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22. Third Report on International Extradition Submitted to Congress Pursuant to Section 3203 of the Emergency Supplemental Act, 2000 as enacted in the Military Construction Appropriations Act, 2001, Public Law 106-246 Relating to Plan Columbia.

**THIRD REPORT ON INTERNATIONAL EXTRADITION
SUBMITTED TO CONGRESS
PURSUANT TO SECTION 3203
OF THE EMERGENCY SUPPLEMENTAL ACT, 2000,
AS ENACTED IN THE
MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001,
PUBLIC LAW 106-246**

RELATED TO PLAN COLOMBIA

**THIRD REPORT ON INTERNATIONAL EXTRADITION
PURSUANT TO SECTION 3203 OF THE EMERGENCY SUPPLEMENTAL ACT, 2000, AS ENACTED
IN PUBLIC LAW 106-246**

This report is submitted by the Secretary of State to the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives in response to the requirements of section 3203 of Title III, Chapter 2 of the Emergency Supplemental Act, 2000, as enacted in the Military Construction Appropriations Act, 2001, Public Law 106-246. Title III of the Emergency Supplemental Act appropriates funds for the foreign assistance package known as "Plan Colombia." The text of section 3203 is attached as Tab A.

This is the third report on international extradition pursuant to section 3203, and it provides information on the period between July 1 and December 31, 2001. The first report pursuant to section 3203 was submitted in January 2001, and covered the period from January 1, 1998, to December 31, 2000. The second report was submitted to Congress in July 2001, and provided data on the period between January 1 and June 30, 2001. This report also updates information provided in the first two reports.

As required by section 3203(a)(1), this report provides factual information about persons whose extradition has been requested from each of the following ten countries that are receiving counternarcotics assistance from the United States under Plan Colombia: Bolivia, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Panama, Peru, Trinidad and Tobago, and Venezuela. As required by sections 3203(a)(2) and 3203(a)(3), this report then discusses specific aspects of these ten countries' cooperation with the United States in the area of international extradition. Because sections 3203(a)(2) and 3203(a)(3) are linked in substance, they are discussed together below. The Department of Justice contributed to this report.

Response to Section 3203(a)(1) - Persons Sought for Extradition

The Office of International Affairs of the Criminal Division of the Justice Department prepared the statistical tables at Tab B based on its database of international extradition requests made to Bolivia, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Panama, Peru, Trinidad and Tobago, and Venezuela. The statistical tables reflect U. S. extradition requests since July 1, 2001, for fugitives sought for narcotics offenses as well as for other crimes, and divide the information to reflect each category. The Justice Department has not provided the names of fugitives still at large out of concern that disclosure could compromise the possibility of a fugitive's being apprehended. In addition to this general concern, in some cases disclosure could endanger the safety of law enforcement personnel or sources, and in some cases there may be court orders prohibiting such disclosure. Because of these constraints, the first table in Tab B provides aggregate statistics for the fugitives whose extradition the United States has requested since January 1, 2001, and who are still at large. The first table

does not provide the names of the individual fugitives. The second table in Tab B lists the names of the fugitives detained since July 1, 2001, as well as the crimes for which they were detained, the dates they were arrested, and the countries that have detained them. The third table in Tab B lists the names of the fugitives surrendered since July 1, 2001, the countries that surrendered the fugitives, the crimes for which the fugitives were extradited to the United States, and the date the fugitives were surrendered to the United States.

Response to Sections 3203(a)(2) and 3203(a)(3) - Efforts to Extradite to the United States, Analysis of Obstacles to Extradition, and Steps Taken to Overcome these Obstacles

The following discussion examines U.S. extradition relationships with the ten countries that this report covers. All of the countries that are the subject of this report are cooperating with the United States in good faith, whether under a bilateral extradition treaty or under their domestic extradition law.

