



## FICHA EXT.LAC Bahamas

Normativa nacional	
<b><u>Legislación nacional</u></b>	<u>Extradition act, 1996</u>
<b><u>Convenios en materias específicas</u></b>	<ul style="list-style-type: none"> <li>• Convención de las Naciones Unidas contra la <b>Delincuencia Organizada Transnacional</b>, hecho en Nueva York el 15 de noviembre de 2000</li> <li>• Protocolo para prevenir, reprimir y sancionar la trata de personas, especialmente mujeres y niños, que complementa la Convención de las Naciones contra la Delincuencia Organizada Transnacional</li> <li>• Protocolo contra el tráfico ilícito de migrantes por tierra, mar y aire, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional</li> <li>• Protocolo contra la fabricación y el tráfico ilícitos de armas de fuego, sus piezas y componentes y municiones, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional.</li> </ul>
	<ul style="list-style-type: none"> <li>• Convención de las Naciones Unidas contra el tráfico ilícito de <b>estupefacientes y sustancias psicotrópicas</b>, hecha en Viena el 20 de diciembre de 1988</li> <li>• Convención Única de 1961 sobre Estupefacientes enmendada por el Protocolo de 1972 de Modificación de la Convención Única de 1961 sobre Estupefacientes</li> </ul>
	<ul style="list-style-type: none"> <li>• Convenio Internacional para la Represión de la Financiación del <b>Terrorismo</b> (1999)</li> <li>• Convenio sobre las infracciones y ciertos otros actos cometidos a bordo de las aeronaves (1963)</li> <li>• Convenio para la represión del apoderamiento ilícito de aeronaves (1970)</li> <li>• Convenio para la represión de actos ilícitos contra la seguridad de la aviación civil (1971)</li> <li>• Convención sobre la prevención y el castigo de delitos contra personas internacionalmente protegidas, inclusive los agentes diplomáticos (1973)</li> <li>• Convención Internacional contra la toma de rehenes (1979)</li> <li>• Convención sobre la Protección Física de los Materiales Nucleares (1980)</li> <li>• Protocolo para la represión de actos ilícitos de violencia en los aeropuertos que presten servicio a la aviación civil internacional (1988)</li> <li>• Convenio para la represión de actos ilícitos contra la seguridad de la navegación marítima (1988)</li> <li>• Convenio sobre la marcación de explosivos plásticos para los fines de detección (1991)</li> <li>• Convenio Internacional para la represión de los atentados terroristas cometidos con bombas (1997)</li> </ul>
	<ul style="list-style-type: none"> <li>• Convención de las Naciones Unidas contra la <b>corrupción</b>, hecha en Nueva York el 31 de octubre de 2003</li> </ul>
	<ul style="list-style-type: none"> <li>• OEA Convención Interamericana contra la <b>corrupción</b>, 1996</li> </ul>
<b><u>Convenios internacionales de extradición</u></b>	The London Scheme

<b><u>Convenios bilaterales</u></b>	<ul style="list-style-type: none"> <li>• Austria, 1963</li> <li>• Bélgica, 1973</li> <li>• Bolivia, 1968</li> <li>• Chile, 1978</li> <li>• Colombia, 1978</li> <li>• Cuba, 1973</li> <li>• República Checa, 1973</li> <li>• Dinamarca, 2009</li> <li>• Ecuador, 1978</li> <li>• El Salvador, 1992</li> <li>• Alemania, 1983</li> <li>• Hungría, 1978</li> <li>• Islandia, 1980</li> <li>• Italia, 1980</li> <li>• Mónaco, 1978</li> <li>• Países Bajos, 1988</li> <li>• Nicaragua, 1978</li> <li>• Paraguay, 1978</li> <li>• Perú, 1978</li> <li>• Polonia, 1978</li> <li>• Portugal, 1978</li> <li>• Eslovaquia, 1973</li> <li>• Suiza, 1977</li> <li>• Reino Unido, 1973</li> <li>• USA, 1990 (1994)</li> <li>• Uruguay, 1979</li> </ul>
<b>Legislación nacional</b>	
<b>Principios extradicionales</b>	
<b><u>Principios</u></b>	<ul style="list-style-type: none"> <li>• <b>Doble incriminación:</b></li> <li>• <b>Reciprocidad:</b></li> <li>• <b>Legalidad:</b></li> <li>• <b>Especialidad:</b></li> <li>• <b>Mínimo punitivo:</b></li> </ul>
<b><u>Motivos de denegación I</u></b>	<ul style="list-style-type: none"> <li>• <b>Delitos políticos y fiscales:</b> Yes</li> <li>• <b>Derechos humanos o motivos humanitarios:</b> Yes</li> <li>• <b>Extradición de nacionales:</b></li> </ul>
<b>Extradición activa</b>	
<b><u>Procedimiento</u></b>	
<b>Extradición pasiva</b>	
<b><u>Supuestos de denegación II</u></b>	<p>Restrictions on Extraditions (s.7)</p> <ol style="list-style-type: none"> <li>1. A person shall not be extradited to an approved state or committed to or kept in custody for the purposes of such extradition if it appears to the Minister, to the court of committal or to the Supreme Court on an application for habeas corpus: <ol style="list-style-type: none"> <li>1. that the offence of which that person is accused or was convicted is an offence of a political character or that it is an offence under military law which is not also an offence under the general criminal law (does not apply to a crime referred to under sections 3 and 5 of the Anti- Terrorism Act) ;</li> <li>2. that the request for extradition, though purporting to be on account of an extraditable offence, is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions;</li> <li>3. that he might, if extradited, be denied a fair trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions;</li> <li>4. if the offence of which that person is accused is statute-barred in the approved State that has requested his extradition; or</li> <li>5. if his extradition is prohibited by any law in force in The Bahamas.</li> </ol> </li> <li>2. A person accused of an offence or alleged to be unlawfully at large after being convicted of an offence shall not be extradited to any approved State, or be committed to or kept in custody for the purposes of his extradition, if it appears to the Minister, to the court of committal or to the Supreme Court on an application for habeas corpus that if charged with that offence in The Bahamas he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction. s. 7(2)</li> <li>3. A person shall not be extradited to an approved State or be committed to or kept in custody for the purposes of such extradition, unless provision is made by the law of that State, or by an arrangement made with that State, for securing that he will not: <ol style="list-style-type: none"> <li>1. be tried or detained with a view to trial for or in respect of any offence committed before his extradition under this Act other than:</li> </ol> </li> </ol>

