

EXTRADITION TREATY WITH PARAGUAY

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE
UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE
REPUBLIC OF PARAGUAY, SIGNED AT WASHINGTON ON NOVEM-
BER 9, 1998



JULY 13, 1999.—Treaty was read the first time, and together with the
accompanying papers, referred to the Committee on Foreign Relations
and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *July 13, 1999.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Paraguay, signed at Washington on November 9, 1998.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report states, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

Upon entry into force, this Treaty would enhance cooperation between the law enforcement authorities of both countries, and thereby make a significant contribution to international law enforcement efforts. The Treaty would supersede the Extradition Treaty between the United States of America and the Republic of Paraguay signed at Asuncion on May 24, 1973.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, June 24, 1999.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Paraguay (the "Treaty"), signed at Washington on November 9, 1998. I recommend that the Treaty be transmitted to the Senate for its advice and consent to ratification.

The Treaty follows closely the form and content of extradition treaties recently concluded by the United States. It represents part of a concerted effort by the Department of State and the Department of Justice to develop modern extradition relationships to enhance the ability of the United States to prosecute serious offenders, including, especially, narcotics traffickers and terrorists.

The Treaty marks a significant step in bilateral cooperation between the United States and Paraguay. Upon entry into force, it would supersede the extradition treaty currently in force between the two countries, signed at Asuncion on May 24, 1973. The current treaty has become outmoded, and the new treaty will provide significant improvements. The new treaty can be implemented without new legislation.

Article I obligates each Party to extradite to the other, pursuant to the provisions of the Treaty, any person sought in the Requesting State for trial or punishment for an extraditable offense.

Article II(1) defines an extraditable offense as one punishable under the laws in both Parties by deprivation of liberty for a maximum period of more than one year, or by a more severe penalty. Use of such a "dual criminality" clause rather than a list of offenses covered by the Treaty obviates the need to renegotiate or supplement the Treaty as additional offenses become punishable under the laws of both Parties.

Article II(3) defines an extraditable offense to include also an attempt or a conspiracy to commit, or the participation in the commission of, an extraditable offense.

Additional flexibility is provided by Article II(4), which provides that an offense shall be considered an extraditable offense whether or not the laws of the Parties place the offense within the same category of offenses or describe the offense by the same terminology; and whether or not the offense is one for which the Requesting State's law requires the showing of such matters as interstate transportation or use of the mails or of other facilities affecting

interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in the appropriate court.

With regard to an offense committed outside the territory of the Requesting State, Article II(5) provides that such an offense shall be an extraditable offense if it has effects in the territory of the Requesting State, or if the laws in the Requested State provide for punishment of an offense committed outside its territory in similar circumstances.

Article III provides that extradition shall not be refused on the ground that the person sought is a national of the Requested State. Neither Party, in other words, may invoke nationality as a basis for denying an extradition.

As is customary in extradition treaties, Article IV incorporates a political offense exception to the obligation to extradite. Article IV(1) states generally that extradition shall not be granted for a political offense. The article expressly excludes from the reach of the political offense exception several categories of offenses:

- (a) a murder or other willful crime against the physical integrity of the Head of State of one of the Parties, or of a member of the Head of State's family;

- (b) an offense for which both Parties are obliged pursuant to a multilateral international agreement to extradite the person sought or submit the case to their competent authorities for decision as to prosecution; and

- (c) a conspiracy or attempt to commit the offenses described above, or participation in the commission of such offenses.

Article IV(2) provides that extradition shall not be granted if the competent authority of the Requested State determines that the request was politically motivated.

Article IV(3) provides that the Requested State may refuse extradition for offenses under military law that are not offenses under ordinary criminal law (for example, desertion).

Article V bars extradition when the person sought has been convicted or acquitted in the Requested State for the same offense, but does not bar extradition if the competent authorities in the Requested State have declined to prosecute for the acts for which extradition has been requested. In addition, extradition shall not be precluded by the fact that the authorities in the Requested State, after initiating criminal proceedings, have decided to discontinue them, so long as the Requested State's laws regarding double jeopardy would permit the future reinstitution of such criminal proceedings.

