

N° 452.

DANEMARK ET FINLANDE

Convention concernant l'extradition
réciproque des malfaiteurs entre
les deux pays, signée à Copenha-
gue le 12 février 1923.

DENMARK AND FINLAND

Convention concerning the reciprocal
extradition of criminals from the
two countries, signed at Copenha-
gen, February 12, 1923.

TEXTE SUÉDOIS. — SWEDISH TEXT.

No. 452. — KÖNVENTION¹ OM ÖMSESIDIGT UTLÄMNANDE AV FÖRBRYTARE MELLAN FINLAND OCH DANMARK, UNDERTECKNAD I KÖPENHAMN DEN 12 FEBRUARI 1923.

Official Danish and Swedish texts communicated by the Danish Minister at Berne and the Finnish Minister for Foreign Affairs. The registration of this Convention took place July 5, 1923.

REPUBLIKEN FINLANDS PRESIDENT OCH HANS MAJESTÄT KONUNGEN AV DANMARK, vilka hava överenskommit om att avsluta en konvention om ömsesidigt utlämnande av förbrytare, hava i detta avseende till Sina fullmäktige utsett :

REPUBLIKEN FINLANDS PRESIDENT :

Jurisutriusquedoktorn Karl Gustaf IDMAN, Republiken Finlands utomordentliga sändebud och befullmäktigade minister i Köpenhamn,

HANS MAJESTÄT KONUNGEN AV DANMARK :

Hans Excellens Christian Magdalus Thestrup COLD, Hans Majestäts utrikesminister,

vilka , efter att hava meddelat varandra sina fullmakter, som befunnits i god och behörig form, hava överenskommit om följande artiklar :

Artikel 1.

De kontraherande parterna förbinda sig att i enlighet med nedan angivna bestämmelser ömsesidigt utlämna personer, som äro dömda, tilltalade eller misstänkta för någon av nedan uppräknade förbrytelser, förutsatt att sådan förbrytelse, i och för sig, eller begången under försvärande omständigheter, enligt såväl finsk allmän strafflag eller sjölag som dansk lagstiftning, är belagd med svårare straff än fängelse, nämligen :

1. Våld emot offentlig myndighet.
2. Mened ; falsk utsaga.
3. Tvegifte.
4. Lägersmål i förbudna led.
5. Lögersmål, förövat med otillräknelig kvinna eller med kvinna, som är i medvetslöst tillstånd eller som ej kan sig värja, eller med person, till vilken den brottslige stått i särskild ställning ; otukt med flicka under femton år.
6. Koppleri ; förledande av dotter eller kvinnlig person, till vilken den brottslige stått i särskild ställning, till lägersmål med annan.
7. Mord, barnamord däri inbegripet ; dråp.
8. Misshandel, varav döden eller skada följt.
9. Fosterfördrivning.

¹ The exchange of ratifications took place at Helsingfors, May 2, 1923.

¹ TRANSLATION.

No. 452. — CONVENTION CONCERNING THE RECIPROCAL EXTRADITION OF CRIMINALS BETWEEN DENMARK AND FINLAND, SIGNED AT COPENHAGEN, FEBRUARY 12, 1923.

THE PRESIDENT OF THE REPUBLIC OF FINLAND and HIS MAJESTY, THE KING OF DENMARK, having agreed to conclude a Convention concerning the reciprocal extradition of criminals, have appointed for this purpose their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

Karl Gustaf IDMAN, L. L. D., Envoy Extraordinary and Minister Plenipotentiary of the Republic of Finland in Copenhagen.

HIS MAJESTY, THE KING OF DENMARK :

His Excellency Christian Magdalus Thestrub COLD, His Majesty's Minister for Foreign Affairs,

who, after communicating their full powers, found in good and due form, have agreed upon the following Provisions.

Article 1.

The Contracting Parties undertake, in conformity with the provisions set forth below, to extradite, on a basis of reciprocity, persons who have been convicted of, are under indictment for, or accused of any of the crimes enumerated below, provided that such crimes, either in themselves or on account of the fact that they were committed under circumstances aggravating their seriousness, are punishable under Finnish Common Law, Maritime Law, and Danish law with heavier penalties than imprisonment, to wit :

- (1) Violence committed against a public authority.
- (2) Perjury ; false declaration.
- (3) Bigamy.
- (4) Incest.
- (5) Fornication committed with irresponsible women or with women who are in a state of unconsciousness, or are unable to protect themselves, or with a person in respect of whom the criminal stands in special relationship ; fornication with a young girl under fifteen.
- (6) Procuration ; the delivery of a daughter or female person in respect of whom the criminal stands in special relationship to another person for purposes of prostitution.
- (7) Murder (Including infanticide) ; manslaughter.
- (8) Assault, resulting in death or bodily injury.
- (9) Abortion.
- (10) Assault on helpless persons.

