

N° 1671.

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## LETTONIE ET NORVÈGE

Convention d'extradition et d'assistance judiciaire en matière criminelle. Signée à Riga, le 12 septembre 1927.

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## LATVIA AND NORWAY

Convention regarding Extradition and Legal Assistance in Criminal Matters. Signed at Riga, September 12, 1927.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1671. — CONVENTION<sup>2</sup> BETWEEN LATVIA AND NORWAY REGARDING EXTRADITION AND LEGAL ASSISTANCE IN CRIMINAL MATTERS. SIGNED AT RIGA, SEPTEMBER 12, 1927.

*French official text communicated by the Latvian Minister for Foreign Affairs. The registration of this Convention took place March 17, 1928.*

THE PRESIDENT OF THE REPUBLIC OF LATVIA and HIS MAJESTY THE KING OF NORWAY, having decided to conclude a Convention regarding extradition and legal assistance in criminal matters, have appointed for this purpose as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF LATVIA :

M. Germain ALBAT, Minister Plenipotentiary and Secretary-General at the Ministry of Foreign Affairs.

HIS MAJESTY THE KING OF NORWAY :

His Excellency M. H. H. BACHKE, His Envoy Extraordinary and Minister Plenipotentiary in Latvia,

Who, having communicated their full powers found in good and due form, have agreed upon the following Articles :

*Article 1.*

The Contracting Parties undertake to surrender criminals to each other under the circumstances and conditions prescribed in the present Convention.

No person surrendered by either of the Contracting Parties to the other may be proceeded against for the offence in respect of which he has been surrendered before any court which is invested only temporarily or under special circumstances with exceptional powers to deal with such cases.

*Article 2.*

The Government of Latvia may claim the surrender of persons who have been sentenced, are charged with, or are awaiting trial for offences which have been committed outside Norway, and which, either in themselves, or as being accompanied by aggravating circumstances, may, under the Latvian penal code, involve a penalty exceeding one year's imprisonment («cietums»), provided that the offence, had it been committed under the same circumstances in Norway, would

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> Came into force March 13, 1928.

be regarded under the ordinary Norwegian penal code as an offence punishable by imprisonment (*«fengsel»*) for a period exceeding one year.

The Norwegian Government may claim the surrender of persons who have been sentenced, are charged with, or are awaiting trial for offences which have been committed outside Latvia, and which are punishable under the ordinary Norwegian penal code with imprisonment (*«fengsel»*) for a period exceeding one year, provided that the offence, had it been committed in Latvia under the same circumstances, would have involved, either in itself or as being accompanied by aggravating circumstances, a penalty, under the Latvian penal code, exceeding one year's imprisonment (*«cietums»*).

The Contracting Parties may further claim the surrender of persons who have been sentenced, or are charged with, or are awaiting trial for complicity in one of the aforesaid offences or for attempting to commit such offence, provided that it is punishable by a penalty as severe as that mentioned above.

Where the offence in respect of which extradition is claimed has been committed outside the territory of the State making application, extradition shall only be granted in cases where the law of the State applied to would, under similar circumstances, provide for legal proceedings in respect of a similar offence committed outside its territory.

#### Article 3.

The Contracting Parties shall not surrender their own nationals.

#### Article 4.

Extradition may not be demanded in respect of a political crime or of an ordinary crime which is connected with a political crime and has been committed with a view to facilitating the object thereof.

Extradition may be granted for offences committed or attempted against the person of a Head of State or a member of his family or for assaulting a Head of State or member of his family, provided that the offence does not constitute an act connected with another crime of a political character.

The State applied to shall decide in each particular case whether a crime is to be regarded as a political crime or not.

#### Article 5.

Extradition shall not be granted :

(1) Where the offence in question, having been committed on the territory of a third State, has resulted in a requisition for extradition on the part of that State ;

(2) If, before the requisition for extradition is received, judgment has already been pronounced or legal proceedings have been instituted in the State applied to in respect of the offence for which extradition is demanded ;

(3) If, under the laws of the State applied to, the preliminary hearing of the case can no longer take place, or sentence be passed or the penalty be carried out.

#### Article 6.

No surrendered person may be proceeded against or punished in the State to which he has been surrendered for any offence committed before his extradition, other than that for which he was surrendered, nor may he be surrendered to a third State, unless, after having been finally set at liberty, he has had an opportunity to leave the country but has failed to do so within a period of one month, or unless he has left the country and subsequently returned to it.

The State which has granted extradition may, however, afterwards consent to such prosecution or to subsequent extradition, notwithstanding the conditions mentioned in the preceding paragraph provided that the crime in question is an extradition crime.

*Article 7.*

If the person claimed is being proceeded against or has been sentenced for an offence other than that for which extradition is requested, his extradition shall be suspended until the conclusion of the proceedings or, in the case of a sentence without suspension of penalty, until he has his sentence.

