

N° 2644.

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## DANEMARK ET LETTONIE

Convention concernant l'extradition  
réciproque des malfaiteurs et l'as-  
sistance judiciaire en matière crimi-  
nelle. Signée à Riga, le 28 août  
1930.

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## DENMARK AND LATVIA

Convention concerning the recipro-  
cal Extradition of Offenders and  
Legal Assistance in Criminal Mat-  
ters. Signed at Riga, August 28,  
1930.

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

No. 2644. — CONVENTION<sup>2</sup> BETWEEN LATVIA AND DENMARK CONCERNING THE RECIPROCAL EXTRADITION OF OFFENDERS AND LEGAL ASSISTANCE IN CRIMINAL MATTERS. SIGNED AT RIGA, AUGUST 28, 1930.

*French official text communicated by the Latvian Minister for Foreign Affairs and the Permanent Delegate of Denmark accredited to the League of Nations. The registration of this Convention took place March 16, 1931.*

THE PRESIDENT OF THE LATVIAN REPUBLIC and HIS MAJESTY THE KING OF DENMARK AND ICELAND, having resolved to conclude a Convention concerning the reciprocal extradition of offenders and legal assistance in criminal matters, have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE LATVIAN REPUBLIC :

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

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

M. Michael Arentz LANGBERG, His Chargé d'Affaires at Riga ;

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

*Article 1.*

The Contracting Parties undertake by the present Convention to surrender to each other persons who, being accused or convicted of any crime or offence mentioned in the list given below, shall be found within the territory of the State applied to, provided that, in the case of convicted persons, the sentence shall be that of at least six months' imprisonment and that, in the case of, accused persons, the maximum penalty applicable to the offence with which they are charged shall, under the laws of both countries, be that of at least one year's imprisonment (in Latvia — "cietums").

The offences for which extradition shall be granted are as follows :

- (1) False swearing ; perjury.
- (2) Bigamy.
- (3) Sexual intercourse between persons too nearly related.

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

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

<sup>2</sup> The exchange of ratifications took place at Riga, February 21, 1931. The Convention came into force March 3, 1931.

(4) Unlawful sexual intercourse with an irresponsible person or with a person unable to offer resistance, or as a result of a person abusing his position or special relations, or with a child under the age fixed by the criminal law of the two countries.

(5) Procuring; assisting or abetting a person to become a prostitute when such person is under the age fixed by the criminal law of the two countries, assisting a person to leave the country in order to engage in prostitution abroad, when such person is under twenty-one years of age or is ignorant of the object of the journey.

(6) Murder (including infanticide); homicide.

(7) Assault occasioning serious, bodily harm or resulting in death or mutilation.

(8) Abortion.

(9) Abandonment of persons and leaving them in a position without assistance.

(10) Illegally depriving a person of his freedom.

(11) Illegal detention of children under eighteen years of age against the will of their parents or guardian.

(12) Rape.

(13) Indecent and obscene acts offensive to public morality.

(14) Slanderous accusations.

(15) Theft.

(16) Fraud; embezzlement; breach of trust.

(17) Defrauding of creditors.

(18) Robbery with violence or threats; extortion of money by threats.

(19) Illicit use of money or goods acquired through one of the offences mentioned under Nos 15 to 18; assistance given with the object of securing for a third person the proceeds from such offences.

(20) Serious unlawful damage to property belonging to other persons.

(21) Arson; destruction by means of explosives; wilfully causing floods, railway accidents, or loss at sea, or any act involving the risk of such disasters or accidents.

(22) Poisoning; distribution of products dangerous to health.

(23) Spreading of dangerous infectious diseases among human beings and domestic animals; wilfully transmitting venereal disease.

(24) Forgery; employment of forged or falsified documents.

(25) Counterfeiting or falsification of State stamps and seals; unlawful use of such stamps and seals.

(26) Counterfeiting or alteration of current coins or bank notes; putting into circulation of counterfeit or falsified coins or bank notes.

(27) False or forged entry in a ship's book.

(28) Mutiny of the crew of a vessel; attacking the captain or officers on board.