¹ Translated by the Secretariat of the League of Nations.

- (11) Illicit deprivation of another's freedom.
- (12) Illegal separation of a child under fifteen from the care of its parents or from other care.
- (13) Abduction of females under age with their consent, but without the consent of their guardian or other custodian, for delivery to prostitution.
- (14) Rape.
- (15) False accusation, malicious prosecution.
- (16) Robbery ; burglary, illicit dealing in stolen goods.
- (17) Fraud ; embezzlement.
- (18) Robbery with violence ; blackmail, illicit dealing in goods which are the proceeds of robbery with violence or blackmail.
- (19) Arson, destruction by means of explosives ; the causing of inundation, railway accidents or accidents at sea ; or action involving the danger of such damages or accidents.
- (20) Poisoning ; the distribution of noxious products.
- (21) The causing of dangerous infectious disease among human beings or domestic animals ; the intentional communication of venereal disease.
- (22) Forgery or falsification of public or private deeds ; the illicit use of forged or falsified deeds.
- (23) Imitation or falsification of public stamps or seals ; the illicit use of such stamps or seals.
- (24) Imitation or falsification of current coinage or money ; the use of counterfeit or falsified coinage or money.
- (25) Fraudulent bankruptcy.
- (26) Keeping a false ship's log.
- (27) Mutiny at sea ; attack by seamen on the person in charge of the vessel.

The above-mentioned cases, which are grounds for extradition, shall also cover attempts to commit, or complicity in, the said crimes

Article 2.

Extradition may further be demanded in the case of persons who are convicted, indicted or accused in respect of an offence against the Military Penal Law, in so far as the punishable act, if committed by a person not amenable to Military Law, may constitute a cause for extradition under Article 1.

Article 3.

Extradition shall not be granted by either State for crimes, committed within its own territory or on board one of its own vessels, when that vessel is on the open sea.

If the crime, for which extradition is requested, was committed outside the territory of the State making the request, such extradition shall only be conceded if, under the laws of the State to which the application is made, the act in question is, in corresponding circumstances, regarded as an offence when committed outside its territory.

Article 4.

Neither of the Contracting Parties shall extradite to the other its own nationals. The states reserve the right to refuse to extradite foreigners, who have been permanently resident in the

country for two years previously, unless the demand for extradition is made with reference to an offence committed before the person became resident in the country.

Article 5.

Extradition shall not take place for any political crime.

Political crimes shall not be taken to include the murder or attempt to murder the head of the other State or any member of his family. Such act, however, shall not be regarded as murder, if it occurs in open battle.

In questions as to how far a crime may be regarded as being of a political character, the matter shall be decided by the Party to whom the request for extradition has been addressed.

Article 6.

Extradition shall not take place :

(1) If judgment has already been given or the accused has been committed before the Court in the State to which the request has been addressed in respect of the offence for which extradition is demanded.

(2) If the power to lodge an indictment, to award a sentence, or cause a sentence to be carried out has lapsed under the laws of the State to whom the request is addressed.

Article 7.

If the person whose extradition is in question is, in the State to which the demand has been addressed, under sentence or under indictment for any punishable act other than that for which his extradition has been demanded, extradition shall not take place until he has fully served the term to which he was sentenced or might have been sentenced ; nevertheless, he may, for the special purpose of undergoing examination, be extradited provisionally, if the State claiming him undertake that immediately after the final judgment has been pronounced he will be handed back to the authorities of the State from which he was provisionally extradited.

Article 8.

No one, who is extradited from one of the two States to the other, shall be liable in the latter to indictment or punishment for any offence committed before the extradition other than that for which he was extradited, nor, except in the case referred to in Article 10, § 2, shall he be extradited to a third State, unless he shall have freely and openly given his consent thereto before the court or otherwise or unless, after he is finally acquitted or released, having served his full sentence, he either omits to leave the country within one month — although there may be nothing to prevent him — or else returns thither, after having previously left.

So long as the extradited person does not commit any fresh offence, no action whatever shall be taken to prevent him leaving the country before the expiration of the period of one month referred to in the preceding paragraph.

The extradited person may not, in respect of the offence for which he was extradited, be committed before a court which has only been constituted for the occasion or which, as an exceptional measure for a given situation, has been granted power to judge or to pronounce sentence in connection with such case.

When extradition is conceded for an offence under military law, the extradited person may only be sentenced for such criminal action if it would also be punishable both under Finnish Common Law and Maritime Law and under Danish Law.

Article 9.

Demands for extradition shall be transmitted through diplomatic channels. The demands shall contain information concerning the national status of the individual in question, and there shall be transmitted therewith an original or certified copy of either the sentence pronounced by a court or else of an order issued by a court or other proper authority for the arrest or imprisonment of the accused, giving details with regard to the nature of the offence and the time and place at which it was committed. There shall, moreover, be attached to the demand a copy of the Penal Regulations in force in the country formulating the request, which are applicable to the crime and, if possible, a description of the individual required. Special evidence concerning guilt of the individual claimed shall not in any case be required.

