

No. 7231

**UNITED STATES OF AMERICA
and
SWEDEN**

**Convention on Extradition (with Protocol). Signed at
Washington, on 24 October 1961**

Official texts : English and Swedish.

Registered by the United States of America on 28 April 1964.

**ÉTATS-UNIS D'AMÉRIQUE
et
SUÈDE**

**Convention d'extradition (avec Protocole). Signée à Wa-
shington, le 24 octobre 1961**

Textes officiels anglais et suédois.

Enregistrée par les États-Unis d'Amérique le 28 avril 1964.

No. 7231. CONVENTION¹ ON EXTRADITION BETWEEN
THE UNITED STATES OF AMERICA AND SWEDEN.
SIGNED AT WASHINGTON, ON 24 OCTOBER 1961

The United States of America and the Kingdom of Sweden desiring to make more effective the cooperation of the two countries in the repression of crime, have resolved to conclude a convention on Extradition and for this purpose have appointed the following Plenipotentiaries :

The President of the United States of America :

Dean Rusk, Secretary of State of the United States of America, and

His Majesty the King of Sweden :

Gunnar Jarring, Ambassador Extraordinary and Plenipotentiary of Sweden
to the United States of America,

who, having communicated to each other their respective full powers, found to be in good and due form, agree as follows :

Article I

Each Contracting State undertakes to surrender to the other, subject to the provisions and conditions laid down in this Convention, those persons found in its territory who have been charged with or convicted of any of the offenses specified in Article II of this Convention committed within the territorial jurisdiction of the other, or outside thereof under the conditions specified in Article IV of this Convention; provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the person sought shall be found, would justify his commitment for trial if the offense had been there committed.

Article II

Extradition shall be granted, subject to the provisions of this Convention, for the following offenses :

1. Murder, including infanticide; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter.

2. Malicious wounding; mayhem; willful assault resulting in grievous bodily harm.

¹ Came into force on 3 December 1963, the date of the exchange of the instruments of ratification at Stockholm, in accordance with the provisions of article XVI of the Convention.

3. Kidnapping; abduction.
4. Rape; abortion; carnal knowledge of a girl under the age specified by law in such cases in both the requesting and requested State.
5. Procuration, defined as the procuring or transporting of a woman or girl under age, even with her consent, for immoral purposes, or of a woman or girl over age, by fraud, threats, or compulsion, for such purposes with a view in either case to gratifying the passions of another person; profiting from the prostitution of another.
6. Bigamy.
7. Robbery; burglary, defined to be the breaking into or entering either in day or night time, a house, office, or other building of a government, corporation, or private person, with intent to commit a felony therein.
8. Arson.
9. The malicious and unlawful damaging of railways, trains, vessels, aircraft, bridges, vehicles, and other means of travel or of public or private buildings, or other structures, when the act committed shall endanger human life.
10. Piracy; mutiny on board a vessel or an aircraft for the purpose of rebelling against the authority of the Captain or Commander of such vessel or aircraft; or by fraud or violence taking possession of such vessel or aircraft.
11. Blackmail or extortion.
12. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.
13. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.
14. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other by false pretenses, or by threats of injury; receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained.
15. Making use of the mails or other means of communication in connection with schemes devised or intended to deceive or defraud the public or for the purpose of obtaining money under false pretenses.

16. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company.

17. Soliciting, receiving, or offering bribes.

18. Perjury; subornation of perjury.

19. Offenses against the laws for the suppression of slavery and slave trading.

20. Offenses against the bankruptcy laws.

21. Smuggling, defined to be the act of willfully and knowingly violating the customs laws with intent to defraud the revenue by international traffic in merchandise subject to duty.

22. Offenses against the laws relating to the traffic in, use of, or production or manufacture of, narcotic drugs or cannabis.

23. Offenses against the laws relating to the illicit manufacture of or traffic in poisonous chemicals or substances injurious to health.

24. The attempt to commit any of the above offenses when such attempt is made a separate offense by the laws of the Contracting States.

25. Participation in any of the above offenses.

Article III

1. The requested State shall, subject to the provisions of this Convention, extradite a person charged with or convicted of any offense enumerated in Article II only when both of the following conditions exist :

- (a) The law of the requesting State, in force when the offense was committed, provides a possible penalty of deprivation of liberty for a period of more than one year; and
- (b) The law in force in the requested State generally provides a possible penalty of deprivation of liberty for a period of more than one year which would be applicable if the offense were committed in the territory of the requested State.

2. When the person sought has been sentenced in the requesting State, the punishment awarded must have been for a period of at least four months.

Article IV

1. Extradition need not be granted for an offense which has been committed within the territorial jurisdiction of the requested State, but if the offense has been committed in the requested State by an officer or employee of the requesting State, who is a national of the requesting State, the executive authority of the requested State shall, subject to its laws, have the power to surrender the person sought if, in its discretion, it be deemed proper to do so.

2. When the offense has been committed outside the territorial jurisdiction of the requesting State, the request for extradition need not be honored unless the laws of the requesting State and those of the requested State authorize prosecution of such offense under corresponding circumstances.

3. The words "territorial jurisdiction" as used in this Article and in Article I of this Convention mean: territory, including territorial waters, and the airspace thereover, belonging to or under the control of one of the Contracting States; and vessels and aircraft belonging to one of the Contracting States or to a citizen or corporation thereof when such vessel is on the high seas or such aircraft is over the high seas.

Article V

Extradition shall not be granted in any of the following circumstances:

1. When the person sought has already been or is at the time of the request being proceeded against in the requested State in accordance with the criminal laws of that State for the offense for which his extradition is requested.

2. When the legal proceedings or the enforcement of the penalty for the offense has become barred by limitation according to the laws of either the requesting State or the requested State.

3. When the person sought has been or will be tried in the requesting State by an extraordinary tribunal or court.

4. When the offense is purely military.

5. If the offense is regarded by the requested State as a political offense or as an offense connected with a political offense.

6. If in the specific case it is found to be obviously incompatible with the requirements of humane treatment, because of, for example, the youth or health of the person sought, taking into account also the nature of the offense and the interests of the requesting State.

Article VI

When the person sought is being proceeded against in accordance with the criminal laws of the requested State or is serving a sentence in that State for an offense other than that for which extradition has been requested, his surrender may be deferred until such proceedings have been terminated or he is entitled to be set at liberty.

Article VII

There is no obligation upon the requested State to grant the extradition of a person who is a national of the requested State, but the executive authority of

the requested State shall, subject to the appropriate laws of that State, have the power to surrender a national of that State if, in its discretion, it be deemed proper to do so.

Article VIII

If the offense for which extradition is requested is punishable by death under the law of the requesting State and the law of the requested State does not permit this punishment, extradition may be refused unless the requesting State gives such assurance as the requested State considers sufficient that the death penalty will not be carried out.

Article IX

A person extradited by virtue of this Convention may not be tried or punished by the requesting State for any offense committed prior to his extradition, other than that which gave rise to the request, nor may he be re-extradited by the requesting State to a third country which claims him, unless the surrendering State so agrees or unless the person extradited, having been set at liberty within the requesting State, remains voluntarily in the requesting State for more than 45 days from the date on which he was released. Upon such release, he shall be informed of the consequences to which his stay in the territory of the requesting State might subject him.

Article X

To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall be surrendered.

Article XI

1. The request for extradition shall be made through the diplomatic channel and shall be supported by the following documents :

- (a) In the case of a person who has been convicted of the offense : a duly certified or authenticated copy of the final sentence of the competent court. However, in exceptional cases, the requested State may request additional documentation.
- (b) In the case of a person who is merely charged with the offense : a duly certified or authenticated copy of the warrant of arrest or other order of detention issued by the competent authorities of the requesting State, together with the depositions, record of investigation or other evidence upon which such warrant or order may have been issued and such other evidence or proof as may be deemed competent in the case.

2. The documents specified in this Article must include a precise statement of the criminal act with which the person sought is charged or of which he has been convicted, and the place and date of the commission of the criminal act. The said documents must be accompanied by an authenticated copy of the texts of the applicable laws of the requesting State including the laws relating to the limitation of the legal proceedings or the enforcement of the penalty for the offense for which the extradition of the person is sought, and data or records which will prove the identity of the person sought as well as information as to his nationality and residence.

3. The documents in support of the request for extradition shall be accompanied by a duly certified translation thereof into the language of the requested State.

Article XII

1. The Contracting States may request, through the diplomatic channel, the provisional arrest of a person, provided that the offense for which he is sought is one for which extradition shall be granted under this Convention. The request shall contain :

- (a) A statement of the offense with which the person sought is charged or of which he has been convicted;
- (b) A description of the person sought for the purpose of identification;
- (c) A statement of his whereabouts, if known; and
- (d) A declaration that there exist and will be forthcoming the relevant documents required by Article XI of this Convention.

2. If, within a maximum period of 40 days from the date of the provisional arrest of the person in accordance with this Article, the requesting State does not present the formal request for his extradition, duly supported, the person detained will be set at liberty and a new request for his extradition will be accepted only when accompanied by the relevant documents required by Article XI of this Convention.

Article XIII

1. Expenses related to the transportation of the person extradited shall be paid by the requesting State. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the officers of the requesting State before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of fugitives under the terms of this Convention, shall be made by the requested State against the requesting State other than as specified in the second paragraph of this Article and other than for the lodging, maintenance, and board of the person being extradited prior to his surrender.

2. The legal officers, other officers of the requested State, and court stenographers in the requested State who shall, in the usual course of their duty, give assistance and who receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the requesting State the usual payment for such acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

Article XIV

1. Transit through the territory of one of the Contracting States of a person in the custody of an agent of the other Contracting State, and surrendered to the latter by a third State, and who is not of the nationality of the country of transit, shall, subject to the provisions of the second paragraph of this Article, be permitted, independently of any judicial formalities, when requested through diplomatic channels and accompanied by the presentation in original or in authenticated copy of the document by which the State of refuge has granted the extradition. In the United States of America, the authority of the Secretary of State of the United States of America shall be first obtained.

2. The permission provided for in this Article may nevertheless be refused if the criminal act which has given rise to the extradition does not constitute an offense enumerated in Article II of this Convention, or when grave reasons of public order are opposed to the transit.

Article XV

To the extent consistent with the stipulations of this Convention and with respect to matters not covered herein, extradition shall be governed by the laws and regulations of the requested State.

Article XVI

1. This Convention shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible.

2. This Convention shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting State giving notice of termination to the other Contracting State at any time, the termination to be effective six months after the date of such notice.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Convention and have affixed hereunto their seals.

DONE, in duplicate, in the English and Swedish languages, both versions being equally authentic, at Washington this twenty-fourth day of October 1961.

For the United States of America :

Dean RUSK

[SEAL]

For Sweden :

Gunnar JARRING

[SEAL]

PROTOCOL

At the time of the signing of the Convention on Extradition this day¹ concluded between the United States of America and Sweden, the undersigned Plenipotentiaries

Considering that the Swedish Penal Code provides for two general types of penalties of deprivation of liberty, namely, simple imprisonment (*fängelse*) and imprisonment with hard labor (*straffarbete*), and that Article IV of the Swedish Extradition Act of December 6, 1957, provides that no person may be extradited unless the crime for which extradition is requested corresponds to an offense for which a sentence of imprisonment with hard labor (*straffarbete*) may be imposed according to Swedish law, and

Realizing that it is the intention of the Government of Sweden to present to the Riksdag a bill to amend the Swedish Penal Code so as to eliminate those two types of deprivation of liberty, replacing them with only one type, namely, imprisonment (*fängelse*), and, also, as a consequence thereof to amend accordingly Article IV of the Swedish Extradition Act,

Agree upon the following provisions respecting the application of paragraph 1 of Article III of the Convention :

1. In the event of a request by the United States for extradition from Sweden, the offense for which extradition is requested must be punishable,
 - a. under United States law, by a possible deprivation of liberty for a period of more than one year and,
 - b. under Swedish law, had the offense been committed in Sweden, by a possible imprisonment with hard labor (*straffarbete*) for a period of more than one year.

¹ See p. 142 of this volume.

2. In the event of a request by Sweden for extradition from the United States, the offense for which extradition is requested must be punishable,

- a. under Swedish law, by a possible imprisonment with hard labor (*straffarbete*) for a period of more than one year and,
- b. under United States law, had the offense been committed in the United States, by a possible deprivation of liberty for a period of more than one year.

This protocol shall enter into force upon entry into force of the Convention, and shall be considered an integral part thereof, if the aforescribed amendments to the Swedish Penal Code and the Swedish Extradition Act shall not then have taken place and become effective.

This protocol shall terminate on the date upon which the aforescribed amendments of the Swedish Penal Code and the Swedish Extradition Act become effective.¹ The Government of Sweden shall notify the Government of the United States in writing of such date.¹

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this protocol and have affixed hereunto their seals.

DONE in duplicate, in the English and Swedish languages, both versions being equally authentic, at Washington this twenty-fourth day of October 1961.

For the United States of America :

Dean RUSK

[SEAL]

For Sweden :

Gunnar JARRING

[SEAL]

¹ The following information is given by the Department of State of the United States of America (*Treaties and Other International Acts Series 5496*, p. 17, footnote 1): " Jan. 1, 1965, as communicated to the Secretary of State by the Swedish Ambassador, Washington, in note No. 13 dated Feb. 1, 1963; not printed. "