

N° 4735.

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ÉTATS-UNIS D'AMÉRIQUE  
ET MONACO

Traité d'extradition. Signé à Monaco, le 15  
février 1939.

*Textes officiels anglais et français communiqués par l'envoyé extraordinaire  
et ministre plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregist-  
rement a eu lieu le 19 juillet 1940.*

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UNITED STATES OF AMERICA  
AND MONACO

Extradition Treaty. Signed at Monaco, Febru-  
ary 15th, 1939.

*English and French official texts communicated by the Envoy Extraordinary  
and Minister Plenipotentiary of the United States of America at Berne.  
The registration took place July 19th, 1940.*

No. 4735. — EXTRADITION TREATY<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND MONACO. SIGNED AT MONACO, FEBRUARY 15TH, 1939.

THE GOVERNMENT OF THE UNITED STATES OF AMERICA and HIS MOST SERENE HIGHNESS THE SOVEREIGN PRINCE OF MONACO, desiring to assure a better administration of justice in both countries, have resolved to conclude a treaty for the extradition of fugitives from justice and have appointed for that purpose the Plenipotentiaries designated below, to wit :

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Paul C. SQUIRE, Consul of the United States of America at Nice (France), and at Monaco ;\*

HIS MOST SERENE HIGHNESS THE SOVEREIGN PRINCE OF MONACO :

Henry MAURAN, Minister Plenipotentiary, Secretary of State of the Principality of Monaco ;

Who, after having communicated to each other their full powers found in good and due form, have agreed upon the following articles :

*Article I.*

The High Contracting Parties agree to surrender to each other reciprocally persons who, having been prosecuted for or convicted of any of the crimes or offenses specified in the following article, committed within the jurisdiction of one of the two States shall have sought an asylum or shall be found on the territory of the other.

Nevertheless, the extradition shall not take place except in a case where the existence of the violation is shown in such manner that the laws of the country where the fugitive is found would justify his arrest and prosecution if the crime or offense had been committed there.

*Article II.*

Extradition shall be granted for the following crimes and offenses :

1. Murder, parricide, assassination, poisoning, infanticide ; manslaughter, when voluntary ; assault with intent to commit murder ;
2. Rape, abortion, bigamy ;
3. Arson ;
4. Stealing accompanied by one of the following circumstances : violence, threats, housebreaking, skeleton keys ; stealing committed at night in an inhabited house ; stealing committed by several persons or by one person bearing arms ;
5. Forgeries in a public or authentic document, in a commercial or bank paper, in a private document ; use of the said forgeries ;
6. Counterfeiting, falsifying or alteration of coin or paper money, bonds or coupons of public debts, bank notes ; seals of State ; utterance or use of the articles thus counterfeited, falsified or altered ;
7. Breach of trust, embezzlement, whether by public depositaries, or by ministerial or public officers ; embezzlement by a hired person to the prejudice of his employer,

<sup>1</sup> The exchange of ratifications took place at Monaco, February 27th, 1940.

\* (Consul of the United States of America at Monaco, assigned also to and resident at Nice (France).)

embezzlement or abstraction by an innkeeper, carrier, boatman, or their agents, when such acts are punishable by the laws of both countries and when the amount of the sums or values concerned in the offense is not less than two hundred dollars or five thousand francs ;

8. Obtaining money, securities or other property under false pretenses, and theft, when such acts are punishable by the laws of both countries and when the amount of the sums or values affected by the violation is not less than two hundred dollars or five thousand francs ;

9. False swearing, false witness, subornation of witnesses, experts or interpreters ;

10. Child-stealing, abduction of a minor boy under the age of 14 or a girl under the age of 16 ;

11. Kidnapping or illegal detention ;

12. Wilful and unlawful obstruction or destruction of railways, which may endanger human life ;

13. (a) Piracy, by the law of nations ;

(b) The act by any person, being or not being one of the crew of a seagoing vessel or ship, of taking possession of such vessel by fraud or violence ;

(c) Wrongfully destroying, sinking, stranding or causing the loss of a vessel at sea ;

(d) Revolt or conspiracy, by two or more persons on board a vessel on the high seas, against the authority of the captain or master ;

(e) Assault on board a vessel on the high seas with intent to kill or inflict serious injuries ;

14. Crimes and offenses committed against the laws of both countries on the suppression of slavery and the slave trade ;

15. Fraudulent receiving and concealment of articles or values obtained through a crime or an offense, when such act is punishable under the laws of both countries and when the amount of the said articles or values is not less than two hundred dollars or five thousand francs ;

16. Crimes and offenses relating to the traffic in women and children ;

17. Crimes and offenses covered by the laws concerning the use of and traffic in opium and other narcotics.

Extradition shall also be granted for the attempt to commit the acts listed above, for participation or complicity in the said acts, when such attempt, participation or complicity is punishable according to the laws of the two countries.

