this sixth day of May in the year of our Lord one thousand nine hundred seventy-six and of the Independence of the United States of America the two hundredth.

The United States of America and Canada, desiring to make more effective the cooperation of the two countries in the repression of crime by making provision for the reciprocal extradition of offenders, agree as follows:

#### ARTICLE 1

Each Contracting Party agrees to extradite to the other, in the circumstances and subject to the conditions described in this Treaty, persons found in its territory who have been charged with, or convicted of, any of the offenses covered by Article 2 of this Treaty committed within the territory of the other, or outside thereof under the conditions specified in Article 3(3) of this Treaty.

#### ARTICLE 2

(1) Persons shall be delivered up according to the provisions of this Treaty for any of the offenses listed in the Schedule annexed to this Treaty, which is an integral part of this Treaty, provided these offenses are punishable by the laws of both Contracting Parties by a term of imprisonment exceeding one year.

(2) Extradition shall also be granted for attempts to commit, or conspiracy to commit or being a party to any of the offenses listed in the annexed Schedule.

(3) Extradition shall also be granted for any offense against a federal law of the United States in which one of the offenses listed in the annexed

Schedule, or made extraditable by paragraph (2) of this Article, is a substantial element, even if transporting, transportation, the use of the mails or interstate facilities are also elements of the specific offense.

### ARTICLE 3

(1) For the purpose of this Treaty the territory of a Contracting Party shall include all territory under the jurisdiction of that Contracting Party, including air space and territorial waters and vessels and aircraft registered in that Contracting Party or aircraft leased without crew to a lessee who has his principal place of business, or, if the lessee has no such place of business, his permanent residence in, that Contracting Party if any such aircraft is in flight, or if any such vessel is on the high seas when the offense is committed. For the purposes of this Treaty an aircraft shall be considered in flight from the moment when power is applied for the purpose of the take-off until the moment when the landing run ends.

(2) In a case when offense 23 of the annexed Schedule is committed on board an aircraft at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, such offense and any other offense covered by Article 2 committed against passengers or crew of that aircraft in connection with such offense shall be considered to have been committed within the territory of a Contracting Party if the aircraft was registered in that Contracting Party, if the aircraft landed in the territory of that Contracting Party with the alleged offender still on board, or if the aircraft was leased without crew to a lessee who has his principal place of business, or, if the lessee has no such place of business, his permanent residence in that Contracting Party.

(3) When the offense for which extradition has been requested has been committed outside the territory of the requesting State, the executive or other appropriate authority of the requested State shall have the power to grant the extradition if the laws of the requested State provide for jurisdiction over such an offense committed in similar circumstances.

### ARTICLE 4

(1) Extradition shall not be granted in any of the following circumstances:

(i) When the person whose surrender is sought is being proceeded against, or has been tried and discharged or punished in the territory of the requested State for the offense for which his extradition is requested.

(ii) When the prosecution for the offense has become barred by lapse of time according to the laws of the requesting State.

(iii) When the offense in respect of which extradition is requested is of a political character, or the person whose extradition is requested proves that the extradition request has been made for the purpose of trying or punishing him for an offense of the above-mentioned character. If any question arises as to whether a case comes within the provisions of this subparagraph, the authorities of the Government on which the requisition is made shall decide.

(2) The provisions of subparagraph (iii) of paragraph (1) of this Article shall not be applicable to the following:

(i) A kidnapping, murder or other assault against the life or physical integrity of a person to whom a Contracting Party has the duty according to international law to give special protection, or any attempt to commit such an offense with respect to any such person.

(ii) When offense 23 of the annexed Schedule, or an attempt to commit, or a conspiracy to commit, or being a party to the commission of that offense, has been committed on board an aircraft engaged in commercial services carrying passengers.

#### ARTICLE 5

If a request for extradition is made under this Treaty for a person who at the time of such request, or at the time of the commission of the offense for which extradition is sought, is under the age of eighteen years and is considered by the requested State to be one of its residents, the requested State, upon a determination that extradition would disrupt the social readjustment and rehabilitation of that person, may recommend to the requesting State that the request for extradition be withdrawn, specifying the reasons therefor.

