



• FICHA EXT.LAC Caricom Arrest Warrant

Aspectos generales	
<u>Organización</u>	Caricom
<u>Estados parte</u>	Barbados, Grenada, Guyana, Santa Lucia
<u>Delitos que incluye</u>	General The objective of this Treaty is to establish, within the Caribbean Community, a system of arrest and surrender of requested persons for the purposes of conducting in respect of those persons a criminal prosecution for an applicable offence; or executing a custodial sentence or greater punishment where the requested persons have fled from justice after being convicted or sentenced for an applicable offence.
<u>Aplicación directa</u>	Yes
Aspectos particulares	
Principios extradicionales	
<u>Principios</u>	<ul style="list-style-type: none"> • Doble incriminación: Mutual Recognition Principle: Where an applicable offence is listed in Annex II, the double criminality of such an offence need not be verified by the executing Participating Member in order to give rise to surrender pursuant to this Treaty. The Council may decide at any time, on the recommendation of a Participating Member, to extend or amend the categories of offence listed in Annex 1. • Legalidad: For offences other than those covered by paragraph 3, surrender may be subject to the condition that the acts for which the CARICOM Arrest Warrant has been issued constitute an offence under both the law of the issuing and the executing Participating Members whatever the constituent elements or however it is described in the issuing and the executing Participating Members. • Especialidad: A requested person who has been surrendered pursuant to Article X shall not be prosecuted or sentenced for an offence committed prior to his surrender other than that for which he was surrendered unless: he consents to such prosecution or sentence; he is being prosecuted or sentenced for a lesser offence disclosed by the facts upon which the request for surrender had been made; the executing judicial authority consents to his being so dealt with for another applicable offence; or the requested person having had an opportunity to leave the territory of the Participating Member to which he has been surrendered has not done so within forty-five (45) days of his final discharge, or has returned to that territory after leaving it. • Mínimo punitivo: Any offence punishable by a custodial sentence of one year or any greater punishment constituted by an act, including an act taking place in the executing Participating Member, that is of a kind over which Participating Members are bound to establish jurisdiction under an international Convention, is an applicable offence for the purposes of this Treaty and shall be deemed to be committed within the jurisdiction of the issuing Participating Member, where that appears to the executing judicial authority to be appropriate, having regard to the provisions of the Convention.

	<ul style="list-style-type: none"> • Defensa: No provisions
<u>Motivos de denegación</u>	<ul style="list-style-type: none"> • Delitos políticos y fiscales: Yes • Derechos humanos o motivos humanitarios: Yes • Extradición de nacionales: No provisions
Transmisión de las solicitudes	
<u>Autoridades centrales</u>	<p>Each Participating Member shall designate a central authority to be responsible for the administrative transmission and reception of CARICOM Arrest Warrants as well as for all other documents or official correspondence relating thereto.</p> <p>Each Participating Member shall notify the Depositary of any designation made pursuant to paragraph 3 and any changes to such designation.</p> <p>5. The Depositary shall promptly inform each Participating Member of the notification received pursuant to paragraph 4.</p>
<u>Vía de transmisión</u>	<p>Each Participating Member shall upon entry into force of this Treaty in relation to that Participating Member, deposit with the Depositary a declaration specifying the official language in which a CARICOM Arrest Warrant shall be submitted to its executing judicial authority.</p> <p>3. A CARICOM Arrest Warrant shall be issued in the form set out in Annex I, in the official language of the issuing Participating Member.</p> <p>4. Where the official language of the issuing Participating Member is different from the official language of the executing Participating Member the issuing Participating Member shall cause a n approved translation of the CARICOM Arrest Warrant to be made into the official language of the executing Participating Member.</p> <p>A request for the arrest and surrender of a requested person shall be made by the central authority of the issuing Participating Member to the central authority of the executing Participating Member. Where the official language of the issuing Participating Member and the executing Participating Member are the same the central authority of the issuing Participating Member shall transmit to the central authority of the executing Participating Member the original CARICOM Arrest Warrant together with three certified copies thereof.</p> <p>Where the official languages of the issuing Participating Member and the executing Participating Member are different, the central authority of the issuing Participating Member shall transmit to the central authority of the execution</p> <p>Participating Member the original CARICOM Arrest Warrant, the approved translation of the original CARICOM Arrest Warrant and three certified copies of the approved translation.</p> <p>The central authority of the issuing Participating Member shall forward the documents referred to in paragraphs 2 and 3 by any secure means capable of producing written records under conditions allowing the executing Participating Member to establish the authenticity of the documents.</p> <p>Where a request for the arrest and surrender of a requested person has been made in accordance with paragraph 1 and the request is no longer being pursued the central authority of the issuing Participating Member shall forthwith notify the central authority of the executing Participating Member.</p> <p>Where the central authority of the executing Participating Member receives a notification pursuant to paragraph 5 the requested person shall not be arrested and if arrested shall be released immediately.</p>
Procedimiento	
<u>Supuestos especiales de denegación</u>	<p>A CARICOM Arrest Warrant may be issued for the arrest and surrender of a person who-</p> <p>(a) is reasonably suspected of having committed an applicable offence;</p> <p>(b) is charged with an applicable offence; or</p> <p>(c) has fled from justice after:</p> <p>i) having been convicted of an applicable offence; or</p> <p>ii) a custodial sentence of one year or greater punishment has been imposed for an applicable offence.</p> <p>1. A CARICOM Arrest Warrant shall not be executed by a Participating Member where -</p> <p>(a) the competent authority of the issuing Participating Member has decided to terminate or not institute proceedings against the requested person for the offence to which the CARICOM Arrest Warrant relates;</p> <p>(b) the requested person has been finally judged by a Participating Member in respect of the same acts to which the CARICOM Arrest Warrant relates provided that, where there has been sentence, the sentence has been served or is currently being served;</p> <p>(c) the requested person, by reason of lack of capacity, cannot be criminally responsible for the offence under the law of that Participating Member;</p> <p>(d) that Participating Member has jurisdiction to prosecute the offence, but the offence is covered by amnesty in that Participating Member;</p> <p>(e) the offence for which the requested person is accused or was convicted is a political offence; or</p> <p>(f) there are reasonable grounds to believe that -</p> <p>(i) the CARICOM Arrest Warrant was issued for the purpose of prosecuting or punishing the requested person on the grounds of his sex, race, religion, ethnic origin, nationality, political opinions or sexual orientation or that the requested person's position may be prejudiced for any such reason; or</p> <p>(ii) there is a serious risk that the requested person would be subjected in the issuing Participating Member to torture or other inhuman or degrading treatment or punishment.</p> <p>None of the offences listed in Annex II shall be regarded, for the purposes of this Treaty as a political offence or as an offence inspired by political motives.</p>

