CHAPTER TWO

STEPS TAKEN AND WORK ACCOMPLISHED BY ORGANS OF THE ORGANIZATION OF AMERICAN STATES IN THE FIELD OF EXTRADITION

1954 to 1981

1. Resolution CVII of the Tenth Inter-American Conference

In 1954 the Organization of American States took its first step to update the multilateral rules on extradition within the Inter-American System.

The Tenth Inter-American Conference was held in Caracas, Venezuela, March 1–28, 1954, and adopted two conventions on asylum, which is a matter of special interest to Latin American countries: The Convention on Diplomatic Asylum and the Convention on Territorial Asylum. It also approved several resolutions on different topics, one of which dealt with extradition (Resolution CVII). The preamble of this resolution, after making reference to these two conventions on asylum, stated that the two instruments set forth the right of the state granting asylum to determine the political character of the refugee, which constituted the essential basis for the existence and operation of political asylum as the nations of the American continent understood it and practiced it. In addition, the preamble stated that the right to request extradition of persons sought, tried or sentenced for common crimes was an indispensable complement of the right of asylum.¹

In this resolution, the Conference instructed the Inter-American Juridical Committee (an organ of the OAS) to prepare a draft convention on extradition, which was to be brought to the attention of the governments of the OAS member states and submitted to the third meeting of the Inter-American Council of Jurists (another organ of the OAS at that time) for its consideration. It was also provided that once the draft had been approved by the Inter-American Council of Jurists, the Council of the Organization should consult the member states regarding the draft as well as the suitability of and opportunity for adopting an instrument and opening it for their signature. As a preparatory step, the Pan American Union (OAS General Secretariat) would

¹ Final Act of the Tenth Inter-American Conference, Caracas, 1954. Published by the Pan American Union (OAS General Secretariat), Washington, D.C., 1954.
request the American governments to forward to it as soon as possible copies of their legal provisions, treaties and conventions in force on the subject of extradition for transmittal to the Inter-American Juridical Committee.

This was, therefore, an important step toward updating the rules on extradition in the inter-American context. Several other steps were taken and much work had to be accomplished before a new Inter-American Convention on Extradition was finally adopted in February 1981.

In view of the importance of the matter, it is of interest to trace the several steps taken toward the adoption of a new instrument on extradition. Most of the documents mentioned in this historical process, especially those published before 1973, are out of print, although, of course, some may be found in libraries. Thus, it seems worthwhile to survey the development of this topic in some detail.

2. Work of the Inter-American Juridical Committee and of the Inter-American Council of Jurists. First Four Draft Conventions on Extradition


The Inter-American Juridical Committee (referred to as CJI — Initials of the Spanish title — Comité Jurídico Interamericano), pursuant to resolution CVII of the Tenth Inter-American Conference, prepared the first draft convention on extradition and approved it on December 16, 1954.2

This draft contained twenty-one articles, but no final clauses. In its statement of reasons (exposición de motivos), the Committee stated that it had prepared the draft convention after carefully studying and examining the multilateral treaties among American countries, as well as bilateral treaties between such countries, and national legislation.

b. Second Draft Convention, 1956

The first draft convention prepared by the Inter-American Juridical Committee was submitted to the third meeting of the Inter-American Council of Jurists (CIJ)3 held in Mexico City in 1956. It should be noted that each

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2 Inter-American Juridical Committee. Draft Convention on Extradition. Published by the Pan American Union (OAS General Secretariat), March 1955, document CIJ-22. In the chapter of this book in which the comparative analysis appears, mention is made of some provisions of the six draft conventions on extradition prepared by organs of the OAS throughout the years.

3 CIJ (Spanish initials for Consejo Interamericano de Jurisconsultos) was a symbol used for the document series of both the Inter-American Council of Jurists and the Inter-American Juridical Committee. This symbol was used until the amendments of the OAS Charter came