#### ARTICLE 6

When the offense for which extradition is requested is punishable by death under the laws of the requesting State and the laws of the requested State do not permit such punishment for that offense, extradition may be refused unless the requesting State provides such assurances as the requested State considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

#### ARTICLE 7

When the person whose extradition is requested is being proceeded against or is serving a sentence in the territory of the requested State for

an offense other than that for which extradition has been requested, his surrender may be deferred until the conclusion of the proceedings and the full execution of any punishment he may be or may have been awarded.

#### ARTICLE 8

The determination that extradition should or should not be granted shall be made in accordance with the law of the requested State and the person whose extradition is sought shall have the right to use all remedies and recourses provided by such law.

#### ARTICLE 9

(1) The request for extradition shall be made through the diplomatic channel.

(2) The request shall be accompanied by a description of the person sought, a statement of the facts of the case, the text of the laws of the requesting State describing the offense and prescribing the punishment for the offense, and a statement of the law relating to the limitation of the legal proceedings.

(3) When the request relates to a person who has not yet been convicted, it must also be accompanied by a warrant of arrest issued by a judge or other judicial officer of the requesting State and by such evidence as, according to the laws of the requested State, would justify his arrest and committal for trial if the offense had been committed there, including evidence proving the person requested is the person to whom the warrant of arrest refers.

(4) When the request relates to a person already convicted, it must be accompanied by the judgment of conviction and sentence passed against him in the territory of the requesting State, by a statement showing how much of the sentence has not been served, and by evidence proving that the person requested is the person to whom the sentence refers.

#### ARTICLE 10

(1) Extradition shall be granted only if the evidence be found sufficient, according to the laws of the place where the person sought shall be found, either to justify his committal for trial if the offense of which he is accused had been committed in its territory or to prove that he is the identical person convicted by the courts of the requesting State.

(2) The documentary evidence in support of a request for extradition or copies of these documents shall be admitted in evidence in the

examination of the request for extradition when, in the case of a request emanating from Canada, they are authenticated by an officer of the Department of Justice of Canada and are certified by the principal diplomatic or consular officer of the United States in Canada, or when, in the case of a request emanating from the United States, they are authenticated by an officer of the Department of State of the United States and are certified by the principal diplomatic or consular officer of Canada in the United States.

#### ARTICLE 11

(1) In case of urgency a Contracting Party may apply for the provisional arrest of the person sought pending the presentation of the request for extradition through the diplomatic channel. Such application shall contain a description of the person sought, an indication of intention to request the extradition of the person sought and a statement of the existence of a warrant of arrest or a judgment of conviction against that person, and such further information, if any, as would be necessary to justify the issue of a warrant of arrest had the offense been committed, or the person sought been convicted, in the territory of the requested State.

(2) On receipt of such an application the requested State shall take the necessary steps to secure the arrest of the person claimed.

(3) A person arrested shall be set at liberty upon the expiration of forty-five days from the date of his arrest pursuant to such application if a request for his extradition accompanied by the documents specified in Article 9 shall not have been received. This stipulation shall not prevent the institution of proceedings with a view to extraditing the person sought if the request is subsequently received.

#### ARTICLE 12

(1) A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting State for an offense other than that for which extradition has been granted nor be extradited by that State to a third State unless:

(i) He has left the territory of the requesting State after his extradition and has voluntarily returned to it;

(ii) He has not left the territory of the requesting State within thirty days after being free to do so; or

(iii) The requested State has consented to his detention, trial, punishment for an offense other than that for which extradition was granted or to his

extradition to a third State, provided such other offense is covered by Article 2.

(2) The foregoing shall not apply to offenses committed after the extradition.

#### ARTICLE 13

(1) A requested State upon receiving two or more requests for the extradition of the same person either for the same offense, or for different offenses, shall determine to which of the requesting States it will extradite the person sought.

(2) Among the matters which the requested State may take into consideration are the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was committed, the dates upon which the requests were received and the provisions of any extradition agreements between the requested State and the other requesting State or States.

#### ARTICLE 14

(1) The requested State shall promptly communicate to the requesting State through the diplomatic channel the decision on the request for extradition.