	<p>Accordingly, a request for surrender based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence inspired by political motives.</p> <p>1. The executing judicial authority may refuse to execute an arrest warrant where -</p> <p>(a) the requested person is being or has been prosecuted in the executing Participating Member for the same act as that on which the CARICOM Arrest Warrant is based;</p> <p>(b) the criminal prosecution or punishment of the requested person is statute barred according to the law of the executing Participating Member and the acts fall within the jurisdiction of that Participating Member under its criminal law;</p> <p>(c) the CARICOM Arrest Warrant relates to an offence which -</p> <p>(i) is regarded by the law of the executing Participating Member as having been committed in whole or in part in the territory of the executing Participating Member or in a place treated as such; or</p> <p>(ii) has been committed outside the territory of the issuing Participating Member does not all prosecute an offence when committed outside its territory-; or</p> <p>(d) the requested person is accused or convicted of an offence for which the applicable penalty may be death and such a sentence is not applied by the executing Participating Member for that offence. The executing Participating Member may request prior assurance by the issuing Participating Member that the death penalty will not be imposed or if imposed will not be carried out.</p> <p>2. The execution of a CARICOM Arrest Warrant in relation to an applicable offence relating to taxes, duties or customs and excise, may not be refused on the ground that the law of the executing Participating Member does not impose the same kind of tax or duty or does not contain the same type of rules as regards taxes, duties and customs and excise regulations as the law of the issuing Participating Member.</p>
<u>Procedimiento</u>	<p>1. Each Participating Member shall provide that a Judge of the High Court shall be a judicial authority for the purposes of this Treaty.</p> <p>2 A judicial authority shall have power to a(a) issue a CARICOM Arrest Warrant; and (b) authorise or determine any matter relating to the surrender of a requested person pursuant to a CARICOM Arrest Warrant issued in another Participating Member.</p> <p>1. Where a requested person who is arrested consents to being surrendered to the issuing Participating Member, the consent shall be given before the executing judicial authority in accordance with the national law of the executing Participating Member, and the central authority of the issuing Participating Member shall be immediately notified.</p> <p>2. Each Participating Member shall adopt the measures necessary to ensure that it is demonstrated that the requested person has voluntarily consented to surrender in full awareness of the consequences of such consent.</p> <p>3. Where the requested person does not consent to his surrender to the issuing Participating Member, he shall be entitled to be heard by the executing judicial authority, in accordance with the national law of the executing Participating Member.</p> <p>4. Participating Members may after this Treaty has come into force conclude bilateral or multilateral agreements or arrangements to simplify or facilitate further the procedures for surrender of requested persons.</p> <p>1. A CARICOM Arrest Warrant shall be dealt with and executed as a matter of urgency.</p> <p>2. Where in accordance with paragraphs 1 and 2 of Article XI the requested person consents to his surrender, the executing judicial authority shall make the final decision on the surrender of the requested person within forty-eight (48) hours after consent has been given.</p> <p>3 Subject to paragraph 4 where the requested person does not consent to his surrender to the issuing Participating Member, the final decision on whether or not to authorise his surrender shall be made within sixty (60) days after the arrest of the requested person.</p> <p>4 . If the executing judicial authority finds the information provided by the issuing Participating Member to be insufficient to allow it to decide on surrender, it may request that necessary supplementary information be furnished as a matter of urgency; and in such case, the time limit may be extended by a further thirty (30) days.</p> <p>5. A requested person who is arrested shall be released immediately where-</p> <p>(a) the executing judicial authority has refused to authorise the surrender of the requested person; or</p> <p>no decision on the surrender of the requested person is taken within the applicable periods provided for in this Article.</p> <p>The executing judicial authority shall give reasons for its refusal to authorise the surrender of a requested person.</p> <p>7. The requested person shall be surrendered to the issuing Participating Member within fourteen (14) days of the decision of the executing judicial authority authorising the surrender of that person.</p> <p>Periods of detention arising from the execution of a CARICOM Arrest Warrant in the executing Participating Member shall be deducted from the total sentence to be served in the issuing Participating Member.</p> <p>All information concerning the duration of the detention of the requested person on the basis of the CARICOM Arrest Warrant shall be transmitted by the central authority of the executing Participating Member to the central authority of the issuing Participating Member at the time of the surrender.</p>
<u>Detención</u>	<p>1. An executing Participating Member may, in respect of a requested person, employ such measures in accordance with its national law, as are reasonably necessary to effect the arrest, detention and surrender of that person.</p>

