

N° 629.

ÉTATS-UNIS D'AMÉRIQUE
ET SIAM

Traité d'extradition, signé à Bangkok
le 30 décembre 1922.

UNITED STATES OF AMERICA
AND SIAM

Extradition Treaty, signed at Bang-
kok, December 30, 1922.

No. 629. — EXTRADITION¹ TREATY BETWEEN THE UNITED STATES OF AMERICA AND SIAM, SIGNED AT BANGKOK, DECEMBER 30, 1922.

*Texte officiel anglais communiqué par le Représentant du Siam auprès de la Société des Nations.
L'enregistrement de ce traité a eu lieu le 13 juin 1924.*

SIAM and THE UNITED STATES OF AMERICA, 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 :

HIS MAJESTY THE KING:

HIS ROYAL HIGHNESS PRINCE DEVAWONGSE VAROPAKAR, Minister for Foreign Affairs, and

THE PRESIDENT :

Edward E. BRODIE, Envoy Extraordinary and Minister Plenipotentiary of the United States to Siam,

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

Article 1.

It is agreed that the Government of Siam and the Government of the United States shall, upon requisition duly made as herein provided, deliver up to justice any person, over whom they respectively exercise jurisdiction who may be charged with, or may have been convicted of, any of the crimes specified in Article 2 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 :

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

¹ L'échange des ratifications a eu lieu à Bangkok, le 24 mars 1924.

¹ TRADUCTION. — TRANSLATION.No. 629. — TRAITÉ D'EXTRADITION² ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE SIAM, SIGNÉ A BANGKOK LE 30 DÉCEMBRE 1922.

English official text communicated by the Siamese Representative accredited to the League of Nations. The registration of this Treaty took place June 13, 1924.

LE SIAM et LES ETATS-UNIS D'AMÉRIQUE, désireux de servir la cause de la justice, ont résolu de conclure un traité pour l'extradition des prévenus ou condamnés qui se dérobent à l'action de la justice, et ont désigné, à cette fin, les plénipotentiaires suivants :

Pour SA MAJESTÉ LE ROI :

Son Altesse Royale le Prince DEVAWONGSE VAROPAKAR, Ministre des Affaires étrangères ;

Pour LE PRÉSIDENT DES ETATS-UNIS :

M. EDWARD E. BRODIE, Envoyé extraordinaire et Ministre plénipotentiaire des Etats-Unis au Siam,

lesquels, après avoir échangé leurs pouvoirs et les avoir reconnus être en bonne et due forme, ont arrêté et conclu le Traité suivant :

Article 1.

Il est convenu que le Gouvernement du Siam et le Gouvernement des Etats-Unis remettront 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 et commis dans les limites de la juridiction de l'une des Hautes Parties contractantes qui cherchera un refuge ou sera découvert sur le territoire de l'autre partie ; toutefois cette remise à la justice ne pourra avoir lieu que s'il existe des preuves suffisantes selon les lois du pays où le fugitif aura été découvert pour motiver son arrestation et sa mise en jugement, au cas où le crime ou le délit aurait été commis dans ledit pays.

Article 2.

Aux termes du présent Traité, seront remises à la justice les personnes qui auront été accusées ou reconnues coupables de l'un des crimes ou délits suivants :

1. Meurtre, ce mot comprenant les crimes de parricide, assassinat, homicide volontaire, empoisonnement et infanticide.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Bangkok, March 24, 1924.

- (2) The attempt to commit murder.
- (3) Rape, abortion, carnal knowledge of children under the age of twelve 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, defined to be the act of breaking into and entering the house of another in the night-time with intent to commit a felony therein.
- (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, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.
- (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 Siamese equivalent.
- (16) Embezzlement by any person or 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 Siamese 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 Siamese equivalent.
- (19) Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable 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 Siamese equivalent.

(20) Perjury or subornation of 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 anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or Siamese 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.

(24) Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact ; provided such participation be punishable by imprisonment by the laws of both the High Contracting Parties

Article 3.

§ The provisions of the present Treaty shall not import a claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences ; and no person surrendered by or to either of the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offence. When the offence charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offence was committed or attempted against the life of the Sovereign or Head of a Foreign State or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offence was of a political character ; or was an act connected with crimes or offences of a political character.

Article 4.

No person shall be tried for any crime or offence other than that for which he was surrendered.

Article 5.

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

Article 6.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

Article 7.

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

Article 8.

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens.

Article 9.

The expense of arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

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 11.

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 its seat of Government, or where extradition is sought from territory included in the preceding paragraphs, other than Siam or the United States, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Siam, 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.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

Article 12.

In every case of a request made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of the 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 whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition ; provided, however, that any officer or officers of the surrendering Government so 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 13.

The present Treaty 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 Bangkok as soon as possible.

Article 14.

The present Treaty shall remain in force for a period of ten 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 Bangkok this thirtieth day of December, nineteen hundred and twenty-two.

(L. S.) DEVAWONGSE.

(L. S.) EDWARD E. BRODIE.