(2) If a warrant or order for the extradition of a person sought has been issued by the competent authority and he is not removed from the territory of the requested State within such time as may be prescribed by the laws of that State, he may be set at liberty and the requested State may subsequently refuse to extradite that person for the same offense.

#### ARTICLE 15

(1) To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall, if found, be surrendered to the requesting State if extradition is granted.

(2) Subject to the qualifications of paragraph (1) of this Article, the above-mentioned articles shall be returned to the requesting State even if the extradition, having been agreed to, cannot be carried out owing to the death or escape of the person sought.

#### ARTICLE 16

(1) The right to transport through the territory of one of the Contracting Parties a person surrendered to the other Contracting Party by a third State shall be granted on request made through the diplomatic channel, provided that conditions are present which would warrant extradition of such person by the State of transit and reasons of public order are not opposed to the transit.

(2) The Party to which the person has been extradited shall reimburse the Party through whose territory such person is transported for any expenses incurred by the latter in connection with such transportation.

#### ARTICLE 17

(1) Expenses related to the transportation of the person sought to the requesting State shall be paid by the requesting State. The appropriate legal officers of the State in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting State before the respective judges and magistrates.

(2) No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Treaty, shall be made by the requested State against the requesting State.

#### ARTICLE 18

(1) This Treaty shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible.

(2) This Treaty shall terminate and replace any extradition agreements and provisions on extradition in any other agreement in force between the United States and Canada; except that the crimes listed in such agreements and committed prior to entry into force of this Treaty shall be subject to extradition pursuant to the provisions of such agreements.

(3) This Treaty shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting Party giving notice of termination to the other Contracting Party at any time and the termination shall be effective six months after the date of receipt of such notice.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE in duplicate, in the English and French languages, each language version being equally authentic, at Washington this third day of December, one thousand nine hundred seventy one.



Les Etats-Unis d'Amérique et le Canada, desireux de renforcer la cooperation existant entre les deux pays pour la repression du crime en instituant des dispositions en vue de l'extradition reciproque des delinquants, sont convenus de ce qui suit:

#### ARTICLE 1

Chaque Partie contractante s'engage a livrer a l'autre Partie, dans les circonstances et sous reserve des conditions indiquees au present Traite, les individus trouves sur son territoire qui ont ete accuses ou declares coupables d'une des infractions couvertes par l'Article 2 du present Traite commise sur le territoire de l'autre ou, aux conditions specifiees au paragraphe 3) de l'Article 3 du present Traite, hors de ce territoire.

#### ARTICLE 2

1) Les individus seront livres conformement aux dispositions du present Traite pour l'une quelconque des infractions enumerees a l'Annexe jointe audit Traite, et qui en est partie integrante, a condition que ces infractions soient punissables, en vertu des lois des deux Parties contractantes, d'une peine d'emprisonnement de plus d'un an.

2) Sera egalement extradé tout individu qui aura tente de commettre l'une des infractions enumerees a l'Annexe du present Traite, aura complete en vue de la commettre ou y aura ete partie.

3) L'extradition sera egalement accordee pour toute infraction a une loi federale des Etats-Unis dont une des infractions enumerees a l'Annexe ci-jointe ou justifiant l'extradition en vertu du paragraphe 2) du present Article constitue un element important, meme si le transport ou l'utilisation de la poste ou des moyens de communication entre Etats sont egalement des elements de cette infraction particuliere.

#### ARTICLE 3

1) Aux fins du present Traite, le territoire d'une Partie contractante comprend tout le territoire auquel s'etend la competence de celle-ci, y compris l'espace aerien et les eaux territoriales ainsi que les navires et aeronefs immatricules dans le territoire de cette Partie contractante ou les aeronefs loues sans equipage a une personne qui a le siege principal de son exploitation ou, a defaut, sa residence permanente sur le territoire de ladite Partie contractante, si un tel aeronef est en vol ou si un tel navire se trouve en haute mer lorsque l'infraction est commise. Aux fins du present Traite, un aeronef est considere comme etant en vol depuis le moment ou la force motrice est employee pour decoller jusqu'au moment ou

l'atterrissage a pris fin.