#### Article III.

Requisitions for extradition shall be made by the diplomatic agents, or, in their absence, either from the country or its seat of government, by the consuls or consular agents.

If the requisition concerns a fugitive who has been convicted after a hearing in court (*contradictoirement*), it must be accompanied with a duly authenticated copy of the sentence ; if it concerns a fugitive who has merely been charged with a crime or offense or convicted in his default or absence, it must be accompanied with a duly authenticated copy of the warrant of arrest and of the depositions or other evidence upon which such warrant was issued. The procedure of extradition shall be followed according to the laws regulating extradition in force in the country on which the requisition is made.

#### Article IV.

The arrest of the fugitive criminal may be requested on information even by telegraph, of the existence of a judgment of conviction or of a warrant of arrest.

In Monaco, the application for the arrest shall be addressed to the Minister of State, who shall transmit it to the proper authority.

In the United States of America, the application for arrest shall be addressed to the Secretary of State, who shall deliver a warrant certifying that the application is regular and requesting the competent authorities to take action thereon in conformity with law.

In each country, in case of urgency, the application for arrest may be addressed directly to the competent magistrate in conformity with the laws in force.

In both countries, the person provisionally arrested shall be released, if, within a period of forty days from the date of arrest in Monaco, or from the date of commitment in the United States of America, the formal requisition for extradition accompanied with the documents prescribed in the foregoing article has not been submitted by the diplomatic agent of the country making the requisition or, in his absence, by a consul or consular agent of said country.

*Article V.*

The Contracting Parties shall not be bound to deliver up their own citizens or subjects under the stipulations of this Treaty.

*Article VI.*

No person shall be surrendered if the offense for which his extradition is requested is of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

If any question arises as to whether a case comes within the provisions of this article, the authorities of the Government on which the requisition is made shall decide.

However, when the violation comprises the act of murder, assassination or poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the Sovereign or Head of any State, or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense is of a political character, or that it has any connection with crimes or offenses of a political character.

*Article VII.*

No person surrendered by one of the High Contracting Parties to the other shall be prosecuted, judged or punished for any crime or offense committed prior to his extradition other than the offense for which his surrender was accorded, and no person shall be arrested or detained by civil process for a cause prior to the extradition, unless, in either case, he has been at liberty for one month to leave the country, after having been tried, or, in case of conviction, after having either served his sentence or obtained pardon.

*Article VIII.*

Extradition shall not be granted, under the stipulations of this Convention, if the person claimed has been tried for the same act in the country to which the requisition is addressed, or if, subsequent to the acts with which he is charged, the prosecution or the conviction, the action or the sentence has become barred by limitation, according to the law of the said country.

*Article IX.*

If, at the time of the requisition, the person claimed is being prosecuted, or has been convicted of a crime or offense committed in the country of refuge, his extradition may be deferred until such prosecution is terminated, and/or until he has been released in conformity with law.

*Article X.*

If the person claimed by one of the High Contracting Parties, in virtue of this Treaty, is also claimed by one or more other Powers on account of crimes or offenses committed in their respective jurisdictions, his extradition shall be granted to the State whose demand is received first ; unless

the Government from which extradition is asked is bound by treaty, in case of concurrent demands, to accord preference to the one that is first in date, in which event that rule shall be followed, unless also an arrangement exists between the demanding Governments which would decide the preference either on account of the gravity of the offenses committed or for any other reason.

*Article XI.*

All articles seized which were in the possession of the person to be surrendered at the time of his arrest, whether they are the proceeds of the crime or offense charged, or can be used as elements to establish the proof of the crime or offense, shall, so far as practicable, and if the competent authority of the State applied to orders the delivery thereof, be given up at the time the extradition is effected. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

*Article XII.*

The expenses occasioned by the arrest, examination and delivery of the persons claimed shall be borne by the Government requesting the extradition. However, such Government shall not have to bear any expense for the services of such public officers or functionaries of the Government from which extradition is sought as receive a fixed salary from the State. It is understood that the charge for the services of such public officers or functionaries as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which the extradition is requested.

*Article XIII.*

This Treaty shall take effect in 30 days after the date of the exchange of ratifications, and shall not operate retroactively.

The ratifications of this Treaty shall be exchanged at Monaco as soon as possible, and it shall continue to produce its effects for a period of six months after either of the High Contracting Parties shall have given notice of its intention to terminate it.

In witness whereof, the respective Plenipotentiaries have signed the above articles both in English and French and have hereunto affixed their seals.

Done, in duplicate, at Monaco, this fifteenth day of February, in the year nineteen hundred and thirty-nine.

(Seal) Paul C. SQUIRE.

(Seal) H. MAURAN.

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,  
*Director of Personnel.*