

N° 575.

FINLANDE ET SUÈDE

Convention concernant l'extradition
réciproque des malfaiteurs entre
les deux pays, signée à Helsingfors
le 29 novembre 1923.

FINLAND AND SWEDEN

Convention concerning the reciprocal
extradition of criminals from the
two countries, signed at Helsing-
fors, November 29, 1923.

No. 575.

TEXTE FINNOIS. — FINNISH TEXT.

Finnish, French and Swedish official texts communicated by the Swedish Minister for Foreign Affairs. The registration of this Convention¹ took place February 14, 1924.

HÄNEN MAJESTEETTINSA RUOTSIN KUNINGAS ja SUOMEN TASAVALLAN PRESIDENTTI, jotka ovat päättäneet tehdä sopimuksen rikoksentekeijäin molemminpuolisesta luovuttamisesta, ovat tässä tarkoituksessa valtuutetuiksi määränneet :

HANEN MAJESTEETTINSA RUOTSIN KUNINGAS :

Filosofiantohtori Henning ELMQUIST'IN, Hänen Majesteettinsa erikoislähettilään ja täysivaltaisen ministerin Helsingissä,

SUOMEN TASAVALLAN PRESIDENTTI :

Ulkoasiainministerin, filosofiantohtori Juho Heikki VENNOLAN,

jotka, esitettyään toisilleen oikeiksi ja asianmukaisiksi havaitut valtakirjansa, ovat sopineet seuraavista artikloista :

1 artikla.

Sopimuspuolet sitoutuvat alempana mainittujen määräysten mukaisesti molemminpuolisesti luovuttamaan henkilöitä, jotka ovat tuomitut, syytteessä tai epäiltyinä rikoksesta, mikäli rikollinen teko, josta on kysymys, arvosteltuna niinhyvin Ruotsissa kuin Suomessa voimassaolevan rikoslain tai merilain mukaisesti olisi katsottava rikokseksi, josta saattaa tulla vankeusrangaistusta kovempi rangaistus. Tässä mainittuihin rikoksiin on luettava myöskin sellaiset rikokset, joiden seuraamuksena, ainoastaan milloin ne ovat tehdyt raskauttavien asianhaaran vallitessa on vankeusrangaistusta kovempi rangaistus.

Myös sellaisia henkilöitä, jotka ovat tuomitut, syytteessä tai epäiltyinä rikoksesta sotaväen rikoslakia vastaan, voidaan vaatia luovutettaviksi, jos, edellyttäen että rangaistavan teon olisi tehnyt muu kuin sotaväen rikoslain alainen henkilö, luovuttaminen tämän artiklan mukaan olisi voinut tulla kysymykseen.

2 artikla.

1 mom. Luovuttamista ei voida vaatia valtiollisesta rikoksesta. Jos teko, jonka tähden luovuttamista vaaditaan, samalla käsittää rikoksen, joka ei ole valtiollista laatua, voitakoon kuitenkin luovuttaminen myöntää, mikäli teolla, huomioonottaen asianhaarat eri tapauksissa, harkitaan olevan suuremmalta osalta eivaltioillisen rikoksen luonne.

¹ The exchange of ratifications took place at Stockholm, January 30, 1924.

Till bekräftande härav hava vederbörande fullmäktige undertecknat denna konvention och försett densamma med sina sigill.

Vakuudeksi ovat asiano-
maiset valtuutetut tämän so-
pimuksen allekirjoittaneet ja
sinetillään vahvistaneet.

En foi de quoi les soussi-
gnés ont signé la présente
Convention et y ont apposé
leurs cachets.

Som skedde i Helsingfors,
i två exemplar, den 29 no-
vember 1923.

Laadittu Helsingissä, kah-
tena kappaleena, marraskuun
29 päivänä 1923.

Fait en double expédition à
Helsingfors, le 29 novembre
1923.

(Signé) HENNING ELMQUIST

(Signé) J. H. VENNOLA

Pour copie certifiée conforme :

Stockholm,
au Ministère des Affaires étrangères,
le 11 février 1924.

Le chef de la Division du Contentieux,
(Signé) RODHE.

¹ TRADUCTION. — TRANSLATION.

No. 575. — CONVENTION BETWEEN FINLAND AND SWEDEN CON-
CERNING THE RECIPROCAL EXTRADITION OF CRIMINALS FROM
THE TWO COUNTRIES. SIGNED AT HELSINGFORS, NOVEMBER
29, 1923.

HIS MAJESTY THE KING OF SWEDEN and THE PRESIDENT OF THE REPUBLIC OF FINLAND have resolved to conclude a Convention for the reciprocal extradition of criminals and have for this purpose appointed as their plenipotentiaries :

HIS MAJESTY THE KING OF SWEDEN :

Dr. Henning ELMQUIST, Envoy Extraordinary and Minister Plenipotentiary at Hel-
singfors ;

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

Dr. Juho Heikki VENNOLA, Minister of Foreign Affairs,

who, after having communicated their full powers, found in good and due form, have agreed upon the following provisions :

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

Article 1.

