ÉTATS-UNIS D'AMÉRIQUE
ET GRÈCE

Traité d'extradition, signé à Athènes,
le 6 mai 1931, et échange de notes
y relatif, de la même date.

UNITED STATES OF AMERICA
AND GREECE

Treaty of Extradition, signed at
Athens, May 6, 1931, and Ex-
change of Notes relating thereto
of the same date.
No. 3194. — TREATY 1 OF EXTRACTION BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC. SIGNED AT ATHENS, MAY 6, 1931.

The United States of America and Greece, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America:
Mr. Robert Peet Skinner; Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Athens.

The President of the Hellenic Republic:
Mr. Andreas Michalakopoulos, Vice President of the Government, Minister for Foreign Affairs.

Who, having communicated to each other their respective full powers, found to be in

1 The exchange of ratifications took place at Washington, November 1st, 1932.
τοὺς ἀπαιτούμενους τόπους, συμφώνησαν ἐπὶ τῶν ἐπομένων ἄρθρων:

ΑΡΘΡΟΝ 1.

Συμφωνεῖται ὑπὸ τῆς Ἕλληνικῆς Κυβέρνησις καὶ τῆς Κυβέρνησις τῶν Ἑλληνικῶν Πολιτειῶν παραδίδοντα, κατὰ ἄρθρα ἐπιβαλλόμενη συμφωνία πρὸς τὸ τὸ ἐπὶ τῆς παροῦσας Συνθήκης ὀριζομένας διατυπώσεις, τῶν πρόσωπων κατηγορούμενων ἢ καταδίκασθαι ἐπὶ τῶν ἐν τῷ ἄρθρῳ 2 τῆς παροῦσας Συνθήκης ἐκδίκως ὀριζομένων ἐγκλημάτων ἢ πλημμέλημάτων, ταλαντεύεται ἐντὸς τῶν ὅρων τῆς δικαιοσύνης ἢ ἀρμοδιότητος ἐνός τῶν Ἑλληνικῶν Συμβαλλόμενων Μερών, καὶ κατηγορημένων ἢ ἀνακαλυφθέντων ἐπὶ τοῦ ἐδάφους τοῦ ἔτερου. Ἡ ἐκδοχὴς ἐν τούτως δὲν ὀφείλεται νὰ πραγματοποιηθῇ παρὰ εἰς ὅσον κατὰ τοὺς νόμους τῆς χώρας εἰς ἢ ἀνεκάλυφθη ἢ ἀνωμάλως, ὑφιστάται ἀρκετὰ ἀπόδειξες ἐνοχῆς δικαστικάς τῆς σύλληψις καὶ τῆς ἐπὶ τὴν παραπομπήν αὐτοῦ εἰς τὴν περίπτωσιν καὶ ἡ τῇ ἐξέλιξι ἡ πλημμέλημα ἀναπράπτετο ἐντὸς τῶν ὅρων τῆς χώρας ταύτης.

ΑΡΘΡΟΝ 2.

Ἐκδίδονται, κατὰ τὰς διατάξεις τῆς παροῦσας Συνθήκης, τὰ ἄτομα τὰ διωγόμενα ἢ καταδίκασθέντα δι᾽ ἐν τῶν ἐπομένων ἐγκλημάτων ἢ πλημμέλημάτων:

(1) Φόνου (τοῦ ὅρου συμπεριλαμβανότος καὶ τὰ ἐγκλήματα τῆς παιδοκοινότης, φαρμακείας καὶ παιδοκοινότης), ἀνάφερον.

(2) Τρομάτα καὶ ἀσωματικὰς βλάβας ἐκ προθέσεως καὶ προμελέτης.

(3) Βιασμῶν, ἀμβλώσεων, ἐνόχων σχέσεως μετὰ παιδίων κατὰ τῶν δέκα πέντε ἔτων.

(4) Ἀπαραγμένη καὶ παράνομων κατασχέσεων γυναικῶν ἢ νεανίδων ἐπὶ ἀνρήτης σκοπῷ.

(5) Διαμαίνων.