BOLIVIA

A new extradition treaty was signed in 1995 and entered into force in 1996. It mandates the extradition of nationals for most serious offenses, including drug trafficking. The negotiation of this modern treaty to replace an outdated treaty from 1900 represented a major step toward overcoming obstacles to extradition. There are no serious legal obstacles in Bolivian law that impede the extradition of persons sought by U.S. authorities. The Bolivian government's good faith efforts to extradite fugitives to the United States are demonstrated by its surrender of three fugitives since January 1998 (including one in August 2001) and its current detention of four others.

BRAZIL

Brazil cooperates with the United States in the extradition of non-Brazilians. The Brazilian Constitution, however, prohibits the extradition of Brazilian nationals, although naturalized Brazilian citizens can be extradited for (1) crimes committed before naturalization, and (2) narcotics trafficking, regardless of when the crime was committed. The U.S.-Brazil extradition treaty, which was signed in 1961 and entered into force in 1964, includes a broad list of extraditable offenses, with the notable exception of money laundering. Brazil, however, is a party to the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (the 1988 UN Drug Convention), through which drug-related money laundering is deemed to be included as an extraditable offense under the bilateral treaty. While the United States is unable to obtain the extradition of Brazilian citizens, Brazil's good faith efforts to cooperate are demonstrated by its extradition of two non-citizen fugitives and detention of nine others since January 1998, including the detention of three fugitives in the second half of 2001. The Departments of Justice and State have continued the dialogue with the Government of Brazil on important issues, including the extradition of nationals, in an effort to bring fugitives to justice.

COLOMBIA

Over the last two decades, the U.S.-Colombian extradition relationship has experienced both times of frustration and periods of extraordinary cooperation. At this time, the level of cooperation in extradition matters is higher than ever and is particularly noteworthy in view of the complex political and public security concerns facing the Colombian authorities. Moreover, this cooperation has come at an enormous cost to the Colombian government, a large number of whose police, prosecutors, and judges, and their families, have been killed, injured, or threatened by members of drug trafficking organizations. Nonetheless, the number of fugitives extradited and currently detained at the request of the United States is very high and many of this new group of "extraditables" have been charged in the United States as a result of bilateral U.S.-Colombian criminal investigations. This development is particularly significant because of the prominent role of many of these fugitives in international criminal activities, including illegal narcotics trafficking.

A new U.S.-Colombia extradition treaty, signed in 1979, entered into force in 1982. It mandated the extradition of nationals for narcotics trafficking and other transnational crimes. From 1982 through 1990, the Colombian government extradited a number of Colombian drug traffickers to the United States, at first pursuant to the treaty (which was ruled invalid under Colombian law by the Colombian Supreme Court in 1986), and afterward pursuant to executive decree. In July 1991, however, a new Colombian Constitution, which expressly prohibited the extradition of Colombian nationals by birth, entered into force. Thereafter, extradition of non-Colombians continued pursuant to Colombian domestic law.

On December 17, 1997, Colombia enacted a constitutional amendment to allow for the extradition of nationals. This change represented a vital step by the Colombian government to overcome the most significant barrier to extraditing accused criminals from Colombia, and ushered in a new era of bilateral cooperation on extradition matters.

The number of fugitives arrested for extradition and surrendered to the United States amply demonstrates Colombia's good faith efforts to ensure that criminals are brought to justice in the United States. Since the last report, Colombia has arrested nine fugitives for extradition at the United States' request and has surrendered 19 persons, all but one of whom are wanted on narcotics-related charges. Seventeen of the 19 persons surrendered are Colombian nationals. Since 1998, the Government of Colombia has arrested a total of 85 persons and has extradited a total of 47 fugitives. Nevertheless, some obstacles to extradition remain. For example, the constitutional amendment expressly applies only to crimes committed after its effective date, thereby continuing to bar extradition of a number of drug traffickers for crimes committed before December 1997. In addition, the Colombian domestic extradition law authorizes extradition only for a limited scope of offenses. As a result, the United States is unable to obtain the extradition of persons, regardless of their nationality, for a number of serious offenses, including certain violent and financial crimes for which the minimum penalty under Colombian law may be less than four years imprisonment. The Departments of Justice and State continue in discussion with the Colombian government in an effort to overcome obstacles to and otherwise facilitate extradition.