Under Article VI(1), when an offense is punishable by death in the Requesting State, but not in the Requested State, the latter may refuse extradition unless the Requesting State provides assurances that the death penalty will not be imposed or, if imposed, will not be carried out. In cases where the Requesting State has provided such assurances, Article VI(2) states that the death penalty, if imposed by the courts of the Requesting State, will not be carried out.

Articles VII–IX address matters related to the presentation and processing of extradition requests. Article VII describes the documents that are required to support a request for extradition. Article VIII provides that all documents submitted by the Requesting

VII

State shall be translated into the language of the Requested State. Article IX states the criteria under which documents submitted pursuant to Article VII shall be received and admitted into evidence in the Requested State.

Article X sets forth procedures for the provisional arrest and detention of a person sought, in case of urgency, pending presentation of the formal request for extradition. Article X(4) provides that if the Requested State's diplomatic authority has not received the request for extradition and supporting documentation within sixty (60) days after the provisional arrest, the person may be discharged from custody. Article X(5) provides explicitly that discharge from custody pursuant to Article X(4) shall not prevent subsequent re-arrest and extradition upon later delivery of the extradition request and supporting documents.

Article XI specifies the procedures governing the surrender and return of persons sought. The Requested State is required to notify promptly the Requesting State of its decision on extradition and, if the request is denied in whole or in part, to provide an explanation of the reasons for the denial of the request. If the request is granted, the Parties shall agree on the time and place for the surrender of the person sought. Such person must be removed from the territory of the Requested State within two months from the date of the judicial extradition order. Otherwise, that person may be discharged from custody, and the Requested State may refuse a subsequent extradition request from the Requesting State for that person for the same offense.

Article XII concerns temporary and deferred surrender. If a person whose extradition is sought is being prosecuted or is serving a sentence in the Requested State, that State may temporarily surrender the person to the Requesting State solely for the purpose of prosecution. Alternatively, the Requested State may postpone the extradition proceedings until the domestic prosecution has been concluded and any sentence imposed has been served.

Article XIII sets forth a non-exclusive list of factors to be considered by the Requested State in determining to which State to surrender a person sought by more than one State.

Article XIV provides for the seizure and surrender to the Requesting State of property connected with the offense for which extradition is granted, to the extent permitted under the law of the Requested State. Such property may be surrendered even when extradition cannot be effected due to the death, disappearance, or escape of the person sought. Surrender of property may be deferred if it is needed as evidence in the Requested State and may be conditioned upon satisfactory assurances that it will be returned. Article XIV(3) imposes an obligation to respect the rights of third Parties in affected property.

Article XV sets forth the rule of speciality. It provides that a person extradited under the Treaty may not be detained, tried, or punished in the Requesting State for an offense other than that for which extradition has been granted, or a lesser included or differently denominated offense based on the same facts on which extradition has been granted. However, the article sets forth a number of exceptions, including the consent of the competent authority of the Requested State. Similarly, the Requesting State may not

VIII

extradite the person to a third state for an offense committed prior to the original surrender unless the surrendering State consents. These restrictions do not apply if the extradited person leaves the Requesting State after extradition and voluntarily returns to it or fails to leave the Requesting State within thirty (30) days of being free to do so.

Article XVI permits surrender to the Requesting State without further proceedings if the person sought directly and expressly consents.

Article XVII governs the transit through the territory of one Party of a person being surrendered to the other Party by a third State.

Article XVIII contains provisions on representation and expenses. Specifically, the Requested State is obligated, to the fullest extent permitted by its law, to represent the Requesting State in any proceedings arising out of a request for extradition. The Requesting State shall bear the expenses related to the translation of documents and the transportation of the person surrendered. Article XVIII(3) provides that neither Party shall make any pecuniary claim against the other Party related to the arrest, detention, custody, examination, or surrender of persons sought under the Treaty.

Article XIX provides that, for the United States of America, the term "competent authority," as used in the Treaty, means the appropriate executive authorities.

Article XX states that the Parties may consult with each other in connection with the processing of cases and in furtherance of maintaining and improving procedures for the implementation of the Treaty.

Article XXI, like the parallel provision in almost all recent United States extradition treaties, states that the Treaty shall apply to offenses committed before as well as after the date the Treaty enters into force. The conduct in question must have been an offense under the laws of both Parties when it occurred.

