

N° 4235.

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ÉTATS-UNIS D'AMÉRIQUE  
ET LIECHTENSTEIN

Traité d'extradition. Signé à Berne,  
le 20 mai 1936.

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UNITED STATES OF AMERICA  
AND LIECHTENSTEIN

Extradition Treaty. Signed at Berne,  
May 20th, 1936.

No. 4235. — EXTRADITION TREATY<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE PRINCIPALITY OF LIECHTENSTEIN. SIGNED AT BERNE, MAY 20TH, 1936.

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*English and German official texts communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration of this Treaty took place December 24th, 1937.*

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THE UNITED STATES OF AMERICA and THE PRINCIPALITY OF LIECHTENSTEIN, animated by the desire to promote the cause of justice, have agreed to conclude a Treaty concerning the extradition of fugitives from justice between the two States and have appointed the following Plenipotentiaries for this purpose :

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Mr. Hugh R. WILSON, Minister Plenipotentiary and Envoy Extraordinary of the United States of America in Switzerland;

HIS SERENE HIGHNESS THE RULING PRINCE OF LIECHTENSTEIN :

M. Giuseppe MOTTA, Federal Councillor and Head of the Federal Political Department, Berne;

Who, after exchange of their full powers, found to be in good and due form, have agreed upon and concluded the following Articles :

*Article I.*

It is agreed that the Government of the United States of America and the Government of Liechtenstein shall, upon requisition duly made in accordance with the provisions of this Treaty, deliver up to justice any person who is charged with or has been convicted of any of the crimes or offenses specified in Article II of the present Treaty, if the punishable act was committed within the jurisdiction of one of the High Contracting Parties and the person seeks asylum in the territory of the other Party or is found there. Such extradition shall take place only on the basis of such evidence of criminality, as according to the laws of the place where the fugitive or the accused is found, would justify his arrest and commitment for trial, if the deed had been committed there.

*Article II.*

Such 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 punishable acts :

1. Murder (including the crimes designated by the terms parricide, poisoning and infanticide), or intentional manslaughter.

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<sup>1</sup> The exchange of ratifications took place at Berne, June 28th, 1937.

TEXTE ALLEMAND. — GERMAN TEXT.

N<sup>o</sup> 4235. — AUSLIEFERUNGSVERTRAG<sup>1</sup> ZWISCHEN DEN VEREINIGTEN STAATEN VON AMERIKA UND DEM FÜRSTENTUM LIECHTENSTEIN. GEZEICHNET IN BERN, AM 20. MAI 1936.

*Textes officiels anglais et allemand communiqués par l'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregistrement de ce traité a eu lieu le 24 décembre 1937.*

DIE VEREINIGTEN STAATEN VON AMERIKA und DAS FÜRSTENTUM LIECHTENSTEIN sind, von dem Wunsche geleitet, die Sache der Gerechtigkeit zu fördern, übereingekommen, einen Vertrag über die Auslieferung straffälliger Personen zwischen den beiden Staaten zu schliessen und haben zu diesem Zwecke folgende Bevollmächtigte ernannt :

DER PRÄSIDENT DER VEREINIGTEN STAATEN VON AMERIKA :

Herrn Hugh R. WILSON, ausserordentlichen Gesandten und bevollmächtigten Minister der Vereinigten Staaten von Amerika in der Schweiz,

SEINE DURCHLAUCHT DER REGIERENDE FÜRST VON LIECHTENSTEIN :

Herrn Bundesrat Giuseppe MOTTA, Vorsteher des Eidgenössischen Politischen Departements, Bern,

die nach Austausch ihrer in guter und gehöriger Form befundenen Vollmachten die nachstehenden Artikel vereinbart und beschlossen haben :

*Artikel I.*

Es wird vereinbart, dass die Regierung der Vereinigten Staaten von Amerika und die Regierung von Liechtenstein auf ein nach den Bestimmungen dieses Vertrages gehörig gestelltes Ersuchen der Gerechtigkeit jede Person ausliefern sollen, die eines der im Artikel II des vorliegenden Vertrages aufgeführten Verbrechen oder Vergehen beschuldigt wird oder überführt wurde, sofern die Straftat im Bereiche der Gerichtsbarkeit eines der Hohen Vertragschliessenden Teile begangen wurde und die Person im Gebiete des andern Teiles Zuflucht sucht oder dort angetroffen wird. Eine derartige Auslieferung soll nur auf Grund solcher Schuldbeweise stattfinden, die nach den Gesetzen des Ortes, wo der Flüchtling oder der Beschuldigte angetroffen wird, seine Festnahme und Stellung vor Gericht rechtfertigen würden, wenn die Tat hier begangen worden wäre.