The Contracting Parties undertake to surrender to each other, in accordance with the provisions set forth hereinafter, persons sentenced for, prosecuted for or suspected of infractions of the law, provided that the offence in question is classed, under the Penal Code or Maritime Law in force both in Sweden and Finland, among infractions of the law for which a severer penalty than imprisonment may be inflicted. Moreover, offences for which a severer penalty than imprisonment may be inflicted shall not be classed as offences of the kind referred to unless accompanied by aggravating circumstances.

A request for extradition may also be made in the case of persons sentenced for, prosecuted for or suspected of offences against military penal laws, whenever such offences, if committed by persons not subject to those laws, would, under the terms of the present article, be regarded as warranting extradition.

Article 2.

Paragraph 1. No request for extradition may be made in respect of political offences. When, however, the act for which the request is made is connected with a non-political offence, extradition may be granted, provided that, having regard to the circumstances of the case, the offence may be regarded as essentially non-political.

Paragraph 2. A request for extradition may not be made in the case of persons sentenced for, prosecuted for or suspected of an offence committed against a public authority unless the punishable act was committed in connection with another offence which, under the terms of Article 1, is such as to warrant extradition.

Paragraph 3. Extradition shall not be granted for offences against special laws on the freedom of the Press.

Paragraph 4. The Party to whom the request for extradition is made shall decide whether an offence should, under the terms of the present article, be regarded as not warranting extradition.

Article 3.

The Contracting Parties shall in no case surrender to each other their own nationals.

Extradition shall not be granted for offences committed in the territory of the State to which the request is made or on board a vessel possessing its nationality.

If the offence for which the request for extradition is made was committed outside the territory of the requesting State, the request shall only be granted if the legislation of the State applied to provides, in similar circumstances, for prosecution in respect of an offence of the kind in question committed outside its territory.

Article 4.

Extradition shall not be granted

(1) If a sentence has already been passed, or judicial proceedings instituted, in the country to which application for extradition is made, in respect of the offence for which the extradition is demanded.

(2) If, under the laws of the State to which the request for extradition has been made, the prescribed period within which the offence must be tried or the sentence carried out has expired.

Article 5.

If the person claimed has been finally sentenced in the State applied to in respect of an offence other than that for which the request is made, he shall not be extradited until he has served the

whole of such sentence. In special cases, however, the other State may apply for his provisional extradition for his trial, provided that, immediately a final sentence has been passed, it undertakes to surrender him again to the competent authority of the State which extradited him.

If the person claimed is being prosecuted for another offence in the State applied to, that State shall decide whether he shall be extradited before any final sentence has been passed upon him in respect of such prosecution.

Article 6.

No person who has been surrendered by one State to another may be either prosecuted or punished in the latter State for any offence committed before his extradition other than that for which he was extradited nor, except in the case provided for in Article 8, paragraph 2, may he be surrendered to a third State, unless a special authorisation in conformity with Article 12 has been granted, or unless he freely and publicly consents thereto, either before a court or in some other form ; or unless, having been finally acquitted or set at liberty on the expiration of his sentence, he has not left the country within a period of one month, always provided that his departure has not been prevented and that he has not already left the country and subsequently returned thereto.

During the period of one month laid down in the previous paragraph, persons under sentence of extradition shall in no way be prevented from leaving the country unless they commit a further offence.

Persons so surrendered may not be brought before a court for the offence for which they have been extradited, if such court is declared competent to try cases of the kind referred to solely in view of this particular case or of exceptional and special circumstances.

When extradition is granted for an infraction of the military penal laws or for an offence against a public authority, it may be made conditional upon the person surrendered not being punished for the offence in question except in so far as it warrants his extradition. If extradition is granted in virtue of Article 2, paragraph 1, for an essentially non-political offence, it may be made conditional upon the person surrendered not being punished as if the act in question were a political offence.

Article 7.

A request for extradition shall be made through diplomatic channels ; the request must indicate the nationality of the person concerned and must be accompanied either by the original or a certified copy of a sentence passed by a court or by a warrant of arrest issued by a court or any other competent authority, defining the exact nature of the offence and the date when and place where it was committed. It must also be accompanied by a copy of such penal provisions in force in the requesting State as are applicable to the offence and, whenever possible, by a description of the person claimed.

If the documents communicated are incomplete, or if further information of any kind is considered necessary, the requesting State may be asked to supply whatever is required.

The requesting State shall in no case be bound to produce proofs of the guilt of the person claimed.

Article 8.

If the person whose extradition is requested by one of the Contracting Parties under the terms of the Present Convention is also claimed by one or more other States, the State applied to shall decide which of the requesting States shall be given the preference.

If in such a case the requests for extradition are in respect of different offences, the State applied to may, when granting the extradition, attach thereto the condition that the person claimed shall on the expiration of his sentence be surrendered to another State.

Article 9.

