

N° 1044.

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**ESTHONIE ET FINLANDE**

**Convention d'extradition, signée à  
Tallinn, le 2 janvier 1925.**

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**ESTHONIA AND FINLAND**

**Extradition Convention, signed at  
Tallinn, January 2, 1925.**

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

No. 1044. — EXTRADITION CONVENTION<sup>2</sup> BETWEEN ESTHONIA AND FINLAND, SIGNED AT TALLINN, JANUARY 2, 1925.

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*French official text communicated by the Esthonian and Finnish Ministers for Foreign Affairs.  
The registration of this Convention took place January 4, 1926.*

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THE ESTHONIAN REPUBLIC and THE FINNISH REPUBLIC, having resolved to conclude an Extradition Convention, have appointed as their Plenipotentiaries :

ESTHONIA :

M. Kaarel Robert PUSTA, Minister for Foreign Affairs ;

FINLAND :

Dr. Eino Rudolph HOLSTI, Envoy Extraordinary and Minister Plenipotentiary at Tallinn ;

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 to each other, under the circumstances and conditions stated in the present Convention, those persons who, being convicted or accused of, or detained for, any of the offences enumerated in Article 2, committed in the territory of one of the Contracting Parties, shall be found within the territory of the other Party.

*Article 2.*

Extradition shall be granted in respect of the acts enumerated below, provided that they constitute a crime or offence punishable under Esthonian law with not less than one year's imprisonment and under Finnish law with a penalty more severe than imprisonment, viz. :

(1) Murder or manslaughter, infanticide, abortion.

(2) Exposure of a person unable to protect himself, deliberate abandonment of such person.

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

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

<sup>2</sup> The exchange of ratifications took place at Tallinn, December 5, 1925.

- (3) Maliciously wounding, maliciously administering poison or any other substance injurious to health.
- (4) Participation in a riot resulting in death or grievous bodily harm.
- (5) Deliberately depriving a person of his liberty.
- (6) Substitution of children, false allegation of parenthood.
- (7) Abduction of a minor, abduction of a person of full legal age without his or her consent.
- (8) Bigamy, incest, indecent assault on a female under 14 years of age, sexual intercourse with a person under the authority of the offender, rape, procuring.
  - (9) Theft, receiving of stolen goods, embezzlement, peculation, extortion.
  - (10) Swindling.
  - (11) Fraudulent bankruptcy.
  - (12) Counterfeiting or debasing coinage, paper money, letters of credit, banknotes, shares and other securities legally placed on the same footing as paper money, and clipping coinage, with intent to bring into circulation the false coinage or forged securities as genuine or the clipped coinage as good ; importing from abroad with the same intent false coinage, forged securities or clipped coinage ; or deliberately bringing into circulation false coinage, forged securities or clipped coinage.
  - (13) Counterfeiting or tampering with Government marks, particularly postage-stamps, fiscal stamps and other revenue stamps.
  - (14) Forgery of entry or documents, deliberate uttering of a false affidavit ; use of a forged document or false affidavit ; destruction, removal or misplacement of landmarks ; deliberately and unlawfully damaging, destroying or suppressing documents.
  - (15) Malicious acts causing fires, explosions, collapses of buildings, or floods.
  - (16) Malicious acts causing the wreck or foundering of a vessel, malicious acts endangering the safety of shipping.
  - (17) Mutiny of members of the crew of a vessel against the captain or other superior.
  - (18) Malicious acts endangering the safety of railway lines.
  - (19) Poisoning of springs, wells, aqueducts or water-reservoirs or articles destined for public sale or for the consumption or use of other persons, admixture of substances injurious to health, deliberate circulation of poisoned articles or articles containing poisonous substances.
  - (20) Deliberately endangering the life, health or property of others by the use of explosive substances.
  - (21) Acts of collective violence committed in public against persons or property.
  - (22) Deliberate rescue of a person under arrest or assisting in the rescue or escape of such person.
  - (23) Perjury by a party, by a witness or by an expert, false statements equivalent to perjury, slanderous accusation.