COSTA RICA

The current U.S.-Costa Rican extradition treaty, signed in 1982, entered into force in 1991, and, at this time, bilateral extradition relations are good, despite a Costa Rican constitutional prohibition against the extradition of its nationals. The Costa Rican government's good faith efforts to extradite fugitives to the United States are demonstrated by its surrender of 15 fugitives since January 1998 and its current detention of ten others at the request of the United States, seven of whom were arrested since the last report. The Departments of Justice and State continue to engage the Government of Costa Rica on important issues to ensure that fugitives are brought to justice.

ECUADOR

The current extradition treaty between the United States and Ecuador was signed in 1872, and supplemented in 1939. It remains in serious need of updating. The current extradition treaty does not provide for the mandatory extradition of nationals, contains a very limited list of extraditable crimes, and does not authorize the provisional arrest of fleeing fugitives prior to the presentation of a fully documented formal extradition request. Narcotics trafficking and related money laundering are covered as extraditable offenses under the 1939 supplementary treaty between the United States and Ecuador and by operation of the 1988 UN Drug Convention, to which both the United States and Ecuador are parties.

Ecuador has a constitutional prohibition against the extradition of its citizens. In recent years, representatives of the Departments of Justice and State have traveled to Ecuador for preliminary talks on extradition issues and to offer appropriate assistance. However, the negotiation of a new extradition treaty depends on whether Ecuador is ready to amend its Constitution to permit the extradition of Ecuadorian citizens. Despite difficulties in obtaining the extradition of fugitives from Ecuador, Ecuadorian authorities have been cooperative, when possible, in arranging for the deportation or expulsion of non-Ecuadorians to the United States or to third countries from where they can be extradited.

EL SALVADOR

In July 2000, El Salvador took a very important step to remove a serious obstacle to extradition by enacting a constitutional amendment to permit the extradition of Salvadoran nationals. The constitutional change has been an important policy goal of the Departments of Justice and State over the past several years. At this time, there are a number of fugitives who are wanted in the United States for murder and other serious offenses and are believed to be living in El Salvador but who, to date, have enjoyed impunity because of their Salvadoran nationality.

The constitutional amendment, as enacted, allows for the extradition of Salvadoran nationals when expressly provided for by an extradition treaty. Because the current U.S.-El Salvador extradition treaty, which was signed

in 1911, does not contain an affirmative obligation

for either party to extradite its nationals, a new treaty must be negotiated, ratified, and enter into force before the United States can seek the extradition of any Salvadoran nationals. The Departments of Justice and State met with representatives of the Government of El Salvador to begin negotiating a new treaty in October 2001 in San Salvador, and have scheduled a second round of negotiations to begin in January 2002 in Washington.

PANAMA

The current extradition treaty between the United States and Panama was signed in 1904, and the Panamanian Constitution prohibits the extradition of Panamanian nationals. Although the 1904 treaty contains a limited list of extraditable offenses, Panama is a party to the 1988 UN Drug Convention, through which narcotics trafficking and related money laundering are deemed to be included as extraditable offenses under the bilateral extradition treaty.

Despite its bar to extradition of nationals and an old treaty, Panama has continually demonstrated good faith efforts to surrender fugitives to the United States. Most of all, Panama has shown a willingness on numerous occasions to make use of legal alternatives to extradition (which are not reflected on the appended charts) in order to effect the return of non-Panamanians to the United States to face trial. The Departments of Justice and State have continued to engage the Government of Panama on important issues to ensure that fugitives are brought to justice.

