

**TREATY ON EXTRADITION
BETWEEN THE CZECH REPUBLIC
AND THE ARGENTINE REPUBLIC**

The Czech Republic and the Argentine Republic, hereinafter referred to as “the Contracting Parties”,

Motivated by the desire to strengthen and make more efficient the existing international legal mechanisms for cooperation between the Contracting Parties in the fight against crime;

Affirming their commitment to fight against transnational organized crime in a coordinated manner;

Reaffirming their profound will to respect the human rights and fundamental freedoms;

Considering the strong level of mutual trust existing between the Contracting Parties and the mutual improvement of the democratic institutions which constitute the existence of judicial proceedings according to the rule of law;

Convinced of the need to find joint solutions in the extradition area aimed to expedite its proceedings, reduce the difficulties and simplify the norms which rule its practice, without affecting the rights and guarantees of the requested person for extradition;

Have agreed as follows:

ARTICLE 1

OBLIGATION TO EXTRADITE

Each Contracting Party agrees to extradite to the other Contracting Party, upon request by one of the Contracting Parties and subject to the provisions of the present Treaty, any person who is found in its territory and is wanted by the competent authorities of the other Contracting Party for prosecution or for imposition or enforcement of a sentence in the Requesting State for an extraditable offence.

ARTICLE 2
EXTRADITABLE OFFENCES

1. Extradition shall be granted for a conduct which constitutes an offence punishable under the law of each of the Contracting Parties by a sentence of imprisonment or other deprivation of liberty for a maximum period of at least two (2) years or by a more severe punishment.

2. Where the request for extradition relates to a person sought for serving a sentence of imprisonment or other deprivation of liberty imposed by a court of the Requesting State for the extraditable offences, extradition shall be granted only if a period of at least six (6) months of such sentence or other deprivation of liberty remains to be served.

3. In determining whether a conduct is an offence against the law of the Requested State:

a) it shall not matter whether the law of each of the Contracting Parties place the conduct constituting the offence in the same category of offences or describe the offence with the same terminology; and

b) the totality of the conduct alleged against the person sought shall be taken into account and it shall not matter whether, under the law of each of the Contracting Parties, the constituent elements of the offence differ.

4. If the request for extradition relates to a number of offences, each of which is punishable under the law of each of the Contracting Parties, but some of which do not meet the other requirements of paragraphs 1 and 2, the Requested State may grant extradition for all offences provided that the person is to be extradited for at least one extraditable offence.

5. If the request for extradition relates to a sentence of both imprisonment and a pecuniary sanction, the Requested State may grant extradition for the enforcement of both the imprisonment and the pecuniary sanction.

ARTICLE 3
FISCAL OFFENCES

Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, exchange control or other revenue matters, the extradition shall not be refused on the ground that the law of the Requested State does not impose the same kind of tax or duty or does not contain a tax, customs duty or exchange regulation of the same kind as the law of the Requesting State.

ARTICLE 4
MANDATORY GROUNDS FOR REFUSAL

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

1. If the offence for which the extradition is requested is regarded by the Requested State as a political offence. Reference to a political offence shall not include any offence in respect of which the Contracting Parties have assumed an obligation to establish jurisdiction or to extradite pursuant to international agreements to which both Contracting Parties are parties.
2. If the Requested State has substantial grounds to believe that the request for extradition has been made for the purpose of prosecuting or punishing the person sought on account of that person's race, religion, nationality, ethnic origin, language, age, mental or physical ability, political opinion, sex or sexual orientation or that the person's position in criminal proceedings may be prejudiced for any of those reasons.
3. If the prosecution or the sentence imposed for the offence for which the extradition is requested would be barred by reason of lapse of time under the law of the Requesting State.
4. If the request for extradition is made by the Requesting State pursuant to a judgment rendered in absentia unless the Requesting State guarantees that the person sought will have the

opportunity to have the case retried in his or her presence in order to be heard, allow his or her right to defense and as a result of this to have a new judgment.

