2-26-2015

U.S. and Dominican Republic Sign New Extradition Treaty

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Although the US and the Dominican Republic have had an extradition accord for more than a century, last year both countries decided to renew the existing agreement to cover new forms of illegal activity such as drug trafficking and tax evasion, among others.

In January, it was reported that the US and the Dominican Republic had signed the new extradition treaty. The aim, according to the authorities, is to ensure that the agreement is more efficient in prosecuting criminal activity. The new treaty includes cybercrime, terrorism, and mercenary assassination.

During a press conference, Dominican Foreign Minister Andrés Navarro said that, as well as strengthening cooperation between the two countries and prosecuting a number of crimes, the treaty establishes the requirements that need to be met to request an extradition, the procedures that need to be followed, and the steps that need to be taken to secure the provisional arrest of the accused. He said the new treaty would guarantee that the human rights of those detained are respected.

Navarro says that by signing this agreement the US is renewing its commitment to work with its partners and underscoring that fighting crime using extradition as a key tool to reduce crime rates is a shared responsibility.

US Ambassador to the Dominican Republic James Brewster said that signing the extradition treaty was a "historic achievement." He told the local press that times change and criminal activity evolves, which meant that a new extradition agreement was necessary and was long overdue.

Brewster said that when the agreement comes into effect it will broaden the scope of extraditable offenses based on clear and modern procedures. In his opinion, this will strengthen citizen security in the Dominican Republic and in the entire region by making it possible to prosecute a number of crimes.

Under the terms of the new agreement, both countries agree to hand over individuals accused of committing a crime so that they can stand trial or serve a sentence for conspiring to take part in or participating in varying degrees of crime. For instance, crimes such as fraud, tax evasion, contraband, and money laundering are extraditable.

The treaty stipulates that political or military crimes as well as murder, homicide, grievous bodily harm, rape, and attempted rape are not extraditable.

With this new agreement, both countries will be able to use extradition as an important tool for fighting organized crime and in their view they are sending out the message that their territories cannot be used to escape from justice.
Extradition and human rights

The negotiations for the new treaty concluded in October 2014. Until then, extraditions were carried out under the terms of the agreement signed in June 1909 and the Montevideo Extradition Convention signed in late 1933.

It is known that to date the Dominican authorities have handed over dozens of individuals to the US government. However, in 2005, when the Dominican authorities requested the extradition of Shlomo Ben-Tov, also known as Sam Goodson, a US citizen of Israeli origin, who was accused of operating a multimillion-dollar fraud scam to purchase a fleet of public-transport units during the administration of President Hipólito Mejía (2000-2004), the US authorities refused to hand him over.

A similar case that did have a successful outcome for the Dominican authorities was that of US citizen of Dominican origin Jeffry Peña, who was tried for the murder of police sergeant Santiago Fortuna in 2004.

Navarro told the local press, "This agreement is especially significant because it is going to become a blueprint for future agreements with other countries that is applicable to both countries with which we already have an agreement and countries with which we will be signing an agreement for the first time."

The treaty, says Navarro, will help to bolster human rights and the rule of law. "Society can continue to rely on the Ministerio de Relaciones Exteriores to strengthen the rule of law, bolster its defense mechanism, and establish guarantees to protect citizens’ rights," he told the local press.

The Dominican Republic has been one of the most active countries in extraditing individuals to the US, ranking fourth after Mexico, Canada, and Colombia. Negotiating the agreement took around three months. During that period, the Dominican Republic cooperated readily with requests made by the US for extraditing fugitives.

The US negotiating team included legal advisors from the US Departments of State and Justice, and the Dominican team included members of the Consultoría Jurídica del Poder Ejecutivo (an executive advisory body), the Ministerio de Relaciones Exteriores (MINEX), and the Procuraduría General de la República (PGR).

Cesar Pina, one of the executive’s legal advisors, said the treaty is a "very balanced" document in allowing the exchange of wanted individuals from one country to another.

With an extradition treaty between the two countries that dates back more than a century, the Dominican Republic has become used to complying with all requests made by US authorities and has approved the extradition requests made for all Dominicans accused of committing crimes in the US, particularly drug trafficking, homicide, and tax evasion.

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