Article XXII contains final clauses dealing with the Treaty's ratification and entry into force. Paragraph 1 states that the Treaty shall be subject to ratification, and the instruments of ratification shall be exchanged at Asuncion as soon as possible. Paragraph 2 states the Treaty shall enter into force upon the exchange of instruments of ratification. Paragraph 3 provides that, upon entry into force of this Treaty, the Treaty on Extradition between the United States of America and the Republic of Paraguay, signed at Asuncion on May 24, 1973, shall cease to have any effect, with certain specified exceptions.

Article XXIII provides that either Party may terminate the Treaty at any time by giving written notice to the other Party, and the termination shall be effective six months after the date of such notice.

A Technical Analysis explaining in detail the provisions of the Treaty is being prepared by the United States negotiating delegation and will be submitted separately to the Senate Committee on Foreign Relations.

IX

The Department of Justice joins the Department of State in favoring approval of this Treaty by the Senate at the earliest possible date.

Respectfully submitted,

MADELEINE ALBRIGHT.

**EXTRADITION TREATY
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF PARAGUAY**

The Government of the United States of America and the Government of the Republic of Paraguay (hereinafter "the Parties"),

Aware of the need to update the Treaty on Extradition Between the United States of America and the Republic of Paraguay, signed at Asunción on May 24, 1973,

Desiring to provide for more effective cooperation between the two States in the suppression of crime, and for that purpose, to conclude a new treaty for the extradition of offenders,

Have agreed as follows:

- 2 -

Article I
Agreement to Extradite

The Parties agree to extradite to each other, pursuant to the provisions of this Treaty, persons sought by authorities in the Requesting State for trial or punishment for an extraditable offense.

Article II
Extraditable Offenses

1. An offense shall be an extraditable offense if it is punishable under the laws in both Parties by deprivation of liberty for a maximum period of more than one year or by a more severe penalty.
2. When the request for extradition relates to a person who has been sentenced by the judicial authorities in the Requesting State for an extraditable offense, extradition shall be granted only if the remainder of the sentence to be served by the person amounts to more than six months.
3. An offense shall also be an extraditable offense if it consists of a conspiracy or attempt to commit, or participation in the commission of, an offense described in paragraph 1 and, if applicable, paragraph 2 of this Article.
4. For the purposes of this Article, an offense shall be an extraditable offense:
 - (a) whether or not the laws in the Parties place the offense within the same category of offenses or describe the offense by the same terminology; and
 - (b) whether or not the laws in the Requesting State require, for the purpose of establishing jurisdiction of its courts, evidence of interstate transportation, or the use of the mails or other facilities affecting interstate or foreign commerce, as elements of the specific offense.
5. In accordance with the provisions of this Treaty, extradition shall be granted for offenses committed in whole or in part within the territory of the Requesting State. Extradition shall also be granted for offenses committed outside the territory of the Requesting State if:

- 3 -

- (a) the act or acts that constitute the offense have effects in the territory of the Requesting State; or
- (b) the laws in the Requested State provide for punishment for an offense committed outside its territory in similar circumstances.

6. If extradition has been granted for an extraditable offense, it shall also be granted for any other offense expressly referred to in the request, even if the latter offense is punishable by one year or less of deprivation of liberty, provided that all other requirements for extradition are met.

Article III

Extradition of Nationals

Extradition shall not be refused on the ground that the person sought is a national of the Requested State.

Article IV

Bases for Denial of Extradition

1. Extradition shall not be granted by the Requested State if the offense for which extradition is requested is a political offense. For the purposes of this Treaty, the following offenses shall not be considered to be political offenses:

- (a) a murder or other willful crime against the physical integrity of the Head of State of one of the Parties, or of a member of the Head of State's family;
- (b) an offense for which both Parties have the obligation, pursuant to a multilateral international agreement, to extradite the person sought or to submit the case to their competent authorities for decision as to prosecution; and
- (c) a conspiracy or attempt to commit, or participation in the commission of, any of the foregoing offenses.

2. Notwithstanding the terms of paragraph 1 of this Article, extradition shall not be granted if the competent authority of the Requested State determines that the request was politically motivated.

