

N° 2726.

**ITALIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES**

Convention concernant l'extradition
des malfaiteurs. Signée à Rome,
le 6 avril 1922.

**ITALY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES**

Convention regarding the Extradition
of Malefactors. Signed at
Rome, April 6, 1922.

TEXTE ITALIEN. — ITALIAN TEXT.

N^o 2726. — CONVENTION ¹ ENTRE L'ITALIE ET LE ROYAUME DES SERBES, CROATES ET SLOVÈNES, CONCERNANT L'EXTRADITION DES MALFAITEURS. SIGNÉE A ROME, LE 6 AVRIL 1922.

N^o 2726. — CONVENZIONE ¹ FRA L'ITALIA E IL REGNO SERBO-CROATO-SLOVENO, RELATIVA ALL'ESTRADIZIONE DEI MALFATTORI. FIRMATA A ROMA IL 6 APRILE 1922.

Textes officiels français et italien communiqués par le délégué permanent du Royaume de Yougoslavie auprès de la Société des Nations et le ministre des Affaires étrangères d'Italie. L'enregistrement de cette convention a eu lieu le 10 juin 1931.

French and Italian official texts communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations and the Italian Minister for Foreign Affairs. The registration of this Convention took place June 10, 1931.

Le ROYAUME SERBE-CROATE-SLOVÈNE et L'ITALIE, désireux de régler les questions qui ont trait à l'extradition des malfaiteurs, voulant conclure une convention à cet effet, les Hautes Parties contractantes ont nommé pour leurs plénipotentiaires :

SA MAJESTÉ LE ROI DES SERBES, CROATES ET SLOVÈNES :

M. Ottokar RYBÁŘ, ancien député ;

SA MAJESTÉ LE ROI D'ITALIE :

S. E. le Marquis Guglielmo IMPERIALI, sénateur du Royaume, ambassadeur ;

Lesquels, ayant déposé leurs pleins pouvoirs reconnus en bonne et due forme ont convenu de ce qui suit :

Article premier.

Les Hautes Parties contractantes s'engagent à faire rechercher et arrêter et à se livrer réciproquement les personnes qui, imputées ou

¹ L'échange des ratifications a eu lieu à Rome, le 6 février 1931.

L'ITALIA e IL REGNO SERBO-CROATO-SLOVENO desiderosi di regolare le questioni che riguardano l'estradizione dei malfattori, volendo concludere una convenzione a questo riguardo le Alte Parti Contraenti hanno nominato come loro plenipotenziari :

SUA MAESTA IL RE D'ITALIA :

S. E. il Marchese Guglielmo IMPERIALI, Senatore del Regno, Ambasciatore ;

SUA MAESTA IL RE DEI SERBI, CROATI E SLOVENI :

Il Signor Ottokar RYBÁŘ, ex deputato ;

I Quali, dopo aver depositato i loro Pieni Poteri trovati in buona e debita forma, hanno convenuto quanto segue :

Articolo Primo.

Le Alte Parti Contraenti s'impegnano a far ricercare e arrestare e a consegnarsi reciprocamente le persone che imputate o condannate

¹ The exchange of ratifications took place at Rome, February 6, 1931.

En foi de quoi les plénipotentiaires susnommés ont signé la présente Convention.

Fait à Rome, le six avril mil neuf cent vingt-deux, en français et en italien, les deux textes faisant également foi, en deux exemplaires, dont un sera remis à chacun des Etats signataires.

*Pour le Royaume
des Serbes, Croates et Slovènes :*

Dr RYBÁŘ, *m. p.*

Pour l'Italie :

IMPERIALI, *m. p.*

In fede di che, i plenipotenziari suddetti hanno firmato la presente convenzione.

Fatto a Roma, il sei aprile millenovecentoventidue, in italiano ed in frances, i due testi facendo egualmente fede, in due esemplari di cui uno sarà rimesso a ciascuno degli Stati firmatari.

Per l'Italia ;

IMPERIALI.

Il regno serbo-croato-sloveno ;

Dr. RYBÁŘ.

Pour copie certifiée conforme :

Belgrade, le 26 avril 1931.

D'ordre du Ministre,

p. chef de section :

Secrétaire,

Miloch P. Kitchévatz.

Per copia conforme :

p. il Capo dell'Ufficio Trattati,

P. Sandicchi.

¹ TRADUCTION. — TRANSLATION.

No. 2726. — CONVENTION BETWEEN ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES REGARDING THE EXTRADITION OF MALEFACTORS. SIGNED AT ROME, APRIL 6, 1922.

THE SERB-CROAT-SLOVENE KINGDOM and ITALY, being desirous of settling questions concerning the extradition of offenders, and wishing to conclude a Convention for this purpose, the High Contracting Parties have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

M. Ottokar RYBÁŘ, Former Deputy.

HIS MAJESTY THE KING OF ITALY :

His Excellency Marquis Guglielmo IMPERIALI, Senator of the Kingdom, Ambassador.

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.

Who, having deposited their full powers, found in good and due form, have agreed as follow :

Article 1.

The High Contracting Parties undertake to seek, arrest and surrender to each other any persons accused or convicted by the competent judicial authority of either country of any of the offences mentioned in the following Article, who may be found within the territory of the other Party.

Article 2.

