

No. 11241

**UNITED STATES OF AMERICA
and
FRANCE**

**Supplementary Convention to the Extradition Convention of
January 6, 1909 (with exchanges of letters and notes).
Signed at Paris on 12 February 1970**

Authentic texts: English and French.

Registered by the United States of America on 4 August 1971.

**ÉTATS-UNIS D'AMÉRIQUE
et
FRANCE**

**Convention additionnelle à la Convention du 6 janvier 1909
relative à l'extradition (avec échanges de lettres et notes).
Signée à Paris le 12 février 1970**

Textes authentiques: anglais et français.

Enregistrée par les États-Unis d'Amérique le 4 août 1971.

SUPPLEMENTARY CONVENTION¹ TO THE EXTRADITION
CONVENTION OF JANUARY 6, 1909² BETWEEN THE
UNITED STATES OF AMERICA AND FRANCE

The Government of the United States of America and the Government of the Republic of France, desiring to make more effective the Extradition Convention signed at Paris January 6, 1909,²

Have resolved to conclude a supplementary Convention and have agreed as follows:

Article I

The following article shall be inserted after Article I of the 1909 Convention:

Article I bis

Without prejudice to the jurisdictional provision of Article I of this Convention when the offense has been committed outside the territory of both contracting Parties, extradition may be granted if the laws of the requested Party provide for the punishment of such an offense committed in similar circumstances.

Article II

Article II of the 1909 Convention is amended as follows:

I. The first paragraph is amended to read as follows:

Extradition shall be granted for the following acts if they are punished as crimes or offenses by the laws of both States:

II. Items 4, 7, 8, 10, and 15 are amended to read as follows:

4. Larceny; robbery, burglary, housebreaking or shopbreaking; assault with intent to rob.

¹ Came into force on 3 April 1971, 30 days after the exchange of the instruments attesting to the completion of the constitutional procedures required to that effect (Washington, 31 December 1970 and 4 March 1971), in accordance with article X.

² *British and Foreign State Papers*, vol. 102, p. 427.

7. Fraud or breach of trust by a bailee, vanker, agent, factor, executor, administrator, guardian, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company.
Embezzlement by public officers or depositaries; embezzlement by persons hired or salaried, to the detriment of their employers.
 8. Obtaining money, valuable securities or other property by false pretenses.
 10. Child-stealing; abduction of a minor.
 15. Receiving money, valuable securities or other property knowing the same to have been unlawfully obtained.
- III. The following acts are added to the list set forth in Article II:
16. Offenses against the laws relating to the traffic in, possession, or production or manufacture of, opium, heroin and other narcotic drugs, cannabis, hallucinogenic drugs, cocaine and its derivatives, and other dangerous drugs and chemicals; or poisonous chemicals or substances injurious to health.
 17. Offenses against the laws relating to bankruptcy.
 18. 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 or property by false pretenses.
 19. Revolt on board an aircraft against the authority of the captain; any seizure or exercise of control, by force or threat of force or violence of an aircraft.

Article III

Article V of the 1909 Convention is amended to read as follows:

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, insofar as the legislation of that State permits, have the power to surrender a national of that State if, in its discretion, it be deemed proper to do so.

Article IV

Article VI of the 1909 Convention is amended to read as follows:

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

1. When the person whose surrender is sought is being proceeded

- against or has been tried and discharged or punished in the territory of the requested Party for the acts for which his extradition is requested.
2. When the person whose surrender is sought establishes that he has been tried and acquitted or has undergone his punishment in a third State for the acts for which his extradition is requested.
 3. When the person claimed has, according to the law of either the requesting or the requested Party, become immune by the reason of lapse of time from prosecution or punishment.
 4. If the offense for which the individual's extradition is requested is of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character. If any question arises as to whether a case comes within the provisions of this subparagraph, the authorities of the Government on which the requisition is made shall decide.
 5. When the offense is purely military.

Article V

The following article shall be inserted after Article VI of the 1909 Convention:

Article VI bis

Extradition shall be granted, in accordance with the provisions of this Convention, for offenses in connection with taxes, duties, customs and exchange only if the Contracting Parties have so decided in respect of any such offense or category of offenses.

Article VI

The following provisions shall be substituted for Article XII of the 1909 Convention:

Expenses related to the transportation of the person sought shall be paid by the requesting Party. The appropriate legal officers of the state in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting Party before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of person sought shall be made by the requested Party against the requesting Party other than as specified in the following paragraph of this Article

and other than, if legislation requires, for the lodging, maintenance and board of the person sought.

The legal officers, other officers of the requested Party, and court stenographers, if any, of the requested Party, 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, if legislation requires, be entitled to receive from the requesting Party the usual payment for such services performed by them in the same manner and to the same amount as though such services had been performed in ordinary criminal proceedings under the laws of the state of which they are officers.

The documents in support of the request for extradition shall be translated into the language of the requested Party at the expense of the requesting Party.

Article VII

The provisions of Article XIII of the 1909 Convention are hereby replaced by the following provision:

The provisions of the present Convention shall apply to the territories of each contracting Party.

Article VIII

This supplementary Convention shall apply to offenses specified in Article II of the 1909 Convention as herein amended committed before as well as after the date this supplementary Convention enters into force, provided that no extradition shall be granted for an offense committed before the date this supplementary Convention enters into force which was not an offense under the laws of both countries at the time of its commission.

Article IX

Upon the entry into force of the present supplementary Convention, the Supplementary Extradition Conventions signed at Paris on January 15, 1929,¹ and April 23, 1936,² respectively, shall terminate.

¹ League of Nations, *Treaty Series*, vol. XCII, p. 259.

² *Ibid.*, vol. CLXXII, p. 197.

Article X

Each contracting Party will notify the other upon the completion of the constitutional procedures required for entry into force of the present supplementary Convention. It shall enter into force thirty days after exchange of instruments attesting to the completion of these formalities. These instruments shall be exchanged in Washington.

The present supplementary Convention shall terminate at the same time and in the same manner as the Convention of 1909.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective governments, have signed this supplementary Convention.

DONE in duplicate at Paris in the English and French languages, both equally authentic, this twelfth day of February, one thousand nine hundred seventy.

For the Government
of the United States of America:

SARGENT SHRIVER

For the Government
of the Republic of France:

HERVÉ ALPHAND

EXCHANGES OF LETTERS AND NOTES —
ÉCHANGES DE LETTRES ET NOTES

I, *a*

EMBASSY OF THE UNITED STATES OF AMERICA

Paris, February 12, 1970

Dear Mr. Ambassador:

Article II of the Supplementary Convention to the Convention of 1909, signed this day, provides that the provisions of the first paragraph of Article II of the 1909 Convention are replaced by the following provisions: "Extradition shall be granted for the following acts if they are punished as crimes or offenses by the laws of both States."

The purpose intended in this modification is to eliminate certain difficulties which could arise in the application of the Convention. Extradition will be based on the nature of the acts and not on the particular statutory terminology.

In particular, it is understood that this modification will resolve any question concerning jurisdictional terminology of Federal offenses of the United States. Thus, extradition will also be granted for any act which serves as the basis of an offense foreseen in Article II even though, for purposes of granting jurisdiction to the Government of the United States of America, transporting or transportation is also considered a necessary element of the offense.

I would very much appreciate your confirming your agreement to this interpretation.

Accept, Excellency, the assurances of my highest consideration.

SARGENT SHRIVER

His Excellency Hervé Alphand
Ambassador of France
Secretary General, Ministry of Foreign Affairs
Paris

«Je vous serais très obligé de bien vouloir me confirmer votre accord sur cette interprétation.»

J'ai l'honneur de vous confirmer que cette interprétation rencontre l'accord du Gouvernement français.

Je vous prie d'agréer, Monsieur l'Ambassadeur, l'assurance de ma haute considération.

HERVÉ ALPHAND

Son Excellence Monsieur Robert Sargent Shriver
Ambassadeur des États-Unis d'Amérique
à Paris

[TRANSLATION ¹ — TRADUCTION ²]

Paris, February 12, 1970

Mr. Ambassador:

I have the honor to acknowledge receipt of your letter of this date, which reads as follows:

[*See note I, a*]

I have the honor to confirm to you that this interpretation is acceptable to the French Government.

Accept, Mr. Ambassador, the assurance of my high consideration.

HERVÉ ALPHAND

His Excellency Robert Sargent Shriver
Ambassador of the United States of America
at Paris

I, *b*

Paris, le 12 février 1970

Monsieur l'Ambassadeur,

L'article 6 de la Convention additionnelle à la Convention de 1909, signée ce jour, stipule que les dispositions de l'article XII de la Con-

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

² Traduction fournie par le Gouvernement des États-Unis d'Amérique.

vention de 1909 sont remplacées par de nouvelles dispositions prévoyant notamment que «les fonctionnaires publics et auxiliaires de justice compétents de l'État où a lieu la procédure d'extradition prêteront, par tous les moyens légaux en leur pouvoir, assistance à la Partie requérante devant les juges et les magistrats compétents».

Il a été entendu au cours des négociations que cette disposition signifie que l'*attorney general* des États-Unis assurera la représentation des intérêts du Gouvernement français devant les juridictions des États-Unis d'Amérique dans les procédures auxquelles donnent lieu les demandes d'extradition formées par le Gouvernement français.

Je vous serais très obligé de bien vouloir me confirmer cette interprétation.

Je vous prie d'agréer, Monsieur l'Ambassadeur, l'assurance de ma haute considération.

HERVÉ ALPHAND

Son Excellence Monsieur Robert Sargent Shriver
Ambassadeur des États-Unis d'Amérique
à Paris

[TRANSLATION — TRADUCTION]

Paris, 12 February, 1970

Mr. Ambassador,

[See note II, b]

Accept, Mr. Ambassador, etc.

HERVÉ ALPHAND

His Excellency Mr. Robert Sargent Shriver
Ambassador of the United States of America
at Paris

II, *b*

EMBASSY OF THE UNITED STATES OF AMERICA

Paris, February 12, 1970

Dear Mr. Ambassador:

I have the honor to acknowledge receipt of your letter of this date which reads as follows:

“Article VI of the Supplementary Convention to the Convention of 1909, signed this day, stipulates that the provisions of Article XII of the Convention of 1909 are replaced by new provisions, in part, as follows: ‘The appropriate legal officers of the State in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting Party before the respective judges and magistrates.’

“It has been understood during the negotiations that the provision signifies that the Attorney General of the United States will assure the representation of the interests of the French Government before the appropriate legal forum of the United States in cases of extradition requests by the Government of France.

“I would very much appreciate your confirming this interpretation.”

I have the honor to confirm that this interpretation is acceptable to the United States Government.

Accept, Excellency, the assurances of my highest consideration.

SARGENT SHRIVER

His Excellency Hervé Alphand
Ambassador of France
Secretary General, Ministry of Foreign Affairs
Paris

[TRADUCTION — TRANSLATION]

AMBASSADE DES ÉTATS-UNIS D'AMÉRIQUE

Paris, le 12 février 1970

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de votre lettre en date de ce jour ainsi conçue:

[*Voir note I, b*]

J'ai l'honneur de vous confirmer que cette interprétation rencontre l'accord du Gouvernement des États-Unis.

Je vous prie d'agréer, etc.

SARGENT SHRIVER

Son Excellence Hervé Alphand
Ambassadeur de la France
Secrétaire général, Ministère des affaires étrangères
Paris

I, c

Paris, June 2, 1970

No. 96

Excellency:

I have the honor to refer to the Supplemental Convention to the Extradition Convention of January 6, 1909 between the United States of America and France, which Supplemental Convention was signed at Paris on February 12, 1970, and to conversations between representatives of our two Governments relating to concordance of certain provisions of the English and French language versions of the Supplemental Convention.

As a result of those conversations, it is the understanding of the Government of the United States that the following change is considered to be incorporated in the original French version:

In Article VIII, the words "*à son article II commises avant ou après son entrée en vigueur*" are replaced by the words "*à l'article II de la Convention de 1909, tel qu'il est modifié ci-dessus, commises avant ou après l'entrée en vigueur de la présente Convention*".

The Government of the United States would appreciate receiving confirmation that the foregoing is also the understanding of the Government of France.

Accept, Excellency, the assurances of my highest consideration.

[Signed]

ARTHUR K. WATSON

His Excellency Maurice Schumann
Minister of Foreign Affairs
Paris

«Le gouvernement des États-Unis attacherait du prix à recevoir confirmation que ce qui précède est également ce qu'entend le gouvernement français.»

Je suis en mesure de confirmer à Votre Excellence l'accord de mon Gouvernement sur ce qui précède.

Je vous prie d'agréer, Monsieur l'Ambassadeur, l'assurance de ma haute considération.

[Signé]

G. DE CHAMBRUN

Son Excellence Monsieur Arthur K. Watson
Ambassadeur des États-Unis d'Amérique
à Paris

[TRANSLATION ¹ — TRADUCTION ²]

FRENCH REPUBLIC
MINISTRY OF FOREIGN AFFAIRS

Paris, June 11, 1970

2687

Mr. Ambassador:

I have the honor to acknowledge receipt of your note of June 2, 1970, which reads as follows:

[See note I, c]

I hereby inform Your Excellency that my Government agrees to the foregoing.

Accept, Mr. Ambassador, the assurance of my high consideration.

[Signed]

G. DE CHAMBRUN

His Excellency Arthur K. Watson
Ambassador of the United States of America
Paris

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

² Traduction fournie par le Gouvernement des États-Unis d'Amérique.