*Artikel II.*

Nach den Bestimmungen des vorliegenden Vertrages sollen jene Personen ausgeliefert werden, die einer der nachstehenden strafbaren Handlungen beschuldigt werden oder überführt sind :

1. Mord (unter Einschluss der durch die Ausdrücke Elternmord, Giftmord und Kindesmord bezeichneten Verbrechen), vorsätzliche Tötung.

<sup>1</sup> L'échange des ratifications a eu lieu à Berne, le 28 juin 1937.

2. Malicious mayhem or serious injury to the body, intentionally committed.
3. Rape, abortion and carnal knowledge of children under 15 years of age.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Intentional and unlawful destruction or obstruction of railroads where such acts endanger human life.
8. Crimes committed at sea :
  - (a) Piracy, in the current sense of the word and according to the definition in international or municipal law ;
  - (b) Unlawful sinking or destruction of a ship at sea, or attempt to perform such act ;
  - (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 to take possession of such vessel by fraud or violence ;
  - (d) Assault on board of a ship on the high seas, with intent to do bodily harm.
9. Burglary, breaking into a house.
10. Breaking into or forcing an entrance into the official premises of the Government or public authorities, or into other buildings, other than dwellings, with intent to commit a crime there.
11. Robbery.
12. Forgery of documents or the circulation of forged documents.
13. Forgery or falsification of official documents of the Government or public authorities including the courts, or the circulation or fraudulent use thereof.
14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of the public debt created by national, State, provincial, territorial, local or municipal administrations, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and other marks of State or public administration offices and the utterance, circulation or fraudulent use of the above-mentioned objects.
15. Embezzlement.
16. Kidnapping of minors or adults, defined to be the abduction or detention of one or more persons, in order to extort money from them, their families, or one or more other persons, or for any other unlawful purpose.
17. Larceny, that is the theft of articles, movable property or money of the value of twenty-five or more dollars or the equivalent thereof in Liechtenstein currency.
18. Obtaining money, securities or other property by false pretenses or acceptance of money, securities or other property, knowing the same has been unlawfully obtained, when the amount of the money or the value of the property so acquired or accepted exceeds two hundred dollars or the equivalent thereof in Liechtenstein currency.

19. Perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or official of a company or corporation, or by any person in a fiduciary position, when the amount of money or the value of the property misappropriated exceeds two hundred dollars or the equivalent thereof in Liechtenstein currency.

21. Crimes and offenses against the laws for the suppression of slavery or the slave trade.

22. Wilful abandonment or wilful non-support of minor children or those unable to support themselves.

23. Bribery.

24. Crimes or offenses against the bankruptcy laws.

25. Crimes or offenses against the laws for suppression of the narcotics traffic.

26. Use of the mails for fraudulent purposes.

27. Extradition shall also take place for participation in any of the crimes or offenses beforementioned, before or after the commission thereof, or for an attempt to commit one of the beforementioned crimes or offenses.

With respect to the above-enumerated crimes and offenses it is agreed that when one of those crimes or offenses is not designated as such in the laws of one of the States, nevertheless the extradition shall take place when such crime or offense includes as an essential element an act which is designated as punishable, by the laws of the State in whose territory the fugitive is found.

#### *Article III.*

The provisions of this Treaty shall not import a claim of extradition for a crime or offense of a political character nor for acts connected with such crimes or offenses, and no person surrendered under this Treaty by or to one of the High Contracting Parties shall be brought to trial or punished on account of a political crime or offense committed before his extradition. The State to which the application is made, or its courts, shall decide whether the act is of a political character. When the punishable act charged includes an accomplished or attempted murder, assassination, or poisoning, the fact that the act was accomplished or attempted against the life of the ruler or the supreme head of one of the High Contracting Parties or against the ruler or the supreme head of a foreign State or against the life of a member of the family of either of them shall not be deemed sufficient to sustain that the crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

#### *Article IV.*

No person shall be tried for any crime or offense committed before his extradition other than that for which he was surrendered, unless he shall have been allowed one month to leave the country after having been tried, or one month in case of conviction after having paid the penalty or having been set at liberty.

#### *Article V.*

An accused person shall not be extradited, under the provisions of this Treaty, when, from lapse of time or other lawful cause under the laws of the State asking extra-

dition, he is exempt from prosecution or punishment on account of the punishable act for which extradition is asked.

*Article VI.*

If an accused person whose extradition may be claimed pursuant to the provisions of this Treaty be actually under prosecution, out on bail, in custody or sentenced for a crime or offense committed in the State to which he has fled, his extradition may be deferred until such proceedings are brought to an end and until he shall have been set at liberty in due course of law.

*Article VII.*

If the extradition of an accused person, which is requested by one of the two Contracting Parties, is also requested by one or more other Powers, on the ground of treaty provisions, for crimes or offenses committed within their jurisdiction, the person must be surrendered to that State whose request was first received, unless it is withdrawn.