	<ol style="list-style-type: none"> <li>i. the offence in respect of which his extradition is requested;</li> <li>ii. any lesser offence proved by the facts proved before a court of committal or, in relation to a fugitive brought before a magistrate pursuant to section 17, any lesser offence disclosed by the facts upon which the request for his extradition is based; or</li> <li>iii. any other offence being an extraditable offence in respect of which the Minister consents to his being so dealt with;</li> </ol> <p>without the consent of the Minister, be returned or surrendered to another State or detained with a view to such return or surrender, unless he had first been restored to The Bahamas, or had had an opportunity of leaving the approved State. s.7</p> <p>An offence of a political character does not include (a) an offence to commit an offence which is extraditable pursuant to a multilateral treaty or convention- (i) to which both The Bahamas and the approved state are parties; (ii) the purpose of which is to prevent or repress a specific category of offences; and (iii) which imposes on States an obligation either to extradite the person sought or to submit the matter to the competent authorities for decision as to prosecution or (b) an offence or an attempt to commit an offence against the law relating to genocide or the aiding, abetting, inciting, counselling or procuring of the offence or a conspiracy by persons to commit the offence. (s.7(6)): Offences of Terrorism; s. 5: Providing or collecting funds for criminal purposes. Fugitive may be extradited without formal extradition proceedings.</p>
<b><u>Procedimiento</u></b>	
<b><u>Recursos</u></b>	<p>Application for habeas corpus (s. 11):</p> <p>20) Where a fugitive is committed to custody under paragraph 11) above, the court of committal shall inform him in ordinary language of his right to make an application to the Supreme Court for habeas corpus and shall immediately give notice of the committal to the Minister.</p> <p>21) A fugitive committed to custody under paragraph 11), shall not be extradited under the Act –</p> <ol style="list-style-type: none"> <li>1. in any case, until the expiration of the period of 15 days commencing on the day on which the order for his committal is made; and</li> <li>2. if an application for habeas corpus is made in his case, so long as proceedings on the application are pending.</li> </ol> <p>22. 22) On an application for habeas corpus, the Supreme Court may-</p> <ol style="list-style-type: none"> <li>1. without prejudice to any other power of the Court, order the person committed to be discharged from custody if it appears to the Court –</li> <li>i. by reason of the trivial nature of the offence of which he is accused or was convicted; or</li> <li>ii. by reason of the passage since he is alleged to have committed the offence or to have become unlawfully at large, as the case may be; or</li> <li>iii. because the accusation against him is not made in good faith in the interest of justice,</li> </ol> <p>it would, having regard to all circumstances, be unjust or oppressive to extradite him</p> <ol style="list-style-type: none"> <li>2. receive additional evidence relevant to the exercise of its jurisdiction under section 7 of the Act<sup>12</sup>.</li> </ol> <p>23. 23) An appeal shall lie to the Court of Appeal upon an application for habeas corpus against an order for the release of a fugitive as well as against the refusal of such an order and for that purpose, the Court of Appeal may exercise, as the Court</p>
<b><u>Órdenes internacionales de búsqueda e INTERPOL</u></b>	
<b><u>Entrega temporal</u></b>	
<b><u>Doble extradición</u></b>	
<b><u>Extradición simplificada</u></b>	
<b>Referencias</b>	
<b><u>Jurisprudencia relevante</u></b>	
<b><u>Referencias</u></b>	<ul style="list-style-type: none"> <li>• <a href="https://www.oas.org/es/sla/dlc/mesicic/docs/mesicic6_bhs_resp_a10.pdf">https://www.oas.org/es/sla/dlc/mesicic/docs/mesicic6_bhs_resp_a10.pdf</a></li> <li>• <a href="https://mofa.gov.bs/wp-content/uploads/2021/12/Bahamas-Bilateral-Treaty-Register-as-of-2-December-2021-02.pdf">https://mofa.gov.bs/wp-content/uploads/2021/12/Bahamas-Bilateral-Treaty-Register-as-of-2-December-2021-02.pdf</a></li> </ul>

Autoridades intervinientes	
<u>Autoridad central</u>	
<u>Poder Judicial</u>	
<u>Ministerio Público</u>	
<u>Otras autoridades</u>	