(6) Ἐμπροσθότων ἐκ προθέσεως.

(7) Παράνομων καὶ ἐκ προθέσεως κατασχέσεως ἢ ἐμφαράζων σιδηροδρομικῶν γραμμῶν συνεπαργούμενοι κίνδυνον διανέμου.

Article 1.

It is agreed that the Government of the United States and the Government of Greece shall, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of, any of the crimes or offences specified in Article II of the present Treaty, committed within the jurisdiction of one of the High Contracting Parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

Article 2.

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following crimes or offences:

(1) Murder, (including crimes designated by the terms parricide, poisoning, infanticide, manslaughter when voluntary).

(2) Malicious wounding or inflicting grievous bodily harm with premeditation.

(3) Rape, abortion, carnal knowledge of children under the age of fifteen years.

(4) Abduction or detention of women or girls for immoral purposes.

(5) Bigamy.

(6) Arson.

(7) Wilful and unlawful destruction or obstruction of railroads, which endangers human life.
(8) Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ship upon the high seas with intent to do bodily harm.

(9) Burglary.

(10) The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance, and other companies, or other buildings not dwellings with intent to commit a felony therein.

(11) Robbery.

(12) Forgery or the utterance of forged papers.

(13) The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

(14) The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above-mentioned objects.
(15) Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or Greek equivalent.

(16) Embezzlement by any persons hired salaried, or employed to the detriment of their employers or principals, when the crime or offence is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or Greek equivalent.

(17) Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons or for any other unlawful end.

(18) Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Greek equivalent.

(19) Obtaining money, valuable securities or other property by false pretenses, or receiving any money, valuables securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained, or received exceeds two hundred dollars or Greek equivalent.

(20) Perjury.

(21) Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the
property misappropriated exceeds two hundred dollars or Greek equivalent.

(22) Crimes and offences against the laws of both countries for the suppression of slavery and slave trading.

(23) Wilful desertion or wilful non-support of minor or dependent children, or of other dependent persons, provided that the crime or offence is punishable by the laws of both countries.

(24) Bribery.

(25) Crimes or offences against the bankruptcy laws.

(26) Crimes or offences against the laws for the suppression of traffic in narcotics.

(27) Extradition shall also take place for participation in any of the crimes or offences before mentioned as an accessory before or after the fact, or in any attempt to commit any of the aforesaid crimes or offences. However, extradition for participation or attempt will be accorded in the case of a suspected person only if the maximum of the possible punishment is two years or more, and, in the case of one condemned only if the sentence pronounced by the jurisdiction of the demanding State is six months or more.
The full text is not readable or is not provided.
within their jurisdiction, such criminal shall be delivered to that State whose demand is first received unless the demand is waived. This article shall not affect such treaties as have previously been concluded by one of the contracting parties with other States.

Article 8.

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens, except in cases where such citizenship has been obtained after the perpetration of the crime for which extradition is sought. The State appealed to shall decide whether the person claimed is its own citizen.

Article 9.

The expense of transportation of the fugitive shall be borne by the Government which has preferred the demand for extradition. The appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim other than for the board and lodging of a fugitive prior to his surrender, arising out of the arrest, detention, examination and surrender of fugitives under this treaty, shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government giving assistance, who shall, in the usual course of their duty receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.
Article 10.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence in making proof of the crime, shall so far as practicable according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

Article II.

The stipulations of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Greece, requisitions may be made by superior consular officers.

The arrest of the fugitive shall be brought about in accordance with the laws of the respective countries, and if after an examination, it shall be decided, according to the law and the evidence, that extradition is due pursuant to this treaty the fugitive shall be surrendered in conformity to the forms of law prescribed in such cases.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Greece, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by a consular officer thereof.

No. 3194
Article 12.

The present Treaty, of which the English and Greek texts are equally authentic, shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Washington as soon as possible.

Article 13.

The present Treaty shall remain in force for a period of five years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above-named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Athens this 6th day of May, nineteen hundred and thirty-one.

(T.S.) A. Michalakopoulos.