5. If the offence for which the extradition is requested carries the death penalty under the law of the Requesting State, unless that State gives sufficient assurance that the death penalty will not be imposed.

6. If the offence for which the extradition is requested constitutes an offence under military law which is not an offence under ordinary criminal law.

7. If the person sought is requested to be prosecuted, has to stand trial or has been convicted by an ad-hoc court or a court of exception.

8. If the person sought has been finally acquitted or convicted in the Requested State for the same offence for which the extradition is requested or has been pardoned or granted an amnesty in the Requested State.

9. If the person sought is in the Requested State as the result of extradition from a third state and any consent of that third state required for re-extradition is denied.

ARTICLE 5

DISCRETIONARY GROUNDS FOR REFUSAL

Extradition may be refused in any of the following circumstances:

1. If the person sought is being prosecuted in the territory of the Requested State for the same offence or offences for which the extradition is requested.

2. If the offence for which the extradition is requested is regarded under the law of the Requested State as having been committed in whole or in part within its territory or in a place considered under its sovereignty and that State will prosecute that offence.

3. If the offence for which the extradition is requested has been committed outside the territory of either Contracting Party and the law of the Requested State does not provide for jurisdiction over such an offence committed outside its territory in like circumstances.

ARTICLE 6

EXTRADITION OF NATIONALS

The Requested State shall not be bound to extradite its own nationals. Where the extradition is refused solely on this ground, the Requested State shall, upon request of the Requesting State, submit the case to its competent authorities in order that proceedings for the prosecution of the person in respect of all or any of the offences for which the extradition has been sought may be taken. The Requested State shall inform the Requesting State of any action taken and the outcome of any prosecution.

ARTICLE 7

CHANNELS OF COMMUNICATION AND LANGUAGES

1. Each Contracting Party shall appoint a Central Authority for the purposes of the present Treaty. The Central Authority for the Czech Republic shall be the Ministry of Justice and the Central Authority for the Argentine Republic shall be the Ministry of Foreign Affairs and Worship. Each Contracting Party shall notify the other in writing of any change of its Central Authority.

2. Requests for extradition and supporting documents shall be made in writing and transmitted through diplomatic channels.

3. Nevertheless, in case of urgency, requests for extradition and supporting documents may be transmitted directly between the Central Authorities of the Contracting Parties.

4. Requests for extradition and supporting documents, as well as additional information requested under Article 10, shall be accompanied by a translation into the official language of the Requested State.

ARTICLE 8

REQUEST FOR EXTRADITION AND SUPPORTING DOCUMENTS

Request for extradition shall be presented in writing and shall be supported by:

- a) information about the person sought, including nationality, physical description, photography and fingerprints of the person if available, and any other information available about that person's possible location;
- b) complete information of the competent authority, including telephone and fax numbers and e-mail address;
- c) original or a certified copy of the sentence imposed, warrant of arrest or analogue decision having the same force and effect including information about the competent authority that issued that decision;
- d) text of the relevant provision of the law of the Requesting State establishing each offence and describing the penalty for the offence;
- e) statement of the facts of the case for each offence for which the extradition is requested, including the time and place of its commission and degree of participation;
- f) information about the conviction and the sentence imposed, if there is final judgment, and the extent to which the sentence remains to be served;

g) declaration that states that lapse of time has not occurred in relation to the prosecution or the sentence imposed for the offence for which the extradition is requested and relevant provisions of the law of the Requesting State.

ARTICLE 9 LEGALIZATION

Any documentation sent through the channels established in the present Treaty shall be exempted from legalization.

ARTICLE 10 ADDITIONAL INFORMATION

If the information or documents provided in support of the request for extradition are insufficient, the Requested State shall inform it promptly to the Requesting State who shall provide the requested information within forty five (45) days from the date in which the Requesting State was informed about such request.

