

No. 5527

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement for the extradition of fugitive criminals. Signed
at Bonn, on 23 February 1960**

Official texts: English and German.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
16 January 1961.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'extradition des malfaiteurs en fuite.
Signé à Bonn, le 23 février 1960**

Textes officiels anglais et allemand.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
16 janvier 1961.*

No. 5527. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR THE EXTRADITION OF FUGITIVE CRIMINALS. SIGNED AT BONN, ON 23 FEBRUARY 1960

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal Republic of Germany;

Desiring to reapply the Treaty between the United Kingdom and Germany for the Mutual Surrender of Fugitive Criminals signed at London on May 14th, 1872;²

Have agreed as follows :

Article I

Subject to the provisions of this Agreement, Articles I to XIV of the Treaty between the United Kingdom and Germany for the Mutual Surrender of Fugitive Criminals signed at London on May 14th, 1872 (hereinafter called " the Treaty of 1872 ") shall be reapplied, as nearly as may be, as between the territories mentioned in Article II of this Agreement.

Article II

The territories to which the Treaty of 1872 shall apply are, on the one hand—

- (a) the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man;
- (b) Southern Rhodesia, Northern Rhodesia and Nyasaland, constituting the Federation of Rhodesia and Nyasaland;
- (c) all British colonies (except Southern Rhodesia) for the international relations of which the Government of the United Kingdom are responsible;
- (d) the following British protectorates, that is to say, Bechuanaland Protectorate, British Solomon Islands Protectorate, Gambia Protectorate, Kenya Protectorate, Nigeria Protectorate, Sierra Leone Protectorate, Somaliland Protectorate, Swaziland, Uganda Protectorate and Zanzibar Protectorate;

¹ Came into force on 1 September 1960, the date agreed upon by an exchange of notes of 16 July 1960, in accordance with article VII.

² *British and Foreign State Papers*, Vol. 62, p. 5. See also League of Nations, *Treaty Series*, Vol. V, p. 303, and Vol. CXCIV, p. 313.

- (e) the following British protected states, that is to say, Brunei and Tonga;
- (f) the following territories administered by the Government of the United Kingdom under the trusteeship system of the United Nations, that is to say, Cameroons under United Kingdom trusteeship and Tanganyika; and
- (g) any other territory for the international relations of which the Government of the United Kingdom are responsible and to which the application of the Treaty of 1872 may be extended by common agreement between the Contracting Parties embodied in an Exchange of Notes;

and, on the other hand—the Federal Republic of Germany.

It shall also apply to *Land* Berlin, provided that the Government of the Federal Republic of Germany has not delivered a contrary declaration to the Government of the United Kingdom within three months from the date of signature of this Agreement.

References in the Treaty of 1872 to the territories of the High Contracting Parties shall be understood in this sense.

Article III

For Article II of the Treaty of 1872 the following Article shall be substituted:

“ Extradition shall be reciprocally granted for the following crimes, provided that the crime charged constitutes an extradition crime according to the laws of the territory from which and to which extradition is desired :

1. Murder or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Maliciously wounding or inflicting grievous bodily harm, or assault occasioning actual bodily harm.
5. Bigamy.
6. Indecent assault.
7. Unlawful sexual intercourse, or any attempt to have unlawful sexual intercourse, with a girl under sixteen years of age.
8. Rape.
9. Procuration.
10. Kidnapping or false imprisonment.
11. Abduction.

12. Stealing, abandoning, exposing or unlawfully detaining a child.
13. Burglary, housebreaking, larceny or embezzlement.
14. Robbery with violence.
15. Threats, by letter or otherwise, with intent to extort money or other things of value.
16. Receiving any money, valuable security or other property, knowing the same to have been stolen or unlawfully obtained.
17. Fraud by a bailee, banker, agent, factor or trustee, or by a director, member or public officer of any company; fraudulent conversion; or obtaining money, valuable security or goods by false pretences.
18. Forgery, or uttering what is forged.
19. (a) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.
(b) Knowingly and without lawful authority making or having in possession any instrument for the counterfeiting of money.
(c) Attempts to commit any crime mentioned in (a) or (b) above.
20. Perjury or subornation of perjury.
21. Malicious damage to property.
22. Arson.
23. Any malicious act done with intent to endanger the safety of any persons travelling or being upon a railway.
24. Crimes against bankruptcy law.
25. Crimes or attempted crimes in connection with the traffic in dangerous drugs.
26. Piracy and other crimes committed on the high seas against persons or things.
27. Dealing in slaves.

“ Extradition is also to be granted for participation in any of the afore-said crimes, provided that the participation is punishable by the laws of the territory from which and to which extradition is desired.

“ Extradition may be refused if under the law of the requesting Party the person sought is liable to the death penalty for the crime on which the request for his extradition is based but the law of the requested Party does not provide for the death penalty in a similar case. ”

Article IV

For Article III of the Treaty of 1872 the following Article shall be substituted:

“ No German shall be delivered up by the Government of the Federal Republic of Germany to the Government of the United Kingdom; and no British subject, British protected person or citizen of the Irish Republic shall be delivered up by the Government of the United Kingdom to the Government of the Federal Republic of Germany.

“ Neither Party shall be required by this Treaty to deliver up a fugitive criminal who is a member of the armed forces of a third state stationed in the territory of that Party. The same shall apply to a civilian accompanying and serving with those armed forces and to the dependants of any such member or civilian. ”

Article V

The following provisions shall be added at the end of the first paragraph of Article VIII of the Treaty of 1872 :

“ However, in the case of a fugitive criminal whose surrender is sought by the Government of the Federal Republic of Germany and who is found in a territory other than the United Kingdom, the Channel Islands and the Isle of Man, the requisition may be made direct to the Governor or chief authority of that territory and may be made either by a diplomatic or by a consular officer of the Federal Republic of Germany. If the requisition is made to the Governor or chief authority of a territory as aforesaid, it shall be dealt with by the competent authorities of the territory; provided, nevertheless, that if an order for the committal of the fugitive criminal to prison to await surrender shall be made by a magistrate, the said Governor or chief authority may, instead of issuing a warrant for the surrender of the fugitive, refer the matter to the Government of the United Kingdom. ”

Article VI

This Agreement shall not apply to extradition crimes committed earlier than January 1st, 1953.

Article VII

The date on which this Agreement shall come into force shall be agreed upon by an Exchange of Notes. Either Contracting Party may at any time terminate the Agreement by giving six months' notice in writing to the other Party.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed the present Agreement.

DONE in duplicate at Bonn this 23rd day of February, 1960, in the English and German languages both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain
and Northern Ireland :
Christopher STEEL

For the Government of the Federal Republic of Germany :
Albert HILGER VAN SCHERPENBERG
Josef SCHAFFHEUTLE
