

EXTRADITION

**Protocol Between the
UNITED STATES OF AMERICA
and MEXICO**

Signed at Washington November 13, 1997



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MEXICO

Extradition

Protocol signed at Washington November 13, 1997;
Transmitted by the President of the United States of America
to the Senate May 21, 1998 (Treaty Doc. 105-46,
105th Congress, 2d Session);
Reported favorably by the Senate Committee on Foreign Relations
October 2, 1998 (Senate Executive Report No. 105-23,
105th Congress, 2d Session);
Advice and consent to ratification by the Senate
October 21, 1998;
Ratified by the President January 20, 1999;
Ratified by Mexico April 27, 2001;
Ratifications exchanged at Mexico May 21, 2001;
Entered into force May 21, 2001.

**PROTOCOL TO THE EXTRADITION TREATY BETWEEN
THE UNITED STATES OF AMERICA AND
THE UNITED MEXICAN STATES OF MAY 4, 1978**

The United States of America and the United Mexican States (hereafter "the Parties");

Recognizing the close bilateral relationship which exists between them, reflected in numerous instruments and mechanisms of legal cooperation;

Committed to strengthening legal cooperation in the fight against crime; and

Desiring to make more effective the Extradition Treaty between the Parties, signed at Mexico City on May 4, 1978 (hereafter "the Treaty");

Have agreed as follows:

ARTICLE 1

1. The title of Article 15 of the Treaty is hereby amended to read "Delayed and Temporary Surrender" and the existing text of such Article shall be numbered as Paragraph 1.

2. The following text shall be added as Paragraphs 2 and 3 of Article 15:

(2) The Requested Party, after granting an extradition request made in accordance with this Treaty, may temporarily surrender a person who has been convicted and sentenced in the Requested Party, in order that the person sought may be prosecuted in the Requesting Party before or during service of sentence in the Requested Party. The person so surrendered shall be kept in custody in the Requesting Party, and shall be returned to the Requested Party after conclusion of the proceedings, in accordance with conditions to be determined by agreement of the Parties for that purpose.

(3) In cases in which the person temporarily surrendered is found not guilty in the Requesting Party, the period of time spent in custody in the Requesting Party shall be credited to the sentence in the Requested Party.

ARTICLE 2

1. This Protocol shall form an integral part of the Treaty, and its interpretation shall be governed by the principles contained in the Treaty.

2. The requirements of the Treaty between the United States of America and the United Mexican States on the Execution of Penal Sentences, signed at Mexico City on November 25, 1976, shall not apply to a temporary surrender under this Protocol.

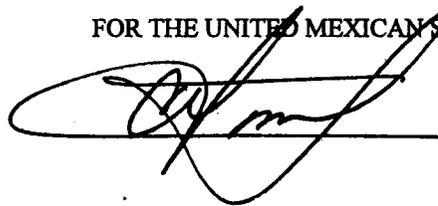
3. This Protocol shall be subject to ratification, and shall enter into force on the date of exchange of instruments of ratification. It shall terminate upon termination of the Treaty.

DONE at Washington this thirteenth day of November, 1997, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE UNITED STATES
OF AMERICA:



FOR THE UNITED MEXICAN STATES:



**PROTOCOLO AL TRATADO DE EXTRADICION ENTRE LOS ESTADOS
UNIDOS DE AMERICA Y LOS ESTADOS UNIDOS MEXICANOS DEL 4
DE MAYO DE 1978**

Los Estados Unidos de América y los Estados Unidos Mexicanos
(en adelante "las Partes");

RECONOCIENDO su estrecha relación bilateral, reflejada en
numerosos instrumentos y mecanismos de cooperación legal;

COMPROMETIDOS con el fortalecimiento de la cooperación
legal en la lucha contra la delincuencia; y

ANIMADOS por el deseo de hacer más eficaz el Tratado de Extradición entre las Partes, firmado en la Ciudad de México, el 4 de mayo de 1978 (en adelante "el Tratado");

Han acordado lo siguiente:

ARTICULO I

1. El título del Artículo 15 del Tratado se modifica para leer: "Entrega Diferida y Temporal" y el texto existente de dicho Artículo deberá ser el párrafo 1.

2. Los siguientes textos serán incorporados como párrafos 2 y 3 del Artículo 15:

2. La Parte Requerida después de conceder una solicitud de extradición formulada de conformidad con este Tratado, podrá entregar temporalmente a una persona que haya recibido una sentencia condenatoria en la Parte Requerida, con el fin de que esa persona pueda ser procesada en la Parte Requirente, antes o durante el cumplimiento de la sentencia en la Parte Requerida. La persona así entregada deberá permanecer en custodia en la Parte Requirente y deberá ser devuelta a la Parte Requerida al término del proceso, de conformidad con las condiciones determinadas por acuerdo entre las Partes, para ese efecto.

3. En los casos en los cuales la persona entregada temporalmente reciba una sentencia absolutoria en la Parte Requirente, el tiempo que haya permanecido en prisión en la Parte Requirente, será abonado al cumplimiento de su sentencia en la Parte Requerida.

ARTICULO II

1. El presente Protocolo formará parte integrante del Tratado y su interpretación se hará de conformidad con los principios contenidos en dicho Tratado.

2. Los requisitos del Tratado entre los Estados Unidos de América y los Estados Unidos Mexicanos sobre Ejecución de Sentencias Penales, firmado en la Ciudad de México, el 25 de noviembre de 1976, no se aplicarán a una entrega temporal que se efectúe en cumplimiento de este Protocolo.

3. El presente Protocolo estará sujeto a ratificación y entrará en vigor a partir de la fecha del canje de los instrumentos de ratificación. Su vigencia concluirá al término del Tratado.

Hecho en la ciudad de Washington, D. C., el trece de noviembre de mil novecientos noventa y siete, en dos ejemplares originales en idiomas inglés y español, siendo ambos textos igualmente auténticos.

**POR LOS ESTADOS UNIDOS DE
AMERICA**



**Janet Reno
Procuradora General**

**POR LOS ESTADOS UNIDOS
MEXICANOS**



**Jorge Madrazo Cuéllar
Procurador General de la República**