ARTICLE 11 SIMPLIFIED EXTRADITION

At any stage of the process, the person sought may consent to be extradited before the competent authorities of the Requested State. The consent must be free, explicit and voluntary and the person sought should be notified about his or her rights and the consequences of his or her decision. Once the consent is given, it is irrevocable. If other conditions under the law of the Requested State are met, the person shall be surrendered within the term stipulated in Article 13 whether or not the requirements of Article 8 have been met.

ARTICLE 12

DECISION

The Requested State shall, as soon as a decision on the request for extradition has been made, communicate that decision to the Requesting State. Reasons shall be given for any complete or partial refusal of the request for extradition.

ARTICLE 13

SURRENDER OF THE REQUESTED PERSON

1. Surrender shall be made within forty five (45) days from the notification to the Requesting State that the extradition has been granted. In the event that the Requesting State is unable to transfer the person sought within that term, the Requested State may grant a one-time fifteen (15) days extension.
2. In case of force majeure or under a proven serious illness which prevents a Contracting Party from surrendering or receiving the person to be extradited, that circumstance shall be notified to the other Contracting Party before the deadline established in the previous paragraph and a new date of surrender and reception may be decided.
3. If the person to be extradited is not surrendered in the time established, the Requested State may refuse to extradite that person for the same offence.

ARTICLE 14

POSTPONED SURRENDER

The Requested State may, after having made a decision to grant the extradition, postpone the surrender of the person sought if he or she is being proceeded against or is serving a sentence in the Requested State for an offence other than that for which the extradition is requested, until the

conclusion of the proceedings or the completion of the sentence. The Requested State shall inform the Requesting State about the postponed surrender.

ARTICLE 15

TEMPORARY SURRENDER

Once the extradition is granted and in the case that the person sought is serving a sentence or is being prosecuted in the Requested State, the Requesting State may request for his or her temporary surrender. The person sought may be temporarily surrendered to the Requesting State for prosecution in accordance with conditions to be decided by the Contracting Parties. The person so surrendered shall be kept in custody in the Requesting State. A person who is returned to the Requested State following a temporary surrender shall be finally surrendered to the Requesting State in accordance with the provisions of the present Treaty.

ARTICLE 16

SURRENDER OF PROPERTY

1. When the extradition was granted and at the request of the Requesting State, all property found in the Requested State that has been acquired as a result of the offence or that may be required as evidence shall be surrendered to the extent permitted under the law of the Requested State and subject to the rights of third parties, which shall be duly respected.

2. If the Requesting State so requests, the said property may be surrendered to that State even if the granted extradition cannot be carried out as a result of death, disappearance or escape of the person sought.

3. When the said property is liable to seizure or confiscation in the Requested State, it may retain it or temporarily hand it over.

4. Where the law of the Requested State or the protection of the rights of third parties so requires, any property surrendered shall be returned to the Requested State free of charge after the completion of the proceedings, if that State so requests.

ARTICLE 17

RULE OF SPECIALTY

The person extradited in accordance with the present Treaty shall not be detained, proceeded against, sentenced or have his or her liberty restricted in the Requesting State for an offence committed before his or her surrender for which the extradition has not been requested, unless:

- a) the person has had an opportunity to leave the Requesting State and has not done so within forty five (45) days after his or her release or the person has voluntarily returned to the territory of the Requesting State after leaving it;
- b) the competent authorities of the Requested State give their consent; for the purpose of such consent, the Requesting State shall submit to the Requested State a request for consent accompanied by the documents mentioned in Article 8.

ARTICLE 18

RE- EXTRADITION TO A THIRD STATE

1. Re-extradition of a person surrendered under the present Treaty to a third state for an offence committed before that person's surrender is not possible unless:

- a) the Contracting Party that has surrendered the person sought consents, or
- b) the person has an opportunity to leave the territory of the Requesting State and does not leave it within forty five (45) days of the final discharge in respect of the offence for which that

person was surrendered by the Requested State or the person voluntarily returns to the territory of the Requesting State after leaving it.

