

N° 2558.

LETTONIE ET SUÈDE

Convention d'extradition et d'assistance judiciaire en matière pénale.
Signée à Riga, le 30 janvier 1930.

LATVIA AND SWEDEN

Convention regarding Extradition
and Legal Assistance in Criminal
Matters. Signed at Riga, January
30, 1930.

¹ TRADUCTION. — TRANSLATION.No. 2558. — CONVENTION² BETWEEN LATVIA AND SWEDEN
RELATING TO EXTRADITION AND JUDICIAL ASSISTANCE IN
CRIMINAL MATTERS. SIGNED AT RIGA, JANUARY 30, 1930.

French official text communicated by the Latvian Minister for Foreign Affairs. The registration of this Convention took place December 12, 1930.

THE PRESIDENT OF THE LATVIAN REPUBLIC and HIS MAJESTY THE KING OF SWEDEN, having resolved to conclude a Convention relating to extradition and judicial assistance in criminal matters, have for this purpose appointed as their Plenipotentiaries :

THE PRESIDENT OF THE LATVIAN REPUBLIC :

His Excellency M. A. BALODIS, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF SWEDEN :

His Excellency M. Patrik C. R. DE REUTERSWÄRD, His Envoy Extraordinary and Minister Plenipotentiary in Latvia ;

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

Article 1.

Each of the Contracting States undertakes to surrender to the other, under the conditions prescribed in the present Convention, those persons who have been convicted, accused or detained in the territory of the other State in respect of offences specified in Article 2.

Article 2.

1. Extradition shall be granted in accordance with the rules laid down hereunder for a misdemeanour which constitutes an offence punishable under the provisions of the Swedish Penal Code or of the Swedish maritime law with penal internment (*straffarbete*) and under Latvian legislation with one year's imprisonment (*cietums*) or with a more severe sentence ; nevertheless, in the case of convicted persons, extradition shall not be granted unless the sentence pronounced is one of penal internment, six month's imprisonment, or a more severe sentence.

2. Extradition shall also be granted for attempts to commit any of the above-mentioned offences, or for complicity (instigation, aid and assistance) therein, provided that such attempt or complicity is punishable with a sentence as severe as that mentioned in the first paragraph.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Stockholm, November 19, 1930.

3. Extradition shall be granted even if the misdemeanour to which the request for extradition relates constitutes an offence which, under the provisions of the law, is punishable with a sentence as severe as that indicated in the first paragraph only if it is accompanied by aggravating circumstances.

4. A request for extradition may also be made in the case of persons sentenced, prosecuted or detained for offences punishable under military penal laws if those offences are such that, if committed by persons not subject to those laws, they would, in virtue of the present Article, be regarded as warranting extradition.

Article 3.

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 offences may be regarded as essentially non-political.

In no case shall the assassination, attempted assassination or murder of a Head of State or of a member of a sovereign's family be regarded as a political offence.

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

3. Extradition shall not be granted for an act which, according to the laws of the State to which the request is made, constitutes an offence against special laws on the freedom of the Press.

4. The State 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 4.

The Contracting States 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. Nevertheless, the extradition of a person convicted, prosecuted or detained for complicity in an offence committed outside the territory of the State to which the request is made and not on board a vessel possessing its nationality shall be granted, even if the act of complicity must be regarded as having been committed in the territory of that State 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 a similar act committed outside its territory.

Article 5.

In addition to the cases referred to in Articles 3 and 4, extradition shall not be granted :

(1) If, prior to the request for extradition, judgment has been pronounced in the State to which the request is made on the facts in respect of which the request is made or if proceedings have been instituted before a court in that State.

(2) 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.

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 7.

1. No person who has been surrendered by one Contracting State to the other may be either prosecuted or punished in the territory of 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 9, paragraph 2, may he be surrendered to a third State, unless the State which has extradited him has granted authorisation to that effect in conformity with Article 13 or unless, having been finally acquitted or set at liberty on the expiration of his sentence, the person extradited 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.

2. No person surrendered by one Contracting State to the other shall be prosecuted for the offence for which he has been extradited in a court which is only invested *ad hoc*, or in special circumstances, with exceptional power to hear such cases.

3. 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 3, 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.

4. If the person whose extradition is demanded has been sentenced to death in the State making the request or if the offence for which extradition is requested is, according to the laws of that State, punishable with the sentence of death, the extradition may further be made conditional on that sentence not being executed.

Article 8.

A request for extradition shall be made through diplomatic channels; the request must indicate the nationality of the person claimed and must be accompanied either by the original or a certified copy of a sentence passed by a court or of 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 the 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 and photograph of the person claimed.

If the documents communicated are incomplete, or if further information 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 9.

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

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 this sentence be surrendered to another State.

Article 10.

Pending a regular request for extradition, the person concerned may be arrested provisionally. The request for provisional arrest shall indicate the offence of which the person claimed is accused, the date when and place where it was committed and, whenever possible, the nationality and description of the person claimed; it shall further, in accordance with Article 8, give notice of any sentence passed on, or warrant of arrest issued against, the person claimed. The request shall also contain a notification that a regular request for the extradition of the person referred to will be addressed at a later date to the State to which the request is made.

If the person claimed has been provisionally arrested in accordance with the above provisions and the requesting State has not, within a period of two weeks from the date on which notice of the arrest was received by the diplomatic representative of the requesting State accredited to the Government of the State to which the request is made, sent a regular request for the extradition of the person under detention to the State on whose territory the arrest took place, the person arrested may be set at liberty.

Article 11.

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 its diplomatic representative accredited to the Government of the State to which the request is made 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 12.

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 serve as evidence of the offence, or the production of which may be claimed by the injured party shall be seized and if extradition is granted, be 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 13.

If, despite the conditions referred to in Article 7, one of the Contracting States desires to prosecute a person who had been surrendered to it for an offence other than that for which he was extradited, and committed prior to his extradition, or to deliver up such person to a third State, that Contracting State 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 is to bring the person extradited to trial and if it relates to an offence for which, under the terms of the present Convention, extradition cannot be refused, authorisation shall be granted.

Article 14.

When a person surrendered by a third State to one of the Contracting States has to be sent through the territory of the other Contracting State, 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 8. Such person shall be conveyed under the escort of an official in the service of the State whose territory is being crossed.

Article 15.

If in the case of a prosecution for a non-political offence a judicial authority of one of the Contracting States considers it necessary to take the evidence of witnesses residing in the territory of the other State, or to carry out any other investigation in that territory, 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 to which the request is made. 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 16.

If in the case of a prosecution for a non-political offence which is under examination in one of the Contracting States, 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 17.

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 States referred to in Article 14, and of those incurred by the temporary surrender mentioned in Article 6, which shall be borne by the requesting State.

Article 18.

All documents produced in the cases provided for in the present Convention shall be drafted in the official language of the State to which the request is made or accompanied by a certified translation into that language.

Article 19.

The present Convention shall be ratified and the ratifications thereof shall be exchanged at Stockholm as soon as possible.

It shall come into force fifteen days after the exchange of ratifications and 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 States.

Done in duplicate at Riga on the thirtieth day of January, one thousand nine hundred and thirty.

(L.S.) (Signed) A. BALODIS. ((L.S. (Signed) Patrik DE REUTERSWÄRD.