(L.S.) Robert Peet Skinner.
ÉCHANGE DE NOTES — EXCHANGE OF NOTES

I.

LEGATION OF THE
UNITED STATE OF AMERICA.

ATHENS, May 6, 1931.

SIR,

In signing to-day the treaty of extradition between the United States of America and the Hellenic Republic, I have the honor to declare to your Excellency, under the authority and in the name of my Government, that the Government of the United States will extend to Greece the most favorable treatment now accorded, or which may hereafter be accorded by the United States to a third Power with respect to matters dealt with in Articles 9 and 11 of the above mentioned treaty, particularly in that which concerns expenses of every nature including the usual charges, and the procedure to be followed after the demand for extradition

Accept, Sir, the renewed assurances of my high consideration.

Robert P. Skinner.

His Excellency
the Minister of Foreign Affairs,
Athens.

II.

MINISTÈRE
des
AFFAIRES ÉTRANGÈRES.

ATHÈNES, le 6 mai 1931.

MONSIEUR LE MINISTRE,

J'ai l'honneur d'accuser réception à Votre Excellence de sa lettre en date d'aujourd'hui, rédigée dans les termes suivants :

"In signing today the treaty of extradition between the United States of America and the Hellenic Republic, I have the honor to declare to your Excellency under the authority and in the name of my Government, that the Government of the United States will extend to Greece the most favorable treatment now accorded, or which may hereafter be accorded, by the United States to a third Power, with respect to matters dealt with in Articles 9 and 11 of the above mentioned treaty, particularly in that which concerns expenses of every nature, including the usual charges and the procedure to be followed after the demand for extradition."

En prenant acte de cette communication sur le contenu de laquelle le Gouvernement Hellénique est d'accord, je saisis cette occasion pour vous renouveler, Monsieur le Ministre, les assurances de ma haute considération.

A. Michalakopoulos.

Son Excellence M. Robert Peet Skinner,
Envoyé Extraordinaire et ministre
plénipotentiaire des Etats-Unis d'Amérique
En Ville.

No. 3194
TRADUCTION. — TRANSLATION.

N° 3194. — TRAÎTÉ D’EXTRADITION ENTRE LES ÉTATS-UNIS D’AMÉRIQUE ET LA RÉPUBLIQUE HELLENIQUE. SIGNÉ À ATHÈNES, LE 6 MAI 1931.

Les États-Unis d’Amérique et la Grèce, désireux de servir la cause de la justice, ont décidé de conclure entre eux un traité pour l’extradition des personnes qui se sont dérobées à l’action de la justice, et ont désigné à cet effet les plénipotentiaires ci-après :

Le Président des États-Unis d’Amérique :

M. Robert Peet Skinner, envoyé extraordinaire et ministre plénipotentiaire des États-Unis d’Amérique à Athènes ; et

Le Président de la République Hellénique :

M. Andreas Michalakopoulos, vice-président du Conseil, ministre des Affaires étrangères ;

Lesquels, après s’être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et adopté les articles suivants :

Article premier.

Il est convenu que le Gouvernement des États-Unis d’Amérique et le Gouvernement hellénique livreront à la justice, sur réquisition qui en sera faite dans les formes prescrites par le présent traité, toute personne accusée ou reconnue coupable de l’un des crimes ou délits spécifiés à l’article 2 du présent traité, commis dans le ressort judiciaire de l’une des Hautes Parties contractantes, si ladite personne cherche un refuge ou est découverte sur le territoire de l’autre Partie. Cette extradition ne pourra toutefois avoir lieu que s’il existe des preuves de culpabilité suffisantes, selon la législation du lieu où le fugitif ou l’inculpé aura été découvert, pour motiver son arrêtation et sa mise en jugement au cas où le crime ou délit aurait été commis dans ledit pays.

Article 2.