2. To this effect, the Contracting Party that intends to re-extradite the surrendered person to the third state shall submit to the other Contracting Party that had surrendered the person sought a request according to the Article 8 in order to obtain its consent to the re-extradition.

ARTICLE 19

PROVISIONAL ARREST

1. The request for provisional arrest may be submitted directly between the Central Authorities or through diplomatic channels or through the International Criminal Police Organization (INTERPOL). The said request may be submitted by e-mail, fax or any other electronic means capable of producing a written record.

2. The request for provisional arrest shall contain a description of the person sought, a statement of the location of the person, when known, a concise statement of the facts of the case, a statement of the law relevant to the offence, a statement of the existence of one of the documents mentioned in paragraph c) of Article 8, and a statement that a formal request for extradition of the person sought will follow.

3. The person arrested upon such request shall be set at liberty upon the expiration of forty five (45) days from the date of arrest, if the Requesting State has not presented the formal request for extradition to the Requested State.

4. The release of the person pursuant to the previous paragraph shall not prevent his or her re-arrest and extradition if the request for extradition and supporting documents are subsequently received.

ARTICLE 20

TRANSIT

1. Transit through the territory of one of the Contracting Parties may be granted upon a request in writing by the other Contracting Party. The request for transit:

a) may be transmitted by any means capable of producing a written record;

b) shall contain information about description, identity and nationality of the person sought, description of the nature of the offence and applicable penalty, with a brief summary of the facts of the case, statement attesting to the existence of a warrant of arrest or record of conviction and particulars of the transit and ultimate proposed surrender.

2. Authorization for transit shall not be necessary when air travel is used and when a landing is not scheduled in the territory of the transit Contracting Party. In the event of an unscheduled landing, the transit Contracting Party may require the request for transit referred to in paragraph 1 in order to complete that transit to the other Contracting Party. The transit Contracting Party shall detain the person in transit until the request is received and the transit is completed, provided that the request is received within twenty four (24) hours of the unscheduled landing.

ARTICLE 21

EXPENSES

Expenses arising from the procedures for the extradition shall be borne by the Contracting Party in which territory they have arisen. Expenses of transportation of the extradited person shall be borne by the Requesting State.

ARTICLE 22
CONCURRENT REQUESTS

Where one of the Contracting Parties and a third state request the extradition of the same person, the other Contracting Party shall decide according to its national law to which of those states the person is to be extradited and shall notify these states of its decision.

ARTICLE 23
CONSULTATIONS AND SETTLEMENT OF DISPUTES

1. The Central Authorities shall hold consultations on the interpretation and application of the dispositions of the present Treaty.

2. Any dispute arising from the interpretation and application of the present Treaty shall be resolved through diplomatic channels.

ARTICLE 24
ENTRY INTO FORCE

1. The present Treaty is subject to ratification and shall enter into force the thirtieth day after the date on which the instruments of ratification are exchanged.

2. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

ARTICLE 25
TERMINATION

1. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Contracting Party through diplomatic channels. Such denunciation shall take effect six (6) months following the date on which the notice is received by the other Contracting Party.

2. Without prejudice to paragraph 1, requests for extradition presented before the expiration of validity of the present Treaty shall continue to be effected in accordance with the provisions of the present Treaty until the final decision to grant or refuse the extradition.

Done in the city of Prague, on this 25 of November, 2019, in two originals, each in Czech, Spanish and English languages, both being equally authentic. In case of divergence in the interpretation of the present Treaty, the English text shall prevail.

For the Czech Republic
Marie Benešová
Minister of Justice of the Czech Republic

For the Argentine Republic
H. E. Roberto Alejandro Salafia
Ambassador Extraordinary and Plenipotentiary
of the Argentine Republic in the Czech Republic