*Article 8.*

If a person whose extradition is applied for by one of the Contracting Parties under the present Convention is also claimed by one or more other Governments in respect of the same offence, preference shall, as a rule, be given to the State in whose territory the offence was committed or, if it was committed in the territory of more than one, to the State in which the principal offence was perpetrated.

*Article 9.*

If a person whose extradition is applied for by one of the Contracting Parties under the present Convention is also claimed by one or more other Governments for one or more other offences, preference shall be given to the State whose requisition for extradition or apprehension with a view to extradition was first received, unless a special agreement to the contrary has been concluded with one of the States in question.

*Article 10.*

The requisition for extradition shall be made through the diplomatic channel. It must state the nationality of the person claimed and must be accompanied :

- (1) If possible, by a full description of the person claimed ;
- (2) By the judgment, or if sentence has not been passed, by a warrant of arrest or an indictment issued by the competent authority and specifying clearly the date, place and nature of the offence ; these documents must be produced either in the original or in certified copies ;
- (3) By a copy of such penal provisions in force in the State making the requisition as are applicable to the offence.

*Article 11.*

In urgent cases, and particularly if there is reason to fear that the person in question may escape, the Public Prosecutor's department or the examining magistrate of one of the Contracting Parties may, before transmitting a formal requisition for extradition, make application direct to the competent authorities of the other Contracting Party by letter or telegram, for the provisional apprehension of the person concerned. Such request must state the date, place and nature of the offence and the nationality of the person claimed, and must contain, where possible, his description. It must further state whether sentence has been passed, or a warrant of arrest issued, or an indictment drawn up in accordance with the provisions of Article 10, paragraph 2, No. 2, and that a formal requisition for extradition will be presented later.

If after provisional arrest has taken place in conformity with the foregoing stipulations, no formal requisition for extradition is presented to the Ministry of Foreign Affairs of the State applied to within six weeks of the date on which the State making application was notified of the arrest, the person under detention shall at once be released.

*Article 12.*

All articles seized which were in the possession of the person claimed at the time of his apprehension, and which might be used as evidence to establish the charge brought against him, or to which claims might be made by the party prejudiced by the crime shall be handed over to the competent authorities of the State applying for extradition at the same time as the person claimed.

Nevertheless, if a person resident in the country granting extradition applies for these articles and furnishes *prima facie* evidence of having acquired rights over such articles, they shall be handed over on condition that they be restored free of charge after the termination of the criminal proceedings provided that the said person has been sentenced in connection with the offence in question.

*Article 13.*

If, during the preliminary hearing of a criminal case of a non-political character in one of the Contracting States, it is considered necessary to take the evidence of witnesses resident in the other State, or to carry out any enquiry there, the request shall be made through the diplomatic channel, and shall be granted in so far as this is permitted by the laws of the State in which the witnesses are to be heard or the enquiry is to take place. It shall be the duty of the competent authorities of the State in which the evidence is to be heard, or the enquiry carried out, to give the authorities of the State which has made the application timely information, so far as possible, regarding the date and place arranged for the execution of the letters request.

*Article 14.*

If, during the preliminary hearing of a criminal case of a non-political character in one of the Contracting States, it is considered necessary or advisable to produce articles serving as proof of the crime or documents in the possession of the authorities of the other Contracting State, a request to this effect may be addressed direct to the said authorities, in the case of Latvia, by the competent court, and in the case of Norway, by the competent court or the Director of Public Prosecutions; this request shall be granted, unless there are special reasons for refusing it.

*Article 15.*

If a person is to be surrendered by one of the Contracting Parties to a third State on account of a criminal act of a non-political character, and if he has to be conveyed through the territory of the other Party, the latter shall not refuse to allow him to pass through its territory provided he is not one of its nationals. Application for the passage of such persons shall be made through the diplomatic channel and be accompanied by the documents referred to in Article 10, paragraph 2, No. 2. The same rule shall apply to persons surrendered to either of the Contracting Parties by a third State. Surrendered persons shall be conveyed under the supervision of an official in the service of the State whose territory is being crossed.

*Article 16.*

Expenses incurred as the result of the measures provided for in the present Convention shall be borne by the State in whose territory the measures in question are taken, with the exception of the cost of the transit arrangements referred to in Article 15.

*Article 17.*

The documents produced in the cases covered by the present Convention shall be drawn up in French or accompanied by a French translation.

*Article 18.*

The present Convention shall be ratified and shall come into force ten days after the exchange of the instruments of ratification. It shall remain in force until the expiration of six months from the date on which either of the Contracting Parties denounces it.

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

Done in duplicate at Riga, September 12, 1927.

(L. S.) (Signed) G. ALBAT.

(L. S.) (Signed) H. H. BACHKE.