DESCRIPTION AND GENERAL EXPLANATION OF THE EXTRADITION SYSTEM

1 APPLICABLE INTERNATIONAL AND NATIONAL RULES

This institution is regulated by extradition treaties signed between states, which contain the following terms or international rules:

1) Nonextradition of nationals, i.e., of persons who were born in the territory receiving the request;

2) Extradition of persons who are responsible for committing common crimes;

3) Nonextradition of persons accused of political crimes.

Provisions on extradition have been included in most of Ecuador’s Constitutions, since it is a fundamental rule of the state. For instance, Art. 138(5) of the 1946 Ecuadorian Political Constitution, on Special Guarantees for Ecuadorians, states that “in no case shall extradition of an Ecuadorian be granted.”

Article 25 of the present Constitution establishes that in no circumstances shall extradition of an Ecuadorian be granted, and that Ecuadorians shall be judged under Ecuadorian laws.

In the international sphere, the rules established in the conventions and treaties signed with other states naturally apply, and are essentially guided by the principles enshrined in the Sánchez de Bustamante Code, supported and signed by most of the countries of this Hemisphere, including Ecuador. Chapter 4 of this Code states: “The Contracting States are not required to surrender their nationals.”

2 INTERNATIONAL INSTRUMENTS

There are other international instruments, including the Extradition Convention signed in Montevideo in December 1933, as well as the Regulations on Extradition, the Extradition Agreement signed by Ecuador, Bolivia, Peru, and Venezuela, the Convention on the Status of Aliens, signed as a result of the Sixth International American Conference in Havana, in February 1928, the Sánchez de Bustamante Code adopted by the Sixth Pan-American Conference in Havana, ratified by Ecuador on November 19, 1932, and the Treaty on Political Asylum and Refuge, signed in Montevideo in August 1939, which refers to the exception to extradition of persons accused of political crimes.

3 IN ECUADOR
In Ecuador, the subject of extradition is also referred to in the Law on Aliens and the Code of Criminal Procedure. On August 18, 2000, the Extradition Law was published in R.O. 144. It states that extradition will be granted preferentially on the basis of reciprocity, including the possibility that the Ecuadorian government may require a guarantee of reciprocity from the requesting state; it does not cover many procedural aspects.

**4 QUESTIONS ON EXTRADITION IN ECUADOR MOST FREQUENTLY ASKED**

**Which office is in charge of handling active extradition requests?**  
The Office of the President of the Supreme Court of Justice

**Which office is in charge of handling passive extradition requests?**  
The Office of the President of the Supreme Court of Justice.

**With which countries does Ecuador have the most active extradition requests?**

From 1994 to 2006, requests were presented to the following countries: United States: 23; Lebanon: 1; Panama: 4; Egypt: 1; Italy: 1; Switzerland: 1; Spain: 3; Canada: 1; Argentina: 1; Costa Rica: 1; Chile: 1; Colombia: 1.

**With which countries does Ecuador have the most passive extradition requests?**

From 1994 to 2006, the following countries presented requests: Germany: 4; Spain: 6; United States of America: 6; Italy: 5; Peru: 7; Greece: 2; Canada: 1; Colombia: 2; Chile: 2; France: 2; Argentina: 1.

**With which OAS countries has Ecuador signed an extradition treaty?**

Bolivia, Brazil, Canada Chile, United States of America, and Peru.

**Does Ecuadorian domestic legislation permit extradition for criminal conduct for which the maximum sentence is a prison term of less than one year? (Minimum punishment)**

No.

**Under the country’s domestic legislation, is extradition for nonintentional criminal conduct permitted?**

It is permitted, because Ecuadorian law does not exclude unintentional crimes from extradition.
Under the domestic laws of your country, is it possible to extradite nationals from their own country?

It is not possible.

Under the domestic laws of Ecuador, is extradition permitted for political crimes?

No.

According to the domestic legislation of Ecuador, is extradition permitted for military crimes?

No.

Under the domestic laws of Ecuador, is there a statute of limitations on criminal proceedings or on the sentence specifically applicable to the crimes for which extradition is requested?

The provisions of Article 101 of the Criminal Code provide for a statute of limitations on criminal proceedings and the rules in Article 107 of that Code contain a statute of limitations on sentences.

Pursuant to the domestic legislation of Ecuador, is extradition to a third state possible?

No.