Pending a regular request for extradition, the person concerned may be arrested provisionally. The request for arrest shall be made through diplomatic channels. In urgent cases, however, and particularly if there is reason to apprehend the flight of the person concerned, the following authorities may by letter or telegram send a request direct to each other : namely, in Sweden, the Stockholm Prefecture (överståthålarämbetet), Provincial Administrations (Ländsstyrelse), Provincial Chiefs of Police (Landsvogde) Mayors (Borgmästare), Chiefs of Urban Police (Polismästare), Public Prosecutors (procureur) at Urban Courts of First Instance (Stadsfiskal) and Commissioners of Rural Police (Landsfiskal) ; and, in Finland, Prefects (Maaherra or Landshövding), Mayors (Pormestari or Borgmästare), " Järjestymies " or " Ordningsman ", Chiefs of Urban Police (Poliisimestari or Polismästare), Heads of Cantonal Police (Kruununvouti or Kronofogde), Public Prosecutors at Urban Courts of First Instance (Kaupunginviskaali or Stadsfiskal) and Commissioners of Rural Police (Kruununnimismies or Kronolänsman). The request shall indicate the offence of which the person in question has been found guilty, the date when and place where it was committed and, whenever possible, the nationality and description of the person concerned ; it shall further, in accordance with Article 7, give notice of any sentence passed on, or warrant of arrest issued against, the person concerned. The request shall also contain a notification that a regular request for the extradition of the person referred to will be made at a later date.

If the person concerned has been provisionally arrested in accordance with the above provisions and the requesting State has not, within a period of four weeks from the date on which notice of the arrest was received, sent through diplomatic channels a regular request for the extradition of the person under detention to the State on whose territory the arrest took place, the person arrested shall be set at liberty.

Article 10.

If extradition is granted, the requesting State shall be bound to arrange for the surrender of the person claimed within a period of three weeks from the date on which it receives notification that the extradition may immediately be carried out. After the expiration of this period, the person concerned may be set at liberty.

Article 11.

When a person has been arrested under the terms of the present Convention, any articles in his possession at the time of his arrest which may be of importance as evidence of the offence of which he is accused, or the production of which may be claimed by the prosecutor, shall be seized and if extradition is granted, handed over to the authorities of the State applying for the extradition.

The State to which the request is made may impose any conditions which it may consider necessary with regard to such articles in order to safeguard the rights of third parties.

Article 12.

If, despite the conditions referred to in Article 6, one of the Contracting Parties desires to prosecute a person who has been surrendered to it for an offence other than that for which he was surrendered, and committed prior to his extradition, or to deliver up such person to a third State, that Party must apply for authorisation through diplomatic channels. The request shall indicate the nature of the offence and the date when and place where it was committed, or shall be accompanied by documentary evidence of the offence. If the object of the request for extradition is to bring the person concerned to trial and if the offence is such that, under the terms of the present Convention, extradition cannot be refused, authorisation shall be granted.

Article 13.

When a person surrendered to a third State by one of the Contracting Parties has to be sent through the territory of the other Party, the latter may not refuse to allow him passage unless he is one of its own nationals. The application for passage shall be made through diplomatic channels and shall be accompanied either by the original or a certified copy of the extradition warrant, or by a document containing a sentence or warrant, in conformity with the terms of Article 7. The same provisions shall apply if a person is surrendered by a third State to one of the Contracting Parties. Such person shall be conveyed under the escort of an official in the service of the State whose territory is being crossed.

Article 14.

If in the case of a prosecution for a non-political penal offence a judicial authority of one of the Contracting Parties considers it necessary to take the evidence of witnesses residing in the territory of the other State, or to carry out any other investigation, a request to that effect shall be made in writing through diplomatic channels and shall be granted as far as is permitted by the laws of the State in which the witness is to be heard or the examination to take place. The investigation may be refused if the act which is the subject of the examination is not punishable in the State to which the request is made.

When possible, the requesting State shall, if it so desire, be given due notice in advance of the time and place at which the measure applied for will be carried out.

Article 15.

If, in the case of a prosecution for a non-political penal offence which is under examination in one of the countries concerned, it is considered necessary that evidence in the form of articles or documents in the hands of the authorities of the other State should be produced, a request for the surrender of such evidence shall be made through diplomatic channels and shall be granted, unless there are special reasons to the contrary in individual cases, the State to which the request is made having the right to make the surrender of such articles or documents conditional upon their subsequent restoration.

Article 16.

The expenses occasioned by the execution of the measures provided for in the present Convention shall be borne by the State on whose territory the measures are taken, with the exception of the expenses incurred in crossing the territory of one of the Contracting Parties referred to in Article 13.

Article 17.

The present Convention shall not apply to requests for the handing-over of seamen who have deserted from their ship.

Article 18.

All documents produced in the cases provided for in the present Convention shall be drafted in Swedish or accompanied by a certified translation into Swedish.

Article 19.

The present Convention shall be drafted in Swedish, Finnish and French. In the event of a dispute as to the interpretation of its terms, the French text shall prevail.

Article 20.

The present Convention shall be ratified and shall come into force ten days after the exchange of ratification. It shall remain in force until the expiration of a period of six months as from the date of its denunciation by one of the Contracting Parties.

In faith whereof the undersigned have signed the present Convention and thereto affixed their seals.

Done in duplicate at Helsingfors on November 29, 1923.

(Signed) HENNING ELMQUIST.

(Signed) J. H. VENNOLA.