2) Si l'infraction 23 de l'Annexe ci-jointe est commise a bord d'un aeronef entre le moment ou, l'embarquement etant termine, toutes ses portes exterieures sont fermees et le moment ou l'une de ces portes est ouverte en vue du débarquement, cette infraction ainsi que toute autre infraction couverte par l'Article 2 qui est commise contre les passagers ou l'equipage de cet aeronef a l'occasion de cette infraction sont considerees comme ayant ete commises sur le territoire d'une Partie contractante si l'aeronef etait immatricule dans le territoire de celle-ci, s'il a atterri dans ledit territoire alors que l'auteur presume de l'infraction se trouvait a bord ou s'il a ete loue sans equipage a une personne qui a le siege principal de son exploitation ou, a defaut, sa residence permanente dans le territoire de ladite Partie contractante.

3) Lorsque l'infraction pour laquelle l'extradition a ete demandee a ete commise hors du territoire de l'Etat requerant, l'executif ou toute autre autorite competente de l'Etat requis a le pouvoir d'accorder l'extradition si les lois de l'Etat requis donnent competence pour une telle infraction commise dans des circonstances similaires.

#### ARTICLE 4

1) L'extradition n'est accordee dans aucun des cas suivants:

i) Lorsque l'individu dont l'extradition est demandee ou bien fait l'objet de poursuites ou bien a ete juge et acquitte ou puni, sur le territoire de l'Etat requis, pour l'infraction motivant la demande d'extradition.

ii) Lorsque la poursuite relative a l'infraction est frappee de prescription selon les lois de l'Etat requerant.

iii) Lorsque l'infraction motivant la demande d'extradition revet un caractere politique ou que l'individu dont l'extradition est demandee prouve que la demande d'extradition vise a le mettre en jugement ou a le punir pour une infraction revetant un caractere politique. Si la question se pose de savoir si une affaire tombe sous le coup des dispositions du present alinea, il appartient aux autorites gouvernementales de l'Etat auquel la demande est presentee d'en decider.

2) Les dispositions de l'alinéa iii) du paragraphe 1) du present Article ne s'appliquent pas a ce qui suit:

i) L'enlevement ou le meurtre d'un individu auquel une Partie contractante est tenue, selon le droit international, d'accorder une protection speciale ou toutes autres voies de fait visant a lui enlever la vie ou a nuire a sa

sante physique, ou toute tentative de perpetration d'une telle infraction a l'egard d'un tel individu.

ii) Lorsqu'un individu commet l'infraction 23 de l'Annexe ci-jointe a bord d'un aeronef en service commercial faisant le transport de passagers, ou, a bord d'un tel aeronef, tente de commettre ou complotte en vue de commettre cette infraction ou y est partie.

#### ARTICLE 5

Si une demande d'extradition faite en vertu du present Traite vise un individu qui, au moment de cette demande ou au moment de la commission de l'infraction pour laquelle l'extradition est demandee, est age de moins de dix-huit ans et considere par l'Etat requis comme etant l'un de ses residents, l'Etat requis peut, s'il est etabli que l'extradition empecherait le reclassement social et la rehabilitation de cet individu, recommander a l'Etat requerant de retirer sa demande d'extradition, en specifiant les raisons sur lesquelles il se fonde.

#### ARTICLE 6

Lorsque l'infraction motivant la demande d'extradition est punissable de la peine de mort en vertu des lois de l'Etat requerant et que les lois de l'Etat requis n'autorisent pas cette peine pour une telle infraction, l'extradition peut etre refusee a moins que l'Etat requerant ne garantisse a l'Etat requis, d'une maniere jugee suffisante par ce dernier, que la peine de mort ne sera pas infligee ou, si elle l'est, ne sera pas appliquee.

#### ARTICLE 7

Lorsque l'individu dont l'extradition est demandee fait l'objet de poursuites ou subit une peine sur le territoire de l'Etat requis pour une infraction autre que celle pour laquelle l'extradition a ete demandee, sa remise peut etre differee jusqu'a l'issue des procedures et jusqu'a ce qu'il ait purge toute peine qui pourra ou a pu lui etre infligee.

#### ARTICLE 8

La decision d'accorder ou de refuser l'extradition doit etre prise conformement a la loi de l'Etat requis et l'individu dont l'extradition est demandee aura droit a tous les recours prevus par ladite loi.