	<p>.2 Each Participating Member shall make provision in its law empowering its competent authorities to arrest and detain any requested person pursuant to a CARICOM Arrest Warrant issued by another Participating Member.</p> <p>Each Participating Member shall afford a requested person who is arrested, the right under its law to be represented by legal counsel and where necessary assisted by an interpreter.</p> <p>4. A requested person who is arrested may consent to be surrendered to the issuing Participating Member.</p> <p>5. Where a requested person is arrested, the arresting officer shall, in accordance with the national law of the executing Participating Member, inform that person of -</p> <p>(a) the CARICOM Arrest Warrant and of its contents;</p> <p>(b) the right to be represented by legal counsel and where necessary to be assisted by an interpreter; and</p> <p>(c) the option of consenting to be surrendered to the issuing Participating Member.</p> <p>6. The central authority of the executing Participating Member shall immediately notify the central authority of the issuing Participating Member of the arrest of the requested person.</p> <p>7. Upon notification of the arrest of the requested person, the central authority of the issuing Participating Member shall advise the central authority of the executing Participating Member whether the execution of the CARICOM Arrest Warrant is to be proceeded with.</p> <p>Where the execution of the CARICOM Arrest Warrant is not to be proceeded with, the requested person arrested shall be released immediately.</p>
<u>Recursos</u>	
<u>Entrega temporal</u>	
<u>Extradición en tránsito</u>	<p>Subject to the principles of sovereign equality and territorial integrity of States, each Participating Member shall permit the transit through its territory of a requested person who is being surrendered pursuant to this Treaty.</p> <p>2. Where a requested person who is being surrendered pursuant to this Treaty will transit the territory of any other Participating Member the issuing Participating Member shall notify such Participating Member prior to the transit. Each Participating Member shall designate an authority responsible for receiving notifications for the purposes of paragraph 2.</p> <p>4. Each Participating Member shall inform the Depositary of any designation made pursuant to paragraph 3 and any changes to such designation.</p>
<u>Concurrencia de solicitudes</u>	<p>1. If two or more Participating Members have issued CARICOM Arrest Warrants for the same person, the decision on which CARICOM Arrest Warrant shall be executed shall be taken by the executing judicial authority, due consideration being given to all the circumstances and in particular - the relative seriousness and place of the applicable offences; the respective dates of the CARICOM Arrest Warrants; and (c) whether the CARICOM Arrest Warrant has been issued for the purposes of prosecution or for execution of a sentence for an applicable offence.</p> <p>2. Where a CARICOM Arrest Warrant has been issued for a person in relation to whom there is a request for extradition presented by a third State, the decision on whether the CARICOM Arrest Warrant or the extradition request takes precedence shall be taken by the competent authority of the executing Participating Member, due consideration being given to all the circumstances, in particular those referred to in paragraph 1 and those outlined in any applicable convention.</p> <p>3. Each Participating Member shall designate the competent authority for the purpose of paragraph 2.</p> <p>4. Each Participating Member shall notify the Depositary of any designation made pursuant to paragraph 3 and any changes to such designation.</p> <p>5. The Depositary shall promptly inform each Participating Member of the information received pursuant to paragraph 4.</p>
<u>Extradición simplificada</u>	Yes
Referencias	
<u>Referencias</u>	https://caricom.org/treaties/caricom-arrest-warrant-treaty/