This Article shall not affect treaties which were already concluded by one of the Contracting Parties at a previous period with other States.

*Article VIII.*

Under the provisions of this Treaty, neither of the High Contracting Parties shall be bound to surrender its own citizens, with the exception of cases in which such citizenship has been acquired after commission of the crime for which extradition is sought. The decision as to whether the person whose extradition is requested is its own citizen, belongs to the State to which the application for requisition is made.

*Article IX.*

The cost of transporting the fugitive shall be borne by the Government which has made the request for extradition. The competent officials of the country in which the extradition proceedings are to take place shall assist the officials of the Government requesting the extradition before the judges and magistrates by every legal means at their disposal. The Government which requested the extradition is liable for reimbursement of costs only for the subsistence and lodging of the fugitive, which have arisen prior to the extradition through the arrest, detention, the investigation proceedings and the delivery of the fugitive. However, the officials of the surrendering Government who shall in the course of their duty, receive specified fees for the services performed, instead of other compensation or payment, shall be entitled to receive from the Government asking 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 law of the country of which they are officers.

*Article X.*

Everything found in the possession of an accused person, at the time of the arrest, if it is the proceeds of the crime or offense, or may be material as evidence, shall so far as practicable under the laws of the two High Contracting Parties be delivered up with his person at the time of surrender. Nevertheless, the rights of third persons with regard to the articles referred to shall be duly respected.

*Article XI.*

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

Requisitions for the extradition of fugitives from justice shall be made by the diplomatic representatives of the Contracting States. In the event of the absence of such representatives from the country or its seat of Government, or if extradition is sought from a territory outside of the United States of America or the Principality of Liechtenstein, in the manner specified in Article I, the requests may be made by superior consular officers.

The arrest of the fugitive shall take place in accordance with the provisions of the laws of the States concerned. If, after examination on the basis of the provisions of law and the evidence, it is decided that the extradition must be granted under this Treaty, extradition of the fugitive shall be carried out in accordance with the legal regulations provided for such cases.

A person provisionally arrested shall be released, if, within two months counted from the day of opening the proceedings in the United States of America, and in Liechtenstein, from the day of the arrest, the formal requisition for surrender with the documentary evidence hereinafter described has not been made by the diplomatic representative of the Government making the request, or in his absence, by a consular officer thereof, in the above-mentioned manner.

If the accused person has been sentenced for the crime or offense for which his extradition is requested, a duly authenticated copy of the sentence of the court which pronounced the sentence shall be produced. When the accused person is merely charged with a crime, a duly authenticated copy of the warrant for arrest issued in the State where the act was committed, shall be produced, with the proofs of guilt mentioned in Article I of this Treaty.

#### *Article XII.*

This Treaty, the English and German texts of which are equally authoritative, shall be ratified by the High Contracting Parties in accordance with the constitutional provisions applicable to them and shall go into effect on the day of the exchange of the instruments of ratification, which shall take place at Berne as soon as possible.

#### *Article XIII.*

This Treaty shall remain in force for a period of five years, and in case neither of the High Contracting Parties gives notice a year prior to the expiration of this period of its intention to terminate the Treaty, it shall remain in force until the expiration of a year from the day on which one of the High Contracting Parties denounces it.

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

Done in duplicate at Berne on May twentieth, nineteen hundred and thirty-six.

(Seal) Hugh R. WILSON.

(Seal) MOTTA.

Certified to be a true and complete textual copy of the original Treaty in all the languages in which it was signed.

For the Secretary of State  
of the United States of America :

Edward Yardley,  
*Chief Clerk and Administrative Assistant.*

Anträge auf Auslieferung eines Verfolgten sollen von den diplomatischen Vertretern der vertragschliessenden Staaten gestellt werden. Sind solche Vertreter im Lande oder am Regierungssitze nicht vorhanden, oder wird die Auslieferung aus einem ausserhalb der Vereinigten Staaten von Amerika oder des Fürstentums Liechtenstein gelegenen Gebiete der im Artikel I bezeichneten Art nachgesucht, so können die Ersuchen von höherem Konsulatsbeamten gestellt werden.

Die Festnahme des Verfolgten geschieht nach Massgabe der Gesetze der betreffenden Staaten. Wenn nach einer Prüfung auf Grund der gesetzlichen Vorschriften und des Beweisergebnisses entschieden wird, dass die Auslieferung nach diesem Vertrage gewährt werden muss, soll bei der Auslieferung des Verfolgten nach den für solche Fälle vorgesehenen gesetzlichen Bestimmungen verfahren werden.