#### ARTICLE 9

1) La demande d'extradition doit se faire par la voie diplomatique.

2) La demande doit être accompagnée du signalement de l'individu recherché, d'un énoncé des faits, du texte des dispositions des lois de l'État requérant décrivant l'infraction et stipulant la peine à infliger à cet égard ainsi que d'un énoncé de la loi relative à la prescription en matière de procédures judiciaires.

3) Lorsque la demande vise un individu qui n'a pas encore été déclaré coupable, elle doit en outre être accompagnée d'un mandat d'arrêt émis par un juge ou une autre autorité judiciaire de l'État requérant et de tout élément de preuve qui, selon les lois de l'État requis, justifierait l'arrestation et la mise en jugement dudit individu si l'infraction y avait été commise, notamment la preuve que l'individu dont on demande l'extradition est bien celui qui est visé par le mandat d'arrêt.

4) Lorsque la demande vise un individu déjà déclaré coupable, elle doit être accompagnée du jugement de culpabilité et de la sentence prononcés contre lui dans le territoire de l'État requérant, d'une déclaration indiquant quelle partie de la peine reste à purger et de la preuve que l'individu dont l'extradition est demandée est bien celui qui doit purger la peine.

#### ARTICLE 10

1) L'extradition ne doit être accordée que si la preuve est jugée suffisante, selon les lois du lieu où l'individu recherché est trouvé, soit pour justifier une mise en jugement si l'infraction dont il est accusé avait été commise sur le territoire dont ce lieu fait partie, soit pour établir qu'il est bien l'individu condamné par les tribunaux de l'État requérant.

2) Les preuves documentaires à l'appui d'une demande d'extradition, qu'il s'agisse d'originaux ou de copies, doivent être admises en preuve lors de l'examen de la demande d'extradition lorsque, dans le cas d'une demande émanant du Canada, elles sont légalisées par un fonctionnaire du Ministère de la Justice du Canada et certifiées par le principal agent diplomatique ou consulaire des États-Unis au Canada, ou que, dans le cas d'une demande émanant des États-Unis, elles sont légalisées par un fonctionnaire du Département d'État des États-Unis et certifiées par le principal agent diplomatique ou consulaire du Canada aux États-Unis.

#### ARTICLE 11

1) En cas d'urgence, une Partie contractante peut demander l'arrestation provisoire de l'individu recherché en attendant la présentation de la demande d'extradition par la voie diplomatique. La demande d'arrestation doit donner le signalement de l'individu recherché, indiquer qu'on se propose de demander l'extradition de cet individu, indiquer si un mandat d'arrêt a été émis contre lui ou s'il a été déclaré coupable aux termes d'un

jugement et fournir, le cas echeant, les autres renseignements qui seraient necessaires pour justifier l'emission d'un mandat d'arret si l'infraction avait ete commise dans le territoire de l'Etat requis ou si l'individu recherche y avait ete condamne.

2) Des reception d'une telle demande, l'Etat requis prend les mesures necessaires pour assurer l'arrestation de l'individu reclame.

3) Un individu arrete doit etre mis en liberte a l'expiration d'un delai de quarante-cinq jours de la date de son arrestation en vertu de cette demande si une demande d'extradition, accompagnee des documents specifies a l'Article 9, n'a pas alors ete recue a son egard. Cette stipulation n'empeche pas d'engager des procedures en vue de l'extradition de l'individu recherche si la demande d'extradition est recue par la suite.

## ARTICLE 12

1) Un individu extradé en vertu du present Traite ne doit etre ni detenu, ni juge, ni puni sur le territoire de l'Etat requerant pour une infraction autre que celle ayant motive l'extradition et ne peut non plus etre livre par ledit Etat a un Etat tiers, sauf:

i) S'il a quitte le territoire de l'Etat requerant apres son extradition et y est revenu volontairement;

ii) S'il n'a pas quitte le territoire de l'Etat requerant dans un delai de trente jours apres etre devenu libre de le faire; ou

iii) Si l'Etat requis a consenti soit a ce qu'il soit detenu, juge et puni pour une infraction autre que celle ayant motive son extradition, soit a ce qu'il soit livre a un Etat tiers, a condition que cette autre infraction soit couverte par l'Article 2.

2) Les dispositions qui precedent ne s'appliquent pas aux infractions commises apres l'extradition.

## ARTICLE 13

1) Lorsque l'extradition d'un individu est demandee par deux Etats ou plus, soit pour la meme infraction, soit pour des infractions differentes, l'Etat requis doit determiner vers lequel des Etats requerants il extradera l'individu recherche.

2) L'Etat requis peut notamment prendre en consideration les facteurs suivants: la possibilite d'une extradition ulterieure entre les Etats requerants, la gravite de chaque infraction, le lieu ou l'infraction a ete

commise, les dates auxquelles les demandes ont été reçues et les dispositions des accords d'extradition conclus entre l'Etat requis et le ou les autres Etats requerants.

#### ARTICLE 14

1) L'Etat requis doit rapidement communiquer à l'Etat requerant, par la voie diplomatique, la décision prise sur la demande d'extradition.

2) Si un mandat ou un ordre d'extradition d'un individu recherché a été émis par l'autorité compétente et que l'individu n'est pas renvoyé du territoire de l'Etat requis dans le délai qui peut être prescrit par les lois de cet Etat, il peut être libéré et l'Etat requis peut, par la suite, refuser de l'extrader pour la même infraction.

#### ARTICLE 15

1) Dans la mesure où le permettent les lois de l'Etat requis et sous réserve des droits des tiers, qui doivent être dûment respectés, tous les objets obtenus par suite de l'infraction ou qui peuvent être requis à titre de preuve doivent, s'ils sont trouvés, être remis à l'Etat requerant si l'extradition est accordée.

2) Sous réserve des conditions du paragraphe 1) du présent Article, les objets ci-dessus mentionnés doivent être restitués à l'Etat requerant même si l'extradition, ayant été accordée, ne peut être effectuée en raison de la mort ou de l'évasion de l'individu recherché.

#### ARTICLE 16

1) Le droit de transporter sur le territoire d'une des Parties contractantes un individu qui est livré à l'autre Partie contractante par un Etat tiers sera accordé sur demande faite par la voie diplomatique, pourvu que soient réunies les conditions qui justifieraient l'extradition de cet individu par l'Etat de transit et que des raisons d'ordre public ne s'opposent pas à son passage.

2) La Partie vers laquelle l'individu a été extradé doit rembourser à la Partie sur le territoire de laquelle il est transporté tous les frais encourus par cette dernière à l'occasion de ce transport.

#### ARTICLE 17

1) Les frais relatifs au transport de l'individu recherché vers l'Etat requerant doivent être couverts par ce dernier. Les officiers de justice compétents de l'Etat dans lequel se déroulent les procédures d'extradition

doivent, par tous les moyens juridiques dont ils disposent, aider l'Etat requerant devant les juges et magistrats respectifs.

2) Aucune reclamation d'ordre pecuniaire, decoulant de l'arrestation, de la detention, de l'interrogatoire et de la remise d'individus recherches aux termes du present Traite, ne doit etre presentee par l'Etat requis contre l'Etat requerant.

#### ARTICLE 18

1) Le present Traite sera ratifie et les instruments de ratification seront echanges a Ottawa le plus tot possible.

2) Le present Traite terminera et remplacera tous accords d'extradition en vigueur entre les Etats-Unis et le Canada et toutes dispositions relatives a l'extradition contenues dans tout autre accord en vigueur entre eux; toutefois, les infractions enumerees dans ces accords et commises avant l'entree en vigueur du present Traite seront passibles d'extradition en application des dispositions de ces accords.

3) Le present Traite entrera en vigueur le jour de l'echange des ratifications. Il pourra etre denonce a tout moment par l'une des Parties contractantes sur notification a l'autre Partie de son intention d'y mettre fin et, dans ce cas, le Traite cessera d'etre en vigueur six mois apres la date de reception de cette notification.

EN FOI DE QUOI les soussignes, dument autorises par leurs Gouvernements respectifs, ont signe le present Traite.

FAIT en double exemplaire, dans les langues anglaise et francaise, les deux textes faisant egalement foi, a Washington ce troisieme jour de decembre mil neuf cent soixante et onze.