

No. 2791

**UNITED STATES OF AMERICA
and
ITALY**

Exchange of notes constituting an agreement relating to the reciprocal application of article 1 of the Convention of 23 March 1868 between the Governments of those two countries relating to extradition. Rome, 16 and 17 April 1946

Official texts: English and Italian.

Registered by the United States of America on 4 March 1955.

**ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

Échange de notes constituant un accord relatif à l'application, sur une base de réciprocité, de l'article premier de la Convention d'extradition conclue entre les Gouvernements des deux pays le 23 mars 1868. Rome, 16 et 17 avril 1946

Textes officiels anglais et italien.

Enregistré par les États-Unis d'Amérique le 4 mars 1955.

No. 2791. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO THE RECIPROCAL APPLICATION OF ARTICLE 1 OF THE CONVENTION OF 23 MARCH 1868² BETWEEN THE GOVERNMENTS OF THOSE TWO COUNTRIES RELATING TO EXTRADITION. ROME, 16 AND 17 APRIL 1946

I

The American Chargé d'Affaires ad interim to the Italian Minister of Foreign Affairs

Excellency :

Rome, April 16, 1946

As you know, the Extradition Convention between the United States of America and Italy, which was signed in Washington, D.C., on March 23, 1868,² provides in the first article thereof for the extradition of persons who may be convicted of, or charged with, having committed the crimes enumerated in the second article thereof. The Convention under reference, however, does not expressly indicate whether the nationals of each of the two contracting parties are included among such persons.

The Government of the United States of America, in conformity with American laws, has never experienced difficulty in surrendering American citizens under the terms of the aforementioned Convention. On the other hand, you will recall that the Italian Government in the past has not surrendered its nationals upon their being requisitioned by the Government of the United States since Italian Law has not permitted the extradition of Italian nationals unless such action were expressly provided in an international convention.

So that this Extradition Convention between the United States of America and Italy in the future may be rendered operative in the fullest sense of reciprocity, the Government of the United States would appreciate being informed whether the Italian Government would agree that the provisions of the first article of the Convention will be applied reciprocally henceforth also to persons having Italian nationality.

Accept, Excellency, the assurances of my most distinguished consideration.

David McK. KEY
American Chargé d'Affaires ad Interim

His Excellency Alcide de Gasperi
Royal Ministry of Foreign Affairs
Rome

¹ Came into force on 1 May 1946 in accordance with the terms of the said notes.

² United States of America: *Treaty Series* 174; 15 Stat. 629.

II

The Italian Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

[ITALIAN TEXT — TEXTE ITALIEN]

[TRANSLATION¹ — TRADUCTION²]

IL MINISTRO DEGLI AFFARI ESTERI

THE MINISTER OF FOREIGN AFFAIRS

12948/66

12948/66

Roma, li 17 aprile 1946

Rome, April 17 1946

Signor Incaricato d'Affari,

Mr. Chargé d'Affaires :

In risposta alla Sua nota del 16 aprile concernente l'articolo 1° della Convenzione di estradizione fra gli Stati Uniti d'America e l'Italia firmata a Washington il 23 marzo 1868, ho l'onore di comunicarLe che il Governo italiano, avuto riguardo allo stato attuale della Legislazione italiana, è d'accordo che la disposizione dell'articolo 1° della detta Convenzione sia applicata, in condizioni di reciprocità, anche agli individui aventi la città dinanzi italiana.

In reply to your note of April 16, concerning Article 1 of the Extradition Convention between the United States of America and Italy, signed at Washington on March 23, 1868, I have the honor to communicate to you that the Italian Government, having regard for the present state of Italian legislation, agrees to the provision of Article 1 of the said Convention also being applied, under conditions of reciprocity, to individuals having Italian citizenship.

La presente dichiarazione avrà effetto a decorrere dal 1° maggio 1946.

The present declaration shall have effect counting from May 1, 1946.

Voglia gradire, Signor Incaricato d'Affari, i sensi della mia alta considerazione

Please accept, Mr. Chargé d'Affaires, the expression of my highest consideration.

DE GASPERI

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Signor David McK. Key
Incaricato d'Affari a.i. degli
Stati Uniti d'America
Roma

Mr. David McK. Key
Chargé d'Affaires ad interim of the
United States of America
Rome

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.