

N° 990.

FINLANDE ET LETTONIE

Convention d'extradition et d'assistance judiciaire en matière criminelle, signée à Riga, le 7 juin 1924.

FINLAND AND LATVIA

Convention relating to Extradition and Legal Assistance in Criminal Proceedings, signed at Riga, June 7, 1924.

¹ TRADUCTION. — TRANSLATION.No. 990. — CONVENTION ² RELATING TO EXTRADITION AND LEGAL ASSISTANCE IN CRIMINAL PROCEEDINGS BETWEEN FINLAND AND LATVIA, SIGNED AT RIGA, JUNE 7, 1924.

French official text communicated by the Finnish Minister for Foreign Affairs and by the Latvian Ministry for Foreign Affairs. The registration of this Agreement took place October 30, 1925.

THE REPUBLIC OF LATVIA and THE REPUBLIC OF FINLAND have resolved to conclude a Convention relating to extradition and legal assistance in criminal proceedings, and have for that purpose appointed as their Plenipotentiaries :

LATVIA :

M. Germain ALBAT, Minister Plenipotentiary, Secretary-General of the Ministry for Foreign Affairs ;

FINLAND :

M. Rudolf HOLSTI, Doctor of Letters, Former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of Finland to the Government of the Latvian Republic, Commander First Class of the Order of the White Rose, etc. ;

who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

Article 1.

The Contracting Parties undertake to deliver up to each other, in the cases and under the circumstances specified in this Convention, those persons who, being convicted or accused of or detained for any of the offences enumerated in Article 2 committed within the territory of the one Contracting Party, shall be found within the territory of the other Party.

Article 2.

Extradition shall be granted for any of the offences enumerated below, provided that it is a crime or misdemeanour punishable under Latvian legislation with a minimum sentence of 12 months' imprisonment, and under Finnish legislation with a more severe sentence than imprisonment :

- (1) Homicide, deliberate or accidental ; infanticide, abortion.
- (2) Exposure of a person unable to protect himself or deliberate desertion of such a person.

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 Riga, October 24, 1925.

- (3) Deliberately inflicting bodily injury, poisoning, or deliberately administering any other substance injurious to health.
- (4) Being concerned in a brawl resulting in death or grievous bodily injury.
- (5) Deliberately depriving a person of his freedom.
- (6) Substitution of a child or false claim.
- (7) Abduction of a minor, or forcible abduction of a person who has attained his or her majority.
- (8) Bigamy, incest, indecent assault upon a female under the age of fourteen, carnal knowledge of a person under the authority of the offender, rape, procuring.
- (9) Theft, receiving, embezzlement, peculation, extortion.
- (10) Fraud.
- (11) Fraudulent bankruptcy.
- (12) Counterfeiting or falsification of coins or paper money or credit documents, banknotes, share certificates and other securities treated by the law as equivalent to paper money, with the intention of putting such counterfeit money or forged securities or clipped coins into circulation as good; importing from abroad counterfeit money or forged securities or clipped coins with the same intention, or deliberately putting into circulation counterfeit money or securities or clipped coins.
- (13) Counterfeiting or falsifying Government marks, notably postage stamps, revenue stamps and other duty stamps.
- (14) Forgery, deliberately issuing a false affidavit, using a forgery or false affidavit, or destroying, removing or misplacing landmarks, or deliberately and illegally destroying or suppressing documents.
- (15) Arson, or deliberately causing an explosion, the collapse of a building, or a flood.
- (16) Deliberately causing a ship to be stranded or to founder, or deliberately endangering the safety of shipping.
- (17) Resistance or assault by members of the crew of a vessel against the captain or other superior officer.
- (18) Deliberately endangering the safety of a railway line.
- (19) Poisoning springs, wells, aqueducts or reservoirs or articles intended for public sale or for the consumption or use of another, admixing foreign matters injurious to health, deliberately putting into circulation poisoned articles or articles mixed with such matters.
- (20) Deliberately endangering the life, health or property of another by the use of explosives.
- (21) Combining with others to commit public acts of violence upon persons or property.
- (22) Deliberately freeing a prisoner or assisting him to gain his freedom or to escape.
- (23) Perjury by a party, witness or expert, false statements amounting to perjury, slanderous accusation.

