

No. 11562

**FRANCE
and
YUGOSLAVIA**

Convention on extradition. Signed at Paris on 23 September 1970

Authentic texts : French and Serbo-Croatian.

Registered by France on 2 February 1972.

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[TRANSLATION — TRADUCTION]

CONVENTION¹ ON EXTRADITION BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

The Government of the French Republic and the Government of the Socialist Federal Republic of Yugoslavia, desiring to regulate by agreement matters relating to extradition, have agreed as follows :

Article 1

The Contracting Parties undertake to surrender to each other, subject to the conditions laid down in this Convention, all persons who are present in the territory of one State and are being proceeded against for an offence or are wanted for the carrying out of a sentence by the judicial authorities of the other State.

Article 2

Extradition shall be granted in respect of :

- (a) An act or acts which, under the laws of the two States, constitute offences punishable by deprivation of liberty for a period of at least one year or by a more severe penalty;
- (b) Sentences of deprivation of liberty for a period of at least six months imposed by the courts of the requesting State for offences referred to in subparagraph (a) in this article;
- (c) Sentences of deprivation of liberty for a total period of at least six months for offences punishable under the laws of both States by deprivation of liberty, provided that at least one of the offences committed is punishable under their laws by deprivation of liberty for a period of at least one year.

Article 3

Extradition shall not be granted :

- (a) If the person whose extradition is requested was a national of the requested Party at the time when the offence was committed;
- (b) If the offence was committed in the territory of the requested State;

¹ Came into force on 1 August 1971, the first day of the second month following the date of the second notification by which each Contracting Party informed the other of the completion of the procedures required under its Constitution, in accordance with article 24.

- (c) If a final judgement in the matter of the same offence has already been rendered in the requested State in respect of the person claimed;
- (d) If the offence for which extradition is requested was committed outside the territories of the two States by a person not a national of either State and the law of the requested Party does not allow prosecution for the same category of offence when committed outside its territory by a foreigner;
- (e) If prosecution or punishment is barred by lapse of time under the laws of either State at the time when the request is received;
- (f) If amnesty has been granted in the requesting State;
- (g) If the offence for which extradition is requested is deemed by the requested Party to consist solely in the violation of military obligations;
- (h) If, under the law of either State, penal proceedings may be instituted only by private individuals.

Article 4

1. Extradition shall not be granted if the offence for which it is requested is regarded by the requested Party as a political offence or as an offence under ordinary law committed for a primarily political purpose.

2. The political nature of the offence shall not automatically prevent extradition in the case of an attempted taking of life otherwise than in open combat.

3. The provisions of this article shall not affect any obligations which the Contracting Parties may have undertaken or may undertake under multilateral international conventions.

Article 5

Extradition may be refused if, at the time when the request for extradition is received, proceedings are being taken in the requested State in respect of the offence for which it is requested.

Article 6

1. Extradition shall not be granted for offences in connexion with customs, duties, taxes or exchange.

2. The Contracting Parties may, however, by an exchange of notes, agree to grant extradition, subject to the conditions laid down in this Convention, for all or some of the offences referred to in the preceding paragraph.

Article 7

If a decision by default has been rendered against the person claimed, extradition shall be granted, provided that the person shall have a right to a re-opening of criminal proceedings in accordance with the laws of the requesting State.

Article 8

1. For the purposes of the application of this Convention, the Contracting Parties shall communicate through the diplomatic channel.

2. The request for extradition and other documents submitted shall be written in the language or languages of the requesting State.

Article 9

1. The request for the extradition of a person being proceeded against shall be accompanied by the original or an authenticated copy of the warrant of arrest or other document having the same effect and issued in accordance with the procedure laid down in the law of the requesting State. The warrant or other document shall include a statement of the circumstances in which the offence was committed, the time and place of its commission, its legal description and a specification of the relevant enactments, and, in cases where the offence has caused material damage, all available information on the nature and extent of such damage.

2. The request for the extradition of a person who has been convicted shall be accompanied by the original or an authenticated copy of the final judgement.

3. In either case the request shall be accompanied by the text of the enactments relevant to the offence and, if possible, a description and photograph of the person and any information which may serve to establish his identity and nationality.

Article 10

1. In case of urgency the judicial authorities of the requesting State may, for the purposes of extradition, request the provisional arrest of the person sought.

2. The request for provisional arrest shall include a statement of the offence committed, the length of the penalty prescribed or imposed and when and where the offence was committed and, in so far as possible, a description of the person sought.

3. The request shall be sent to the judicial authorities of the requested State, either direct by post or telegraph or by any other suitable means.

4. If the request seems justified, action to comply with it shall be taken by the judicial authorities of the requested State in accordance with its laws.

5. The requesting State shall be notified without delay of the result of its request and informed that the person detained will be released if the request for extradition is not submitted within a period of one month from receipt of the notice. The said period may be extended by 15 days at most.

6. Release shall not prejudice re-arrest if a request is received after the expiry of the periods prescribed in the preceding paragraph.

Article 11

For the purposes of the application of this Convention, the requested Party may ask the requesting Party to submit additional information and documents within a specified period.

Article 12

Following receipt of the request for extradition, the requested Party shall, if the conditions laid down in this Convention are fulfilled, take all appropriate measures with a view to finding the person claimed and, if necessary, arresting him.

Article 13

1. The requested Party shall inform the requesting Party within a reasonable time of its decision on the request for extradition.

2. If the requested Party rejects the request for extradition, in whole or in part, it shall state the reasons for its decision.

3. If the extradition is granted, the requested Party shall inform the requesting Party of the place and date of the surrender of the person claimed and of the length of time for which the person was detained.

4. Upon a request submitted in good time by one of them, the Contracting Parties may, where the circumstances so require, fix by agreement another time and, where necessary, another place for the surrender of the person claimed.

5. If the requesting Party does not take over the person at the place and time prescribed in accordance with paragraph 3 or 4, he shall be released after a period of eight days; if the requesting Party requests an extension and states its reasons therefore, the period may be extended to 15 days. The person released may not be claimed again for the same offences.

6. Where necessary, the communication required for the application of paragraphs 4 and 5 of this article may be transmitted by the means provided for in article 10, paragraph 3, of this Convention.

7. The provisions of this article shall also apply in the case of transfer by air.

Article 14

1. If extradition is requested concurrently by more than one State, either for the same offence or for different offences, the requested Party shall make its decision freely, having regard to all the circumstances and especially the nationality of the person claimed, the place of commission and the seriousness of the offence and the respective dates of the requests.

2. In the case provided for in the preceding paragraph, the requested Party may, in granting the extradition, authorize the requesting Party to release the person whose extradition has been granted to it to the third State which claimed him concurrently.

Article 15

1. If the person claimed is under trial or punishment in the requested State for an offence other than the one for which extradition is requested, the requested Party shall make a decision on the request and communicate its decision to the other Party. If the request is granted, the surrender shall be deferred until the criminal proceedings are concluded or the sentence carried out.

2. If the postponement of the surrender might lead in the requesting State to the barring of prosecution by lapse of time, or seriously hinder the judicial process, or if special circumstances so require, the requested Party may, upon receipt of a request with statement of reasons, temporarily surrender the person claimed in order to allow preliminary proