

N° 2115.

FRANCE ET LETTONIE

Convention d'extradition et d'assistance judiciaire en matière criminelle. Signée à Riga, le 29 octobre 1924.

FRANCE AND LATVIA

Convention regarding Extradition and Legal Assistance in Criminal Matters. Signed at Riga, October 29, 1924.

¹ TRADUCTION. — TRANSLATION.No. 2115. — CONVENTION² BETWEEN FRANCE AND LATVIA REGARDING EXTRADITION AND LEGAL ASSISTANCE IN CRIMINAL MATTERS. SIGNED AT RIGA, OCTOBER 29, 1924.

French official text communicated by the Latvian Minister for Foreign Affairs and the Minister for Foreign Affairs of the French Republic. The registration of this Convention took place August 9, 1929.

THE LATVIAN GOVERNMENT and THE FRENCH GOVERNMENT have resolved to conclude a Convention regarding extradition and judicial co-operation in criminal matters.

For this purpose they have appointed as Plenipotentiary Delegates :

ON BEHALF OF LATVIA :

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

ON BEHALF OF FRANCE :

M. Damien DE MARTEL, Envoy Extraordinary and Minister Plenipotentiary of France to the Latvian Government, Officer of the Legion of Honour, etc.,

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions.

Article 1.

Each of the High Contracting Parties undertakes to deliver up to the other, in the circumstances and under the conditions laid down in the present Convention, those persons who, being proceeded against for, or having been convicted of, a crime or delict committed in the home territory, or in the territory of the colonies and possessions, or within the area of the consular jurisdiction, of either Party, shall have been found in the home territory, or in the territory of the colonies and possessions, or within the area of the consular jurisdiction, of the other.

If the crime or delict giving rise to the requisition for surrender has been committed outside the above-mentioned territories or one of the above-mentioned areas of the country making the requisition, extradition shall be granted if the laws of the country applied to allow of the prosecution of the same offences when committed outside its territory, except when extradition is requested for this same offence and may be obtained by the Government of the country in which the offence was committed.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Riga, July 31, 1929.

Article 2.

The crimes or delicts for which extradition shall be granted are as follows :

(1) Wilful homicide, including assassination, murder, parricide, infanticide and poisoning ;

(2) Arson ;

(3) Wilful assault causing bodily injury, either premeditated or resulting in a permanent disablement or incapacity for work, loss or deprivation of the full use of a limb or any other organ, or unintended death ;

(4) Rape, indecent assault with violence, indecent assault without violence on children under the age laid down in the criminal law of the two countries ;

(5) Kidnapping or non-representation of minors ; concealing, removing, substituting or wrongfully exchanging a child.

(6) Larceny ;

(7) Destroying or damaging with culpable intent a railway line or telegraphic communications ;

(8) Wilful and unlawful stranding, sinking or destruction of a vessel by the captain or officers and crew ;

(9) Forgery or falsification of public, commercial or private documents, forgery of telegrams and use of forged documents ;

(10) Forgery or fraudulent alteration of official documents emanating from the Government or the public authorities and the fraudulent use of the documents thus altered or forged ;

(11) Manufacture of counterfeit currency ; forgery or alteration of Public Debt bonds or coupons, national or foreign bank notes, paper money or other public securities, seals, stamps, dies, marks belonging to the State or to the public administration ; the putting into circulation or fraudulent use of the above-mentioned altered or forged objects ;

(12) Embezzlement of public moneys by public employees or depositaries, bribery of officials ;

(13) Fraudulent bankruptcy ;

(14) Extorsion, threats of attack against persons or property punishable by criminal penalties ;

(15) Attacks attempted or committed by private persons against individual liberty or the inviolability of the dwelling ;

(16) False witness, perjury, subornation of witnesses, experts or interpreters ;

(17) Swindling ;

(18) Breach of trust, wrongful use of a signed document which has not yet been filled up ;

(19) Abortion ;

(20) Bigamy ;

(21) Offences against public morals :

(a) By habitually instigating, encouraging or facilitating the debauchery or corruption of young persons of either sex under the age of 21 ;

(b) By procuring, enticing or leading away to gratify the passions of another person, a married woman or girl under age, for immoral purposes, even with her consent ;

(c) By procuring, enticing or leading away a woman, whether married or not, over age for immoral purposes in order to gratify the passions of another person, by fraud or by means of violence, threats, abuse of authority or any other method of compulsion ;

(d) By retaining, by the same methods, against her will in a brothel, whether or not on account of debt, a person over or under age or by compelling her to lead an immoral life ;

(22) Receiving of articles obtained by means of one of the crimes or delicts mentioned in the present Article.

The foregoing offences include complicity and the attempt to commit the offence when provided for and punishable under the laws of both countries.

Extradition may not in any case be granted :

(1) In respect of persons convicted after a hearing or by default, unless the penalty imposed is imprisonment for one year at least ;

(2) In respect of persons awaiting trial, unless the maximum penalty applicable to the offence in question is, under the laws of both countries, imprisonment for two years at least.

Article 3.

Extradition shall not be granted if the offence for which it is requested is regarded by the Party applied to as a political offence or an act connected with a political offence.

Article 4.

A person surrendered may not be proceeded against or placed on trial for an offence other than that for which extradition was granted, except with the consent of the State which granted extradition. Re-extradition to a third country shall be subject to the same rules.

Article 5.

Extradition shall not be granted if exemption from prosecution or punishment has, since the commission of the offences complained of, or the last stage in the proceedings, or the conviction, been acquired by lapse of time under the laws of the State applied to.

Neither shall extradition be granted if the offences for which it is requested have been committed in the country applied to, or if, although committed outside that country, they have been definitively tried therein, and, in the case of conviction, the offender has served his sentence or is exempted from punishment by lapse of time, or has been pardoned.

Article 6.

Extradition shall be granted only on the production of the following documents, accompanied whenever possible by a French translation :

(1) A sentence of conviction or a writ formally ordering or effecting as of full right the transfer of the accused person to the criminal courts, or a warrant of arrest or any other document having the same effect ;

(2) A precise statement of the offences complained of.

The documents mentioned in the two following paragraphs shall be produced either in the original or in a certified copy ;

(3) A description of the person claimed or special indications which would serve to establish his identity ;

(4) The text of the criminal law or laws applicable to the subject of the charge.

Article 7.

The requisition for extradition must always be made through the diplomatic channel.

Article 8.

In urgent cases the provisional arrest of the accused person may be effected on notification given through the post or by telegraph of the existence of a warrant of arrest, provided that such notification is transmitted through the diplomatic or consular channel.

Article 9.

Provisional arrest shall cease and the alien shall be set at liberty if, within six weeks from the date of his arrest, he has not received notification of the documents mentioned in Article 6.

Article 10.

If the same person is claimed by two States for separate crimes or delicts, the Government applied to shall decide on the basis of the gravity of the offences complained of ; if they are of equal gravity, preference shall be given in the first instance to the Government of the country of which the fugitive is a national, and in the second instance, to the request that was made first.

Article 11.

If the person claimed is being proceeded against or has been sentenced in the State applied to, his extradition may be deferred until the proceedings are abandoned, or until he is acquitted or discharged, or until he has served his sentence.

Should he be under trial or in custody in the same country by reason of obligations contracted towards private persons, his extradition shall nevertheless take place, subject to the right of such persons to bring their claims later before the competent authority.

Article 12.

The obligation of the two countries to surrender criminals shall in no case extend to their own nationals.

Nevertheless, the High Contracting Parties undertake to proceed against and to try, under the conditions laid down in their laws, their own nationals who have taken refuge in their territory after committing an offence covered by the present Convention in the territory of the other Party.

Article 13.

All articles seized which may serve as proof of the offence and all articles which have been obtained as a result of the crime or delict for which extradition has been requested shall, at the discretion of the competent authority, be handed over to the Government making application, even when extradition could not take place owing to the death or subsequent disappearance of the person claimed.

All articles which the accused may have concealed or deposited in the country and which may be discovered subsequently, shall also be handed over.

Nevertheless, the rights which third parties not involved in the proceedings may have acquired over the objects mentioned in the present Article shall be reserved.

Article 14.

The expenses occasioned by the arrest, maintenance and conveyance of the person whose extradition has been granted, together with the cost of consigning and transporting objects which have to be returned or handed over under the preceding Article, shall be borne by the two States within the limits of their respective territories.

The person to be surrendered shall be escorted to the port of the State designated by the diplomatic or consular agent accredited by the applicant Government and shall be placed on board at that Government's expense.

Article 15.

It is expressly laid down that the extradition, by transit through the territory of either Contracting Party, of a person surrendered to the other Party shall be granted on the mere production of the original or a certified copy of one of the legal documents mentioned in Article 6, provided that the offence on which the requisition is based is included in the present Convention and does not come under the provisions of Articles 3 and 5.

The expenses of transit shall be borne by the applicant Party.

Article 16.

If in the course of a non-political criminal affair it is deemed necessary to hear persons who happen to be in either country or to carry out any other proceeding connected with the preliminary judicial enquiry, a "commission rogatoire" shall be addressed for this purpose through the diplomatic channel and it shall be executed in conformity with the laws of the country applied to.

The two Governments renounce all claims to the repayment of expenses resulting from the execution of "commissions rogatoires", except in the case of expert enquiries which may occupy several sittings.

Article 17.

The two Governments undertake to communicate to each other, without refund of expenses, sentences for crimes and delicts of all kinds pronounced by the Courts of either States against the nationals of the other. Each communication shall be made by the despatch through the diplomatic channel of a bulletin or copy to the Government of the country of which the convicted person is a national.

The two Governments shall give the necessary instructions to their respective authorities in regard to this matter.

Article 18.

If in a non-political criminal matter, the Government of either country deems it necessary that a writ or a judgment should be delivered to a person residing in the territory of the other country, the document, on being transmitted through the diplomatic channel, shall be served on the person concerned at the request of the public prosecutor of the place of his residence, through a competent official, who shall certify delivery and shall be sent through the same channel to the applicant Government, without refund of expenses.

Article 19.

If in a non-political criminal case which is being investigated in either country it is deemed necessary to forward articles serving as proof of the crime, or documents, which are in the hands of the authorities of the other country, application shall be made for them through the diplomatic channel and the request shall be granted unless there are special objections thereto, and subject to the obligation to return the articles and documents.

The contracting Governments receive all claims to the repayment of the costs resulting in this respective territories from the dispatch and return of articles serving as proof of the crime, and documents.

Article 20.

The provisions of the present Convention shall apply to the colonies and possessions, provided that account is taken of the special laws in force in those territories.

Article 21.

The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible. It shall enter into force twenty days after the exchange of the instruments of ratification.

It shall apply to crimes and delicts committed before its signature.

Each of the High Contracting Parties may denounce it at any time. This denunciation shall only take effect six months after notification of denunciation.

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

Done in duplicate at Riga, the twenty-ninth day of October, one thousand nine hundred and twenty-four.

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

(Signed) (L. S.) D. DE MARTEL.