Extradition shall also be granted for attempts to commit the offences enumerated above or for complicity (incitement, aiding and abetting), if such attempt or complicity is punishable with

the penalty specified in the first paragraph in conformity with the respective laws of the two Contracting Parties.

*Note.* The list of offences in respect of which extradition may be granted may at any time be added to by arrangement between the Governments of the Contracting Parties, and the provisions of the present Convention shall apply to the offences added to the list as if they were contained in the original list.

*Article 3.*

Extradition shall not be granted in respect of political crimes and offences except those which are predominantly offences against common law. This circumstance shall in each case be judged by the State to which application is made.

*Article 4.*

In no case and in no circumstances shall the Contracting Parties be obliged to surrender their own subjects whether by birth or naturalisation.

Extradition shall not be granted for offences committed in the territory of the State to which application is made, or on board a vessel possessing its nationality.

If the offence for which application for extradition is made was committed outside the territory of the State applying, the application shall be granted only if the legislation of the State applied to provides in similar circumstances for prosecution in respect of an offence of the kind in question committed outside its territory.

*Article 5.*

Extradition shall not be granted :

- (a) If under the laws of the State to which application is made exemption from prosecution or punishment has been acquired by lapse of time.
- (b) If the person wanted has been sentenced in the State in question for the same offence or acquitted or granted remission of sentence.

*Note.* While proceedings are in progress, or if the case is dismissed, extradition may be refused.

*Article 6.*

If the person to be extradited is on trial or serving a sentence in the State applied to for any other offence, his extradition shall be deferred until the conclusion of the trial or until he has served his sentence or been granted remission of sentence. Provisional extradition may, however, be granted provided that the person in question is surrendered when the State applying has concluded the enquiry or judicial proceedings.

*Article 7.*

No person who has been surrendered by one of the Contracting Parties to the other may be either prosecuted or punished in the latter State for any offence committed prior to his extradition other than that for which he was extradited, nor, except in the cases provided for in Article 10, paragraph 2, may he be surrendered to a third State unless a special authorisation in conformity with Article 9 has been granted, or unless, having been finally acquitted or set at liberty on the expiration of his sentence or in consequence of a dismissal of the case or of remission of the sentence, he has not left the country within a period of thirty days being entirely free to do so, or unless, having left the country, he returns thither.

During the period of thirty days specified in the previous paragraph, persons under sentence of extradition shall in no way be prevented from leaving the country unless they commit a further offence.

Persons so surrendered may not be brought before a court for the offence for which they have been extradited if such court is declared competent to try cases of the kind referred to solely in view of this particular case or in exceptional and special circumstances.

#### *Article 8.*

Application for extradition shall be made through the diplomatic channel. The application must indicate the nationality of the person concerned, and must be accompanied by the original or a certified copy either of a sentence passed by a court or of a warrant of arrest issued by a court or, in Esthonia, by a competent examining magistrate, and, in Finland, by a prefect of department ("maaherra" or "landshövding"), stating the exact nature of the offence and the date when and the place where it was committed. It must also be accompanied by a copy of such penal provisions in force in the State applying as are applicable to the offence, and whenever possible, by a description of the person wanted.

If the documents communicated are incomplete, or if further information of any kind is considered necessary, the State applying may be asked to supply whatever is required.

A State applying shall in no case be bound to produce proofs of the guilt of the person wanted.

#### *Article 9.*

The request for the authorisation provided for in Article 7 shall be made through the diplomatic channel. The request shall indicate the nature of the offence and the date when and the place where it was committed, or shall be accompanied by documents containing those particulars. If the object of the request is to bring the person concerned to trial, and if the offence is such that under the terms of the present Convention extradition cannot be refused, authorisation shall be granted

#### *Article 10.*

If a person whose extradition is requested by one of the Contracting Parties under the terms of the present Convention is also wanted by one or more other States, the State applied to shall decide which of the States applying shall be given preference.

If in such a case the applications for extradition are in respect of different offences, the State applied to may, when granting extradition, attach thereto the condition that the person claimed shall, on the expiration of his sentence, be surrendered to another State.