The undertaking given in the preceding Article shall apply to ordinary offences, except those specified in Article 5 which have been punished by deprivation of personal freedom for a term of not less than six months or which, under the laws of the State making application, are punishable by deprivation of personal freedom for a term of not less than one year. The offence must be punishable under the laws of the applicant State and the State to which application is made.

Article 3.

In consideration of special circumstances, extradition may also be granted for offences not covered by the preceding Article, provided that the laws of the Contracting States permit.

Article 4.

The Contracting Parties shall not surrender their own nationals.

Article 5.

Extradition shall not be granted :

- (1) For acts that are offences under the press laws only ;
- (2) For purely military offences when the act is not punishable except under military law ;
- (3) For political offences or acts connected with such offences unless the act is primarily an ordinary offence. In the cases referred to in the foregoing paragraphs, the decision as to the nature of the acts shall rest exclusively with the authorities of the State applied to.

Article 6.

Extradition may be refused if the authorities of the State applied to are competent under the laws of the latter to try the offence.

If criminal proceedings have been instituted against the person whose extradition is required, or if the said person is in custody for another offence committed in the country in which he happens to be, his surrender may be postponed until the conclusion of the proceedings and, in the event of a conviction, until his sentence has been fully served.

Article 7.

Extradition shall not be granted if, under the laws of the State applied to, exemption from prosecution or punishment has been acquired by lapse of time.

Article 8.

A person whose extradition has been granted may be tried for any other offence committed prior to his surrender in connection with the offence for which he was surrendered, provided that such a course is not in conflict with any of the restrictions mentioned in Article 5.

In the case of offences not so connected, the State to which extradition is granted shall request the other State to extend the effect of the extradition to the acts for which it proposes to take proceedings.

Article 9.

Requisitions for extradition shall be forwarded by the Ministry of Justice of the State making application direct to the Ministry of Justice of the State applied to.

Extradition shall be granted in virtue of a certificate of conviction, or a warrant of arrest, or any other document having the effect of a warrant, stating the nature and gravity of the alleged offence and the provisions of the criminal law which have been or may be applied.

Certified copies of the papers in question shall be forwarded in the form prescribed by the laws of the State making application, together with a copy of the text of the laws which have been or may be applied and, if possible, a description of the person claimed, his photograph and any other particulars which may assist in establishing his identity.

The requisition and other papers shall be drawn up in the official language of the State making application.

Article 10.

In urgent cases, provisional arrest may be granted on receipt of a declaration, if necessary telegraphic, certifying the existence of one of the papers mentioned in the second paragraph of the preceding Article.

The judicial authorities and diplomatic and consular agents of the country demanding extradition shall be authorised to make the declaration referred to above direct to the Ministry of Justice or competent judicial authority of the State applied to.

Any person placed under provisional arrest shall be released if the Ministry of Justice of the State applied to has not received the requisition and the necessary papers within forty-five days following the date of arrest.

This time-limit shall be extended to two months if the person to be surrendered is stated to be a dangerous criminal.

Article 11.

If the extradition of a person is required by one of the High Contracting Parties and at the same time by other States, preference shall be given to the requisition in respect of the offence which the State applied to considers to be the most serious.

Should the offences be considered to be of equal gravity, priority shall be given to the requisition bearing the earliest date. If, however, one of the States making application is the State of which the person wanted is a national, preference shall be given to that State, provided that under its legislation proceedings can be taken against the person in question for offences committed in the territory of the said States.

Article 12.

Money and effects found at the time of arrest in the possession of the person wanted shall be seized and forwarded to the State making application. Money and effects of which the arrested person is legitimately in possession shall be handed over should they come into the hands of the

authorities after the arrest, even if they are in the possession of third parties. The effects handed over shall not be confined to articles acquired as a result of the offence for which extradition is claimed, but shall include everything that may serve as evidence of the offence, and they shall be given up even if it is impossible to effect extradition owing to the escape or death of the criminal.

Nothing in this Article shall affect the rights of third parties not implicated in the case over any of the confiscated articles ; these shall be restored to them free of charge at the close of the proceedings.

Article 13.

Permission for the transit across the territories of the High Contracting Parties of persons who are not nationals of the country of transit but are being surrendered by another State shall be granted immediately on receipt of a request presented in accordance with Article 9 of the present Convention by the authorities of the country applying for extradition.

Permission for transit shall be given without judicial formalities by the competent Ministry of the country requested to grant it, provided that the offence is not one of those referred to in Article 5 and that no serious reasons of public policy form an obstacle. The person under arrest shall be conveyed by the speediest means and under the escort of agents of the country applied to.

The person under arrest shall not be permitted to enter the territory of the country requested to allow transit until permission for transit has been granted.

Article 14.

Expenses occasioned by the requisition for extradition in the territory of the State applied to shall be borne by that State. Transit expenses shall be borne by the State making application.

Article 15.

The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

The Convention shall come into force only after the exchange of ratifications and shall remain in force until six months following its denunciation by either High Contracting Party.

In faith whereof the above-named Plenipotentiaries have signed the present Convention.

Done at Rome this sixth day of April, one thousand nine hundred and twenty-two, in French and Italian, both texts being equally authentic, in two copies, one of which shall be transmitted to each of the signatory States.

For the Kingdom of the Serbs, Croats and Slovenes :

Dr. RYBÁŘ. *m. p.*

For Italy :

IMPERIALI. *m. p.*