Der vorläufig Verhaftete soll freigelassen werden, wenn nicht innerhalb von zwei Monaten, und zwar in den Vereinigten Staaten von Amerika vom Tage der Eröffnung des Verfahrens, in Liechtenstein vom Tage der Festnahme an gerechnet, das förmliche Auslieferungersuchen mit den unten vorgeschriebenen urkundlichen Unterlagen vom diplomatischen Vertreter der ersuchenden Regierung oder in seiner Abwesenheit von einem ihrer Konsularbeamten in der vorerwähnten Weise gestellt wird.

Wenn die angeklagte Person wegen des Verbrechens oder Vergehens, derentwegen ihre Auslieferung verlangt wird, verurteilt worden ist, muss eine gehörig beglaubigte Abschrift des Urteils des Gerichts, das die Verurteilung ausgesprochen hat, beigebracht werden. Wenn aber der Angeklagte eines Verbrechens nur beschuldigt wird, muss eine gehörig beglaubigte Abschrift des in dem Staate, wo die Tat begangen wurde, erlassenen Haftbefehls zusammen mit den in Artikel I dieses Vertrages erwähnten Schuldbeweisen beigebracht werden.

#### *Artikel XII.*

Dieser Vertrag, dessen englischer und deutscher Wortlaut in gleicher Weise massgebend sind, soll von den Hohen Vertragschliessenden Teilen gemäss den für sie geltenden verfassungsrechtlichen Vorschriften ratifiziert werden und am Tage des Austausches der Ratifikationsurkunden, der möglichst bald in Bern stattfinden soll, in Kraft treten.

#### *Artikel XIII.*

Dieser Vertrag soll für einen Zeitraum von fünf Jahren in Kraft bleiben, und falls keiner der Hohen Vertragschliessenden Teile ein Jahr vor dem Ablauf dieses Zeitraumes seine Absicht kundgibt, den Vertrag zu kündigen, soll er weiter in Kraft bleiben bis zum Ablaufe eines Jahres von dem Tage an, an dem einer der Hohen Vertragschliessenden Teile ihn kündigt.

Zu Urkund dessen haben die oben bezeichneten Bevollmächtigten diesen Vertrag unterzeichnet und mit ihren Siegeln versehen.

Geschehen in doppelter Ausfertigung zu Bern am zwanzigsten Mai neunzehnhundertsechunddreissig.

(*seal*) Hugh R WILSON.

(*seal*) MOTTA.

Certified to be a true and complete textual copy of the original Treaty in all the languages in which it was signed.

For the Secretary of State  
of the United States of America :

Edward Yardley,

*Chief Clerk and Administrative Assistant.*



<sup>1</sup> TRADUCTION. — TRANSLATION.

N<sup>o</sup> 4235. — TRAITÉ D'EXTRADITION ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA PRINCIPAUTÉ DE LIECHTENSTEIN. SIGNÉ A BERNE, LE 20 MAI 1936.

LES ETATS-UNIS D'AMÉRIQUE et LA PRINCIPAUTÉ DE LIECHTENSTEIN, désirant servir la cause de la justice, ont décidé de conclure un traité réglant l'extradition réciproque des malfaiteurs et ont nommé à cet effet pour leurs plénipotentiaires respectifs :

LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE :

M. Hugh R. WILSON, ministre plénipotentiaire et envoyé extraordinaire des Etats-Unis d'Amérique en Suisse ;

SON ALTESSE SÉRÉNISSIME LE PRINCE RÉGNANT DE LIECHTENSTEIN :

M. Giuseppe MOTTA, conseiller fédéral et chef du Département politique fédéral à Berne ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants :

*Article premier.*

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement du Liechtenstein conviennent, sur demande adressée conformément aux prescriptions du présent traité, de livrer à la justice tout individu poursuivi ou condamné pour l'un des crimes ou délits mentionnés à l'article II du présent traité, lorsque l'infraction a été commise dans le ressort judiciaire de l'une des Hautes Parties contractantes et que l'individu réclamé a été trouvé sur le territoire de l'autre Partie ou y a cherché asile. L'extradition n'aura lieu qu'autant qu'il existe des présomptions qui, d'après la loi du lieu où le fugitif ou l'accusé a été trouvé, justifieraient une arrestation et des poursuites, si l'infraction y avait été commise.

*Article II.*

Seront extradés, en vertu des dispositions du présent traité, les individus poursuivis ou condamnés pour l'un quelconque des actes punissables ci-après mentionnés :

- 1<sup>o</sup> Meurtre (y compris le parricide, l'empoisonnement et l'infanticide) ou homicide volontaire.
- 2<sup>o</sup> Coups et blessures volontaires ayant causé une lésion corporelle grave.
- 3<sup>o</sup> Viol, avortement et attentat à la pudeur sur des enfants âgés de moins de 15 ans.
- 4<sup>o</sup> Rapt ou séquestration de femmes ou de jeunes filles pour des fins immorales.
- 5<sup>o</sup> Bigamie.
- 6<sup>o</sup> Incendie volontaire.

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

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