Extradition will also be granted for complicity in and attempts to commit any of the offences mentioned above.

#### Article 2.

Extradition shall not be granted by the Contracting States for offences committed within their respective territories or on board a vessel belonging to them if the vessel in question is on the high seas.

Should the offence for which extradition is claimed have been committed outside the territory of the State applying for extradition, this shall only be granted if the laws of the State to which the requisition is addressed allow, in similar circumstances, of criminals proceedings being taken in respect of such an act when committed outside the territory of the said State.

*Article 3.*

The Contracting Parties shall not surrender to each other their nationals, whether native born or naturalised. The States reserve the right to refuse to surrender foreigners who have resided permanently in their territory for two years prior to the requisition for extradition, unless this requisition refers to an offence committed before the foreigner settled in the country.

*Article 4.*

Extradition may not be claimed for a political crime. It may be granted for attacks made or attempted, or for bodily harm inflicted, on the person of a Head of State or on a member of his family, provided that the offence does not constitute an act connected with another crime of a political nature.

The State applied to shall decide in each individual case whether a crime shall be deemed to be a political crime or not.

*Article 5.*

Extradition may not be granted :

(1) If judgment has already been given or if the accused person has been brought before the courts of the State to which the requisition for extradition has been submitted in respect of the offence giving rise to the requisition ;

(2) If, under the laws of the country in which the accused person has taken refuge, prosecution or the issuing or execution of an order against him is barred by lapse of time ;

(3) If the person claimed has been pardoned or if his sentence has been remitted for the offence which led to the requisition.

*Article 6.*

If the person whose extradition is claimed is being proceeded against or has been convicted in the State in which he has taken refuge for an offence other than that which has occasioned the requisition for extradition, he shall only be surrendered if the case is dismissed because there are no grounds for prosecution, or after his acquittal, or, in the event of a conviction, after he has served the sentence passed on him, or after he has been pardoned or had his sentence remitted. Nevertheless, he may if necessary be provisionally surrendered to undergo a legal examination if the applicant State undertakes to return him to the authorities of the State which has provisionally surrendered him immediately after final judgment has been given.

*Article 7.*

In no case may the person whose extradition has been granted be proceeded against or punished for an offence committed prior to his extradition other than that for which extradition was granted ; moreover he may not, except in the case specified in Article 9, paragraph 2, be surrendered to a third State unless he has failed to leave the country, although free to do so, within one month of his being finally acquitted, pardoned or set at liberty, or of having served his full sentence, or unless he returns to the said country after leaving it.

If the person surrendered has not committed any new offence, he may in now ay be hindered from leaving the country before the expiry of the period of one month mentioned in the previous paragraph.

The person surrendered may not be proceeded against for the offence for which he has been surrendered before a court set up solely for that case or invested, by an exceptional measure, with powers to pronounce sentence.

*Article 8.*

Requisitions for extradition shall be transmitted through the diplomatic channel ; they shall include all particulars relating to the national status of the person in question ; they shall be accompanied by the original or a certified copy either of the sentence pronounced by the court or of the warrant of arrest or imprisonment issued by the court or any other competent authority, setting out in detail the nature of the offence as well as the date and place at which it was committed. Further, a copy of the penal provisions applicable to the offence in the country making requisition shall be annexed to the latter and also, if possible, a description of the person claimed. In no case shall special evidence of the guilt of the person claimed be required.

*Article 9.*

If either Contracting State should receive similar requisitions from one or more States concerning a person claimed in accordance with the present Convention, the State to which the requisitions are addressed shall decide which requisition shall be complied with.

If several States have asked for the extradition of the same person on different charges, he may be surrendered to one of the States on condition that that State undertakes to surrender him to another State should the case be dismissed because there are no grounds for prosecution, or after his acquittal, or, in the event of a conviction, after he has served the sentence passed on him, or after he has been pardoned or had his sentence remitted.