Article 10.

Should it happen that similar demands are likewise received from one or more other States concerning an individual whose extradition has been demanded by one or other of the parties in virtue of this Convention, it shall be for the State to which the demands have been forwarded to decide to which of them the individual should be delivered.

If several States have demanded the extradition of the same individual on different charges, it shall be required, as a condition of extradition to one of the said States, that it shall undertake, after the individual in question has served his sentence in the last named State, to extradite him to another State.

Article 11.

In urgent cases, and particularly when there is any danger of the individual in question escaping, a provincial Governor (Landshövding), a Mayor, a Chief Constable, a Justice of the Peace (Ordringsman), a District Attorney (Kronofogde) or a District Sheriff's Officer (Kronolänsman) in Finland, and in Denmark the Advocate General (Ricksadvokat) a State Advocate (Statsadvokat). The Director of Police in Copenhagen, a Chief Constable and the Heads of Municipal Police Forces may, before the formal transmission of a request for extradition, enter into direct postal or telegraphic communication with one another and request the provisional arrest of a criminal. Such requests for provisional arrest shall be accompanied by information concerning the offence which the individual has committed and the time and place at which the offence occurred, a declaration that the judgment or decision referred to in Article 9 has been recorded, and, if possible, information concerning the individual's nationality, together with his description. These applications shall further contain a declaration to the effect that a formal demand for the extradition of the individual in question will subsequently be presented.

If an arrest is made in conformity with the foregoing provisions, and if a formal demand for the arrested individual's extradition is not transmitted to the Ministry of Foreign Affairs in the State in which the arrest was made within four weeks of such arrest, the last named State shall be entitled to release the prisoner.

Article 12.

When extradition has been granted, the State which has requested such extradition shall be responsible for taking delivery of the individual in question within three weeks of receiving notice that extradition may be carried out. If it should fail to do so, the other State shall be entitled to release the prisoner.

Article 13.

All objects which were found in the possession of the individual whose extradition has been demanded, at the time of his arrest, and taken charge of, and which may be considered to be important as evidence in respect of the offence with which he is charged, or which the accused might claim to have handed over to him, shall, if extradition is conceded, be given over into the keeping of the other State at the time when the prisoner is extradited.

The right of any third party to such objects shall nevertheless remain unaffected ; and after the trial is over the objects shall be returned free of all charges to the person entitled to receive them, unless special circumstances compel the adoption of some other course.

Article 14.

If one of the Contracting Parties to whom a person is extradited desires, without regard to the conditions referred to in Article 8, that the said person shall be proceeded against for an offence committed before extradition, other than the offence in respect of which he was extradited, or if the Contracting Party in question desires to extradite him to a third State, permission to do so shall be obtained through diplomatic channels. The application shall contain or be accompanied by information regarding the nature, time and place of the offence.

Article 15.

If either of the Contracting States finds it necessary, in connection with a prosecution for a non-political offence, to interrogate witnesses who are in the other State, or to institute any other enquiry for investigating the case in the said State, written application to this effect shall be sent through diplomatic channels ; such a request shall be acceded to so far as the laws of the State to which the application is addressed may point. In such case it shall be the duty of the authorities in the State to which the application is sent, to give the authorities of the State which has submitted the application timely information, so far as possible, regarding the date and place arranged for the proceedings.

Article 16.

When it is considered necessary or desirable in either State, in connection with a prosecution for a non-political offence, to obtain evidence or documents which are in the custody of the authorities of the other State, an application to this effect shall be acceded to unless, in any particular case, there are objections to doing so.

Article 17.

If a person has to be extradited from one of the Contracting States to a third State, and has to be transported for that purpose across the territory of the other State, the latter shall not raise objections to his passage unless the person in question is a citizen of that State. In such cases the application for permission for transport across the territory of the other State shall be made through diplomatic channels and shall be accompanied by the original or duly certified copy of the decision authorising the extradition, or else by a document such as is referred to in Article 9. The same rules shall apply if a person has to be extradited from a third State to one of the Contracting States. The person extradited shall be accompanied by an official of the transit State while passing through the territory of that State.

Article 18.

Expenditure which is incurred in pursuance of the arrangements laid down in this Convention shall be defrayed by each of the Contracting Parties within its own territory ; with the exception of expenses incurred in connection with the transport in transit through another State, as provided in Article 17.

Article 19.

The present Convention, which shall not apply to Greenland, shall be ratified and shall come into force 10 days after the exchange of the instruments of ratification. It shall remain in force for 6 months after it has been denounced by either of the Contracting Parties.

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

Done at Copenhagen in two copies on February 12, 1923.

(L. S.) C. M. T. COLD.

(L. S.) K. G. IDMAN.