Aux termes du présent traité, il sera procédé à l’extradition des personnes accusées ou reconnues coupables de l’un des actes délictueux suivants :

1. Meurtre (y compris les crimes qualifiés de parricide, empoisonnement, infanticide, homicide volontaire) ;
2. Coups et blessures ayant causé une lésion corporelle grave avec préméditation ;
3. Viol, avortement et rapports sexuels avec des enfants de moins de quinze ans ;
4. Enlèvement ou séquestration de femmes ou de filles pour des fins immorales ;
5. Bigamie ;

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.
autres que les Etats-Unis ou la Grèce, les demandes pourront être présentées par des fonctionnaires consulaires supérieurs.

L’arrestation du fugitif sera opérée conformément aux lois des Etats respectifs. S’il résulte des dispositions légales et des témoignages que l’extradition doit être accordée aux termes du présent traité, l’individu réclamé sera livré selon la procédure prescrite en pareil cas.

Toute personne arrêtée provisoirement sera relâchée si, dans les trois mois qui suivront la date de l’arrestation en Grèce ou la date de l’emprisonnement aux Etats-Unis, la demande régulière d’extradition, accompagnée des pièces justificatives spécifiées ci-après, n’a pas été présentée, comme il est dit ci-dessus, par l’agent diplomatique du gouvernement requérant ou, en son absence par un agent consulaire de ce gouvernement.

Si le criminel en fuite a été condamné pour le crime ou délit à raison duquel son extradition est demandée, il sera produit une copie, dûment certifiée conforme, du jugement du tribunal qui a prononcé cette condamnation. Si, par contre, le criminel en fuite est simplement accusé d’un crime, il sera produit une copie, dûment certifiée conforme, du mandat d’arrêt délivré dans le pays où le crime a été commis et des dépositions qui auront motivé ce mandat d’arrêt, en même temps que tous les autres témoignages ou preuves jugés pertinents.

Article 12.

Le présent traité, dont les textes anglais et grec font également foi, sera ratifié par les Hautes Parties contractantes dans les formes prévues par leurs constitutions respectives, et prendra effet à partir de la date de l’échange des instruments de ratification, qui aura lieu à Washington aussitôt que possible.

Article 13.

Le présent traité restera en vigueur pendant cinq ans et si aucune des Hautes Parties contractantes ne l’a dénoncé un an avant l’expiration de cette période, il continuera à avoir effet jusqu’à l’expiration d’une année à compter du jour où l’une des Hautes Parties contractantes l’aura dénoncé.

En foi de quoi les plénipotentiaires susmentionnés ont signé le présent traité et y ont apposé leurs sceaux.

Fait en double expédition à Athènes, le 6 mai 1931.

(L. S.) A. Michalakopoulos.
(L. S.) Robert Peet Skinner.

ÉCHANGES DE NOTES — EXCHANGE OF NOTES

I.

LÉGATION
DES ETATS-UNIS D’AMÉRIQUE.

ATHÈNES, LE 6 MAI 1931.

MONSIEUR LE MINISTRE,

En signant ce jour le traité d’extradition entre les Etats-Unis d’Amérique et la République hellénique, j’ai l’honneur de vous déclarer, d’ordre et au nom de mon gouvernement, que le Gouvernement des Etats-Unis fera bénéficier la Grèce du traitement le plus favorable accordé actuellement, ou qui pourrait ultérieurement être accordé par les Etats-Unis à une tierce
Puissance dans les matières visées aux articles 9 et 11 du traité sus-mentionné, notamment en ce qui concerne les dépenses de toute nature, y compris les taxes d'usage, et la procédure à suivre après la demande d'extradition.
Veuillez agréer, etc.

Robert Peet Skinner.

A Son Excellence
Monsieur le Ministre des Affaires étrangères,
Athènes.

II.

MINISTRY
OF FOREIGN AFFAIRS.

AthenS, May 6, 1931.

Monsieur le Ministre,
I have the honour to acknowledge the receipt of Your Excellency's note dated to day, reading as follows:

(See text of original Note No. II. Voir page 303.)

I have taken due note of this communication, with the contents of which the Hellenic Government is in agreement.
I have the honour, etc.

A. Michalakopoulos.

His Excellency
M. Robert Peet Skinner,
Envoy Extraordinary and Minister
Plenipotentiary of the United States
of America.