Extradition will also be granted for attempts to commit the offences enumerated above, or for complicity (provocation, aid and assistance), provided that such attempt or complicity

is punishable under the legislation of both Contracting Parties with the sentence mentioned in the first paragraph.

Note. — The list of extradition offences may at any time be supplemented by agreement between the Governments of the Contracting Parties, and the provisions of this Convention shall apply to offences added to the list as if they had been enumerated therein.

Article 3.

Extradition shall not be granted for political crimes or offences, except such as have the predominant character of common law offences. This question shall in each instance be determined by the judgment of the State applied to.

Article 4.

In no case and under no circumstances shall the Contracting Parties be bound to deliver up to each other their own nationals, whether native born or naturalised.

Extradition shall not take place in respect of offences committed within the territory of the State applied to or on board a vessel of its nationality.

If the offence for which extradition is applied for was committed outside the territory of the State applying, extradition shall only be granted if the legislation of the State applied to allows of proceedings in similar circumstances for a similar offence committed outside its territory.

Article 5.

Extradition shall not be granted :

- (a) If exemption from prosecution or punishment has been acquired by lapse of time under the legislation of the State applied to ;
- (b) If the person whose extradition is applied for has been convicted of the same offence or acquitted or pardoned in the State in question.

Note. — Extradition may be refused while proceedings are in progress or if the case is dismissed for lack of sufficient ground.

Article 6.

If the person to be extradited is being prosecuted or serving a term in the State applied to for another offence, extradition shall not take place until the termination of the proceedings or expiry of the term, or until the person in question is released. Provisional extradition may, however, be granted on condition that the person in question is sent back when the State applying has completed the enquiry or judicial proceedings.

Article 7.

No person surrendered by one Contracting Party to the other shall be prosecuted or punished in the territory of the latter for any offence committed prior to his extradition except the offence for which extradition was granted, nor, except in the case specified in Article 10, paragraph 2, shall any such person be surrendered to a third State, unless special consent has been given in accordance with Article 9, or unless, having been finally acquitted, or released on the complete expiry of his term or as the result of the dismissal of the case or the remission of his sentence, he has failed to leave the country within thirty days although perfectly free to do so, or unless he again returns there.

During the period of thirty days mentioned in the preceding paragraph, the person extradited shall not be hindered in any way from leaving the country, unless he has committed a fresh offence.

No person surrendered by one of the Contracting Parties to the other shall be prosecuted for the offence for which he has been extradited in a court which is only invested temporarily, or in special circumstances, with exceptional power to hear such cases.

Article 8.

The application for extradition shall be made through the diplomatic channel. In it the nationality of the person shall be stated, and it shall be accompanied by the original or a certified copy either of a sentence of condemnation passed by a court, or of a warrant of arrest issued by a court or, in Latvia, by a competent magistrate and, in Finland, by a competent prefect of department ("Maaherra" or "Landshövding"), such sentence or warrant to specify the nature of the offence and the date and place at which it was committed. The text of the penal laws in force in the State applying, and applicable to the offence, as also, if possible, the description of the person whose extradition is required, shall be attached to the application for extradition.

If the documents forwarded are incomplete, or if further particulars on any point should be required, the State applying may be requested to furnish such additional information.

In no case shall the State applying be required to produce evidence of the guilt of the person whose extradition is applied for.

Article 9.

The request for consent mentioned in Article 7 shall be made through the diplomatic channel. It shall state the nature of the offence and the date and place at which it was committed, or shall be accompanied by documents containing those particulars. If the object of the request is to place the person extradited on his trial, and if the offence alleged is one for which, under the terms of this Convention, extradition cannot be refused, authorisation shall be granted.

Article 10.

If the person whose extradition is applied for by one of the Contracting Parties under the provisions of this Convention is at the same time the subject of applications by another State or States, it shall be for the State applied to to decide which of the States applying shall be given preference.

If, in the above-mentioned case, the applications for extradition relate to different offences, the State applied to may, in granting extradition, make it a condition that the person concerned shall be surrendered to another State on the expiry of his term.

Article 11.

Pending the receipt of the formal application for the extradition of an offender, the latter may be provisionally arrested. The application for arrest may be made through the diplomatic channel. Nevertheless, in urgent cases, notably if there is reason to apprehend the flight of the offender, such application may be made directly as between the competent magistrates in Latvia and the competent prefects of department ("Maaherra" or "Landshövding") in Finland. The application shall state the offence of which the person in question is accused, the date and place at which it was committed, and, if possible, the nationality and description of the accused, and shall give notice of the existence of a sentence of condemnation or a warrant of arrest as provided in Article 8. Notice shall also be given that a formal application for the extradition of the person in question will be made later.

If the person in question has been provisionally arrested in accordance with the foregoing provisions, and if, within thirty days of the day on which the State applying received notice of his arrest, the State applied to does not receive through the diplomatic channel a formal application for his extradition, he may be set at liberty.

Article 12.

If extradition has been granted, the State applying must take steps to obtain the surrender of the person to be extradited within thirty days of the day on which it receives notice that extradition may be carried out forthwith. On the expiry of this period the person in question may be set at liberty.

Extradition shall take place at a point on the frontier of the State applied to which shall be selected by that State.

Article 13.

When a person has been arrested in accordance with the provisions of this Convention, all articles in his possession at the time of his arrest which may be of any importance in establishing the offence of which he is accused, or which may be required by the prosecution, shall be seized and shall, if extradition is granted, be handed over to the authorities of the State applying.

In connection with such articles the State applied to may make any reservations it may think necessary to safeguard the rights of third parties.

Article 14.

If a person is surrendered by one of the Contracting Parties to a third State, and if it is necessary to convey him through the territory of the other Party, the latter may raise no objection to such passage unless the person concerned is one of its own nationals. The request for free passage shall be made through the diplomatic channel, and shall be accompanied by the original or a certified copy of the extradition order, or by a document containing a sentence or warrant as provided in Article 8. The same provisions shall be applicable where a person is surrendered by a third State to one of the Contracting Parties. The passage shall take place under escort of an official of the State whose territory is crossed.

Article 15.

If, in the course of a prosecution for a criminal offence for which extradition must be granted under the provisions of this Convention, a judicial authority of one of the Contracting Parties considers it necessary to hear witnesses who are in the territory of the other State, or to take other proceedings by way of examination, the request for such action shall be made in writing and through the diplomatic channel, and shall be complied with so far as is permitted by the legislation of the State in which the witness is to be heard or the proceedings to be taken.

If the State applying so requests, it shall, if possible, be notified sufficiently in advance of the date and place at which the action applied for is to be taken.

Article 16.

If, in the course of a prosecution for a criminal offence for which extradition must be granted under the provisions of this Convention, the production of articles or papers which may serve as proof of the offence, and which are in the possession of the authorities of the other State, is deemed

necessary, the request for such production shall be made through the diplomatic channel, and shall be complied with unless there are special reasons for not doing so in any particular case, and subject to the right of the State applied to to make it a condition of such production that the articles or papers in question shall be restored.

Article 17.

The expenses occasioned by the application of the measures provided for by this Convention, with the exception of the expenses of conveyance across the territory of one of the Contracting Parties as provided for in Article 14, shall be defrayed by the State in whose territory such measures are taken.

Article 18.

All documents produced in cases to which this Convention applies shall be drawn up in French or accompanied by a certified translation into French.

Article 19.

The present Convention shall be ratified in accordance with the legislation of the Contracting Parties and shall come into force ten days after the exchange of ratifications. It shall remain in force until the expiry of a period of six months reckoned from the date of its denunciation by either of the Contracting Parties.

In witness whereof the Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Riga on June the seventh, One Thousand Nine Hundred and Twenty-Four.

(L. S.) (Signed) G. ALBAT,

(L. S.) (Signed) RUDOLF HOLSTI.