#### *Article 11.*

Pending a regular application for extradition, the person concerned may be arrested provisionally. Application for arrest shall be made through the diplomatic channel. In urgent cases, however, and particularly if there is reason to apprehend the flight of the person concerned, the following authorities may send a request direct to each other: in Esthonia, the competent public prosecutors of the Court of Appeal, and in Finland, the competent Prefects of Department ("maaherra" or "landshövding"). The application shall indicate the offence of which the person in question has been found guilty, the date when and the place where it was committed, and, whenever possible, the nationality and description of the person concerned; it shall further, in accordance with Article 8, give notice of any sentence passed on or warrant of arrest issued against the person concerned. It shall also state that a regular application for the extradition of the person referred to will be made at a later date.

If the person concerned has been provisionally arrested as provided above, and if within a period of one month from the date on which the State applying receives notice of arrest the State applied to has not received a regular application for the extradition of the person under detention, the latter may be set at liberty.

*Article 12.*

If extradition is granted, the State applying shall be bound to arrange for the surrender of the person wanted within a period of thirty days from the date on which it receives notification that the extradition may be immediately carried out. After the expiration of this period the person concerned may be set at liberty.

The extradition shall take place at a point on the frontier of the State to which application is made to be determined by the latter.

*Article 13.*

When a person has been arrested under the terms of the present Convention, any articles in his possession at the time of his arrest which may be important as evidence of the offence of which he is accused, or the production of which may be claimed by the prosecutor, shall be seized, and, if extradition is granted, handed over to the authorities of the State applying for the extradition.

The State to which application is made may impose any conditions which it considers necessary with regard to such articles in order to safeguard the rights of third parties.

*Article 14.*

When a person surrendered to a third State by one of the Contracting Parties has to be sent through the territory of the other Party, the latter may not refuse to allow him passage unless he is one of its own nationals. The application for passage shall be made through the diplomatic channel, and shall be accompanied either by the original or a certified copy of the extradition warrant or by a document containing a sentence or warrant in conformity with the terms of Article 8. The same provisions shall apply if a person is surrendered by a third State to one of the Contracting Parties. Such persons shall be conveyed under the escort of an official in the service of the State whose territory is being crossed.

*Article 15.*

If, in the case of a prosecution for a penal offence in respect of which extradition must be granted in virtue of the present Convention, a judicial authority of one of the Contracting Parties considers it necessary to take the evidence of witnesses residing in the territory of the other State or to carry out any other investigation, a request to that effect shall be made in writing through the diplomatic channel, and shall be granted as far as is permitted by the laws of the State in which the witness is to be heard or the examination to take place.

When possible, the requesting State shall, if it so desire, be given due notice in advance of the time and place at which the measure applied for will be carried out.

*Article 16.*

If, in the case of a prosecution for a penal offence in respect of which extradition must be granted in virtue of the present Convention, it is considered necessary that evidence in the form of articles or documents in the hands of the authorities of the other State should be produced, a request for the surrender of such evidence shall be made through the diplomatic channel, and

shall be granted unless there are special reasons to the contrary in individual cases, the State of which the request is made having the right to make the surrender of such articles or documents conditional upon their subsequent restoration.

*Article 17.*

The expenses occasioned by the measures provided for in the present Convention shall be borne by the State in whose territory the measures are taken, with the exception of expenses incurred in crossing the territory of one of the Contracting Parties as provided in Article 14.

*Article 18.*

All documents produced in the cases provided for in the present Convention shall be drawn up in French or accompanied by a certified translation into French.

*Article 19.*

The present Convention shall be ratified in conformity with the laws of the Contracting Parties, and shall enter into force ten days after the exchange of ratifications. It shall remain in force until the expiration of a period of six months from the date of its denunciation by one of the Contracting Parties.

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

Done in duplicate at Tallinn, January 2, 1925.

(L. S.) (Signed) C. R. PUSTA.  
(L. S.) (Signed) E. R. HOLSTI.