3. The Requested State may refuse extradition for offenses under military law which are not offenses under ordinary criminal law.

Article V Prior Prosecution

1. Extradition shall not be granted if the person sought has been convicted or acquitted in the Requested State for the offense for which extradition is requested.

2. If both Parties have jurisdiction over the acts for which extradition has been requested, extradition shall not be precluded by the fact that authorities in the Requested State have not instituted criminal proceedings against the person sought for those acts. In addition, extradition shall not be precluded by the fact that such criminal proceedings, although instituted, have been discontinued, provided that the laws of the Requested State regarding double jeopardy would permit the reinstitution of such criminal proceedings.

Article VI Death Penalty

1. When the offense for which extradition is requested is punishable by death under the laws in the Requesting State and the laws in the Requested State do not permit the death penalty for that offense, surrender of the person sought may be refused unless, prior to surrender, the Requesting State provides such assurances as are deemed sufficient by the Requested State that the death penalty shall not be imposed, or, if imposed, shall not be carried out.

2. In instances in which the Requesting State has provided assurances in accordance with paragraph 1 of this Article, the death penalty, if imposed by the courts of the Requesting State, shall not be carried out.

- 5 -

Article VII**Extradition Procedures and Required Documents**

1. All requests for extradition shall be made in writing and submitted through the diplomatic channel.
2. All requests for extradition shall be supported by:
 - (a) the most precise physical description possible of the person sought; any known information regarding the person's identity, nationality, and probable location; and, if possible, a photograph and fingerprints of the person sought;
 - (b) information describing the facts of the offense and the procedural history of the case; and
 - (c) the text of the law describing the elements of, and the applicable punishment for, the offense for which extradition is requested.
3. In addition to the requirements in paragraph 2 of this Article, a request for the extradition of a person who is sought for prosecution shall also be supported by:
 - (a) a copy of the warrant or order of arrest issued by the appropriate judicial authority;
 - (b) a copy of the charging document, if any; and
 - (c) information or evidence that provides a reasonable basis to believe that the person sought committed the offense for which extradition is requested.
4. In addition to the requirements of paragraph 2 of this Article, a request for the extradition of a person who has been found guilty of the offense for which extradition is sought shall also be supported:
 - (a) if the Republic of Paraguay is the Requesting State, by:
 - (i) a copy of the judgment of conviction issued by the appropriate judicial authority;
 - (ii) information or evidence establishing that the person sought is the person to whom the conviction refers; and

- 6 -

- (iii) a statement setting forth the portion of the sentence not yet served.
- (b) if the United States of America is the Requesting State, by:
 - (i) a copy of the judgment of conviction or a statement by the appropriate judicial authority that the person has been found guilty;
 - (ii) information or evidence establishing that the person sought is the person to whom the finding of guilt refers; and
 - (iii) a copy of the sentence imposed, if the person sought has been sentenced, and a statement establishing to what extent the sentence has been carried out.

Article VIII Translation

All documents submitted under this Treaty by the Requesting State shall be accompanied by a translation into the language of the Requested State.

Article IX Admissibility of Documents

The documents that accompany an extradition request, including the appropriate translations, shall be received and admitted as evidence in extradition proceedings if:

- (a) they are certified or authenticated by the appropriate accredited diplomatic or consular officer of the Requested State in the Requesting State; or
- (b) they are certified or authenticated in any other manner accepted by the law of the Requested State.

- 7 -

Article X
Provisional Arrest

1. In case of urgency, either Party may request the provisional arrest of the person sought pending presentation of the request for extradition. A request for provisional arrest shall be transmitted through the diplomatic channel or directly between the United States Department of Justice and the Ministry of Foreign Relations of the Republic of Paraguay.

2. The application for provisional arrest shall contain:

- (a) a description of the person sought;
- (b) the location of the person sought, if known;
- (c) a brief statement of the relevant facts of the case, including, if possible, the time and location of the offense;
- (d) a description of the law or laws violated;
- (e) a statement of the existence of a warrant of arrest, a finding of guilt, or a judgment of conviction against the person sought;
- (f) an explanation of the reasons for the urgency of the request; and
- (g) a statement that a request for extradition, accompanied by the documents required in Article VII of this Treaty, will follow.

3. The Requesting State shall be notified without delay of the disposition of its application for provisional arrest and the reasons for any denial.

4. A person who is provisionally arrested pursuant to this Treaty may be discharged from custody upon the expiration of sixty (60) days from the date of provisional arrest if the diplomatic authorities of the Requested State have not received the request for extradition and the supporting documents required in Article VII.

5. The fact that the person sought has been discharged from custody pursuant to paragraph 4 of this Article shall not be an obstacle to rearrest and extradition of that person if the extradition request is received later.

- 8 -

Article XI
Decision and Surrender

1. The Requested State shall promptly notify the Requesting State of its decision on the request for extradition.
2. If the request is denied in whole or in part, the Requested State shall provide an explanation of the reasons for the denial. The Requested State shall provide copies of pertinent judicial decisions upon request.
3. If the request for extradition is granted, the Parties shall agree on the time and place for the surrender of the person sought, subject to the provisions of paragraph 4 of this Article.
4. If the person sought is not removed from the territory of the Requested State within two months from the date of the judicial extradition order, that person may be discharged from custody and the Requested State may thereafter refuse extradition of that person for the same offense. The two-month period shall be interrupted, however, if the person initiates a legal challenge to the extradition order. At the conclusion of such legal challenge, a new two-month period for removal of the person shall begin.

Article XII
Temporary and Deferred Surrender

1. If extradition is granted in the case of a person who is being proceeded against or is serving a sentence in the Requested State, such State may temporarily surrender the person sought to the Requesting State exclusively for the purpose of prosecution. The person so surrendered shall be kept in custody in the Requesting State and shall be returned to the Requested State after the conclusion of the proceedings against that person, in accordance with conditions determined by agreement of the Parties.
2. The Requested State may postpone the extradition proceedings against, or surrender of, a person who is being prosecuted or who is serving a sentence in that State. The postponement may continue until the prosecution of the person sought has been concluded or until such person has served any sentence imposed.

- 9 -

3. For the purposes of this Treaty, the postponement by the Requested State of the extradition proceedings or of the surrender shall suspend the running of the statute of limitations in the Requesting State for the offense or offenses that gave rise to the extradition request.

Article XIII Multiple Requests

If the Requested State receives requests from the other Party and from any other State or States for the extradition of the same person, either for the same offense or for different offenses, the competent authority of the Requested State shall determine to which of the requesting States it will surrender the person. In making its decision, the Requested State shall consider all relevant factors, including, among others:

- (a) whether the requests were made pursuant to treaty;
- (b) the place where each offense was committed;
- (c) the respective interests of the requesting States;
- (d) the gravity of the offenses;
- (e) the nationality of the victim;
- (f) the possibility of further extradition between the requesting States; and
- (g) the order in which the requests were received by the Requested State.

Article XIV Seizure and Surrender of Property

1. To the extent permitted under its law, the Requested State may seize and surrender to the Requesting State any articles, documents, and evidence connected with the offense in respect of which extradition is granted. Such items may be surrendered even when the extradition cannot be effected due to the death, disappearance, or escape of the person sought.

- 10 -

2. The Requested State may condition the surrender of the property upon assurances from the Requesting State that the property will be returned to the Requested State as soon as practicable and without cost to the Requested State. The Requested State may also defer the surrender of such property if it is needed as evidence in the Requested State.
3. The rights of third parties in such property shall be duly respected.

Article XV

Rule of Speciality and Extradition to Third States

1. A person extradited under this Treaty may not be detained, tried, or punished in the Requesting State except for:
 - (a) an offense for which extradition has been granted; or a lesser included or differently denominated offense, provided that it is based on the same facts on which extradition was granted;
 - (b) an offense committed after the surrender of the person; or
 - (c) an offense with respect to which the competent authority of the Requested State consents to the person's detention, trial, or punishment. For the purposes of this subparagraph:
 - (i) the Requested State may require the submission of the documents called for in Article VII; and
 - (ii) the person extradited may be detained by the Requesting State for ninety (90) days, or for such longer period of time as the Requested State may authorize, while the request is being processed.
2. A person extradited under this Treaty may not be extradited to a third State for an offense committed prior to such person's surrender, unless the surrendering State consents.
3. Paragraphs 1 and 2 of this Article shall not prevent the detention, trial, or punishment of an extradited person, or the extradition of that person to a third State, if that person:

- 11 -

- (a) leaves the territory of the Requesting State after the surrender by the Requested State and, subsequently, voluntarily returns to the territory of the Requesting State; or
- (b) does not leave the territory of the Requesting State within thirty (30) days of the day on which that person is free to leave.

Article XVI

Simplified Extradition Procedures

1. If the person sought consents to surrender to the Requesting State, the Requested State may surrender the person as expeditiously as possible without further proceedings.
2. Such consent shall be directly and expressly provided to the appropriate judicial authority of the Requested State.

Article XVII

Transit

1. Either Party may authorize transportation through its territory of a person surrendered by a third State to the other Party pursuant to an extradition request. In cases of scheduled transit, such authorization shall be requested by the State to which the person is being extradited. A request for transit shall be transmitted through the diplomatic channel or directly between the United States Department of Justice and the Ministry of Foreign Relations of the Republic of Paraguay. Such request shall contain a description and identification of the person being transported and a brief statement of the facts of the case. A person in transit may be detained in custody during the period of transit.
2. No authorization shall be required if one Party is transporting a person surrendered to it by a third State using air transportation and no landing is scheduled on the territory of the other Party. If an unscheduled landing occurs on the territory of a Party, that Party may require a transit

- 12 -

request as provided in paragraph 1 of this Article. If required, any such request shall be provided within ninety-six (96) hours of the unscheduled landing. The Party in which the unscheduled landing occurs may detain the person to be transported until the transit is effected.

3. A request for transit may be denied if transit would prejudice the essential interests of the Party that receives such request.

Article XVIII

Representation and Expenses

1. The Requested State shall advise, assist, and, to the fullest extent permitted by its law, represent the Requesting State in connection with extradition proceedings in the Requested State.

2. The Requesting State shall bear the expenses related to the translation of documents, and to the transportation of the person whose extradition has been granted. The Requested State shall pay all other expenses incurred in that State by reason of the extradition proceedings.

3. Neither Party shall make any pecuniary claim against the other Party arising out of the arrest, detention, custody, examination, or surrender of persons sought under this Treaty.

Article XIX

Competent Authority

The term "competent authority," as used in this Treaty, means:

- (a) for the United States of America, its appropriate executive authorities; and
- (b) for the Republic of Paraguay, its appropriate judicial authorities.

- 13 -

Article XX
Consultation

The Parties may consult with each other in connection with the processing of cases and in furtherance of maintaining and improving procedures for the implementation of this Treaty.

Article XXI
Application

This Treaty shall apply to requests for extradition presented after its entry into force, even if the offenses for which extradition is requested were committed before the Treaty's entry into force, provided that the conduct on which the extradition request is based constituted an offense under the laws in both Parties at the time that it occurred.

Article XXII
Ratification and Entry into Force

1. This Treaty shall be subject to ratification. The instruments of ratification shall be exchanged at Asunción as soon as possible.
2. This Treaty shall enter into force upon the exchange of the instruments of ratification.
3. Upon the entry into force of this Treaty, the Treaty on Extradition Between the United States of America and the Republic of Paraguay, signed at Asunción on May 24, 1973, shall cease to have any effect. Nevertheless, the prior Treaty shall apply to any extradition proceedings in which the extradition request and supporting documentation have already been submitted to the courts of the Requested State at the time this Treaty enters into force, except that Article XVI of this Treaty shall be applicable to such proceedings.

- 14 -

Article XXIII
Termination

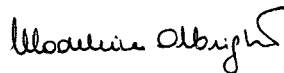
Either Party may terminate this Treaty by giving written notice to the other Party. The termination shall be effective six months after the date of such notice.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

DONE at Washington, in duplicate, this ninth day of November 1998, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF
THE REPUBLIC OF PARAGUAY:



Madeleine K. Albright
Secretary of State



Dido Florentin Bogado
Minister of Foreign Relations