*Article 10.*

In urgent cases, and especially where the escape of the person claimed is to be feared, the Public Prosecutor of the Court of Appeal (*Tiesu palātas prokurors*) in Latvia, and the Public Prosecutor of the Kingdom (*Rigsadvokaten*), the Prosecutors-General at the Courts of Appeal (*Statsadvokaterne*), the Superintendents of Police (*Politidirektøren i København og Politimestrene*), and the Head of the State Police (*Chefen for Statspolitiet*) in Denmark, may, before the official transmission of a requisition for extradition, communicate with each other direct by post or telegraph requesting the provisional arrest of the person in question. These requests for provisional arrest shall be accompanied by information upon the circumstances, date and place of the offence, by a declaration stating that the judgment or decision mentioned in Article 8 has been registered and, if possible, by particulars of the person's nationality, together with his description. Such requests shall also state that an official requisition for the extradition of the person in question will be submitted later.

If, when an arrest has been made in accordance with the above provisions, the official requisition for the extradition of the person arrested is not transmitted to the Ministry of Foreign Affairs of the State in which the arrest was made within four weeks of such arrest, the said State shall have the right to set the accused at liberty.

*Article 11.*

When extradition has been granted, the applicant State must take over the person claimed within three weeks of the receipt of the notification that extradition has been granted. Failing this, the first State shall have the right to set the person in question at liberty.

*Article 12.*

All articles found in the possession of the person claimed at the time of his arrest which have been seized by the authorities and which may serve as proof of the offence, or all articles the return of which may be claimed by the injured party shall, when extradition has been granted, be handed over to the authorities of the other State at the time the accused is surrendered.

Nevertheless, the rights of third parties to these articles shall not be affected ; the articles shall be returned, after the trial, free of charge to the persons entitled thereto, unless other arrangements are required by special circumstances.

*Article 13.*

If the Contracting Party to which a person has been surrendered wishes — notwithstanding, the provisions of Article 7 — that the person in question shall be proceeded against for an offence committed prior to his extradition and other than that leading to the requisition for extradition or if the said Contracting Party wishes to surrender him to a third State, permission shall be asked through the diplomatic channel. The request shall be accompanied by particulars of the nature of the offence, the date, and the place at which it was committed.

*Article 14.*

If in connection with proceedings brought for a non-political offence either Contracting Party shall consider it necessary to hear witnesses resident in the territory of the other, or to institute an enquiry in the said State for the examination of the case, a written request for permission shall be submitted through the diplomatic channel ; this request shall be complied with so far as is allowed by the laws of the State applied to. In this case the authorities of the State to which the request is made must as far as possible supply the authorities of the applicant State in good time with particulars of the date and place fixed for the fulfilment of these formalities.

*Article 15.*

If, in connection with proceedings for a non-political offence, either Contracting Party shall deem it necessary or desirable to obtain evidence or papers in the possession of the authorities of the other Party, any request for this purpose shall be granted unless in certain particular cases objections are raised to the required transmission.

*Article 16.*

Should a person who is to be surrendered by one of the Contracting States to a third State be obliged for the purpose of transfer to pass through the territory of the other State, the latter shall raise no objection to the prisoner passing through its territory unless the person surrendered is one of its nationals. The request for permission to convey the person surrendered across the territory of the other State shall be submitted through the diplomatic channel ; it shall be accompanied by the original text or by a certified copy of the decision authorising extradition or of any other document prescribed by Article 8. The same procedure shall apply where a person is surrendered by a third State to one of the Contracting States. The person surrendered shall, when passing through the territory of the contracting State concerned, be accompanied by an official of that State.

*Article 17.*

The expenses occasioned by the application of the provisions of the present Convention shall be borne by each of the Contracting Parties within its own territory, with the exception of expenses incurred for the conveyance across another State of a person surrendered, as mentioned in Article 16.

*Article 18.*

The present Convention which shall not be applicable to Greenland, shall be ratified and shall come into force ten days after the exchange of the instruments of ratification. It shall remain in force for six months from the date of its denunciation by either Contracting Party.

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

Done in duplicate at Riga, August 28, one thousand nine hundred and thirty.

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

(L. S.) (Signed) M. A. LANGBERG.