PERU

Peru's good faith efforts to extradite fugitives to the United States are demonstrated by the surrender of two persons to the United States since January 1998. On July 26, 2001, the United States and Peru signed a new treaty that would obligate the parties to extradite persons for a broad range of offenses, regardless of their nationality. The new treaty, which has not yet been ratified, will update the current extradition treaty, which was signed in 1899. Since the last report, Peru has arrested one suspect for extradition at the request of the United States.

TRINIDAD AND TOBAGO

The United States enjoys an excellent law enforcement relationship with Trinidad and Tobago, which plays a leadership role in regional and multilateral organizations and initiatives. Trinidad and Tobago has been very cooperative in extradition matters and has exhibited the political will to extradite expeditiously several large-scale narcotics traffickers and murderers in the past few years. On November 29, 1999, a new extradition treaty came into force between the United States and Trinidad and Tobago. The new treaty provides for the extradition of nationals and extradition for all offenses that are punishable by more than a year in prison. No problems have yet been identified in the period that the new treaty has been in effect. However, should any problems arise, it is expected that they would be resolved quickly through consultation. Since the last report, Trinidad and Tobago

has extradited one fugitive at the request of the United States.

VENEZUELA

The current extradition treaty between the United States and Venezuela was signed in 1922. The treaty contains a limited list of extraditable offenses, and narcotics trafficking is not one of the listed offenses. Venezuela is a party to the 1988 UN Drug Convention, and by the terms of the Convention narcotics trafficking and related money laundering are deemed extraditable under the bilateral extradition treaty. Venezuela's 1999 Constitution expressly prohibits the extradition of Venezuelan nationals. Previously, Venezuela had only a statutory bar to the extradition of nationals. Despite this obstacle, Venezuela has demonstrated good faith in extraditing non-Venezuelans to the United States. Since the last report, Venezuela has extradited one non-national to the United States.

Tab A

Excerpt from the Emergency Supplemental Act, 2000,
as enacted in the Military Construction Appropriations Act, 2001, Public Law 106-246

Section 3203. Report on Extradition of Narcotics Traffickers.

- a. Not later than 6 months after the date of the enactment of this title, and every 6 months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth
 1. a list of the persons whose extradition has been requested from any country receiving counternarcotics assistance from the United States, indicating those persons who (A) have been surrendered to the custody of United States authorities; (B) have been detained by the authorities and who are being processed for extradition; (C) have been detained by the authorities and who are not yet being processed for extradition; or (D) are at large;
 2. a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and
 3. an analysis of (A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States regarding prompt extradition of persons sought by United States authorities; and (B) the steps taken

by authorities of the United States and the authorities of each country receiving counternarcotics assistance from the United States to overcome such obstacles.

Tab B

**PLAN COLOMBIA:
Summary of Extradition Information
(July 1, 2001, to December 31, 2001)**

COUNTRY	REQUESTS MADE SINCE JULY 1, 2001		DETAINED	SURRENDERED
	Narcotics Charges	Non-Narcotics Charges		
Bolivia	0	0	0	1
Brazil	3	0	3	0
Colombia	17	10	9	19
Costa Rica	0	7	7	0
Ecuador	0	0	0	0
El Salvador	0	0	0	0

Panama	0	0	0	0
Peru	0	0	1	0
Trinidad and Tobago	0	1	0	1
Venezuela	1	0	0	1
TOTAL	21	18	16	22

Tab B

Fugitives Detained Since July 1, 2001

FUGITIVE NAME	CRIME	ARREST DATE	COUNTRY
Paul, Peter	Fraud	08-03-2001	Brazil
Smith, Warren Kent	Narcotics, Weapons	11-13-2001	Brazil
Robinson, Michael Alexander	Narcotics, Weapons	12-06-2001	Brazil
Chitiva Carrasquillo, Felix	Narcotics	08-22-2001	Colombia
Reyes, Alvaro	Narcotics	09-08-2001	Colombia

Alvarado, Jose Humberto	Narcotics	12-12-2001	Colombia
Castillo Quinones, Teofilo	Narcotics	12-12-2001	Colombia
Cuevas-Sanclemente, Ruben Dario	Narcotics	12-12-2001	Colombia
Molano Rodriguez, Efrain	Narcotics	12-12-2001	Colombia

Tab B**Fugitives Detained Since July 1, 2001**

FUGITIVE NAME	CRIME	ARREST DATE	COUNTRY
Quinones Quinones, Leonardo Alirio	Narcotics	12-12-2001	Colombia
Suarez Roldan, Numael	Narcotics	12-12-2001	Colombia
Velazquez Gonzalez, Jose Hernando	Narcotics	12-12-2001	Colombia
Waage, Alyn Richard	Fraud, Securities Violations	09-06-2001	Costa Rica
Webb, James Michael	Fraud, Securities Violations	09-06-2001	Costa Rica

Bonchea, Julio	Attempted Murder, Assault, Theft/ Larceny, Escape	09-30-2001	Costa Rica
Buenos Ruis, Luis Eduardo	Homicide	11-01-2001	Costa Rica
Cox, Howard	Fraud	11-14-2001	Costa Rica
Arcaris, Timothy	Rape, Sexual Abuse	11-28-2001	Costa Rica
Louis, Michael	Parental Kidnapping, Mail Fraud	12-19-2001	Costa Rica

Tab B**Fugitives Surrendered Since July 1, 2001**

FUGITIVE NAME	CRIME	SURRENDER DATE	COUNTRY
Espinoza, Jacqueline	Vehicular Homicide, Theft, Traffic	10-03-2001	Peru
Grajales Posso, Eduardo Marino	Narcotics	08-18-2001	Bolivia
Sanchez Vidal, Jorge Mauricio	Narcotics, Money Laundering	07-10-2001	Colombia
Amaro, Luis	Narcotics	08-06-2001	Colombia

Restrepo, Paola	Homicide, Robbery	08-06-2001	Colombia
Arbelaez Diaz, Juan Guillermo	Narcotics, Money Laundering	08-24-2001	Colombia
Higuera Moreno, Dessy	Narcotics	08-24-2001	Colombia
Mesa Sanin, Jairo de Jesus	Narcotics, Money Laundering	09-07-2001	Colombia

Tab B**Fugitives Surrendered Since July 1, 2001 (cont.)**

FUGITIVE NAME	CRIME	SURRENDER DATE	COUNTRY
Ochoa Vasquez, Fabio	Narcotics, Obstruction of Justice	09-07-2001	Colombia
Rebellon Arcila, Luis Fernando	Narcotics, Money Laundering	09-07-2001	Colombia
Sanchez Cristancho, Jairo	Narcotics, Money Laundering	09-07-2001	Colombia
Tovar-Leyva, Didier Antonio	Narcotics	09-07-2001	Colombia
Del Prado Arregoces, Omar	Narcotics	10-05-2001	Colombia

Bernal Madrigal, Alejandro	Narcotics	10-30-2001	Colombia
Perdomo Lievan, Sergio H.	Narcotics, Money Laundering	10-31-2001	Colombia
Castiblanco Cabalcante, Jaime	Narcotics, Money Laundering	11-01-2001	Colombia
Ochoa Ruiz, Ricardo Pastor	Narcotics	11-01-2001	Colombia
Mogollon Barreto, Armando	Narcotics, Money Laundering	11-21-2001	Colombia

Tab B**Fugitives Surrendered Since July 1, 2001 (cont.)**

FUGITIVE NAME	CRIME	SURRENDER DATE	COUNTRY
Londoño Botero, Carlos Mario	Narcotics, Money Laundering	12-07-2001	Colombia
Pelaez Marin, Gabriel Antonio	Narcotics	12-21-2001	Colombia
Rodriguez, Gumaro, Jr.	Narcotics	12-21-2001	Colombia
David, Jerry	Theft/Larceny	09-11-2001	Trinidad and Tobago
Pena Bonano, Roque	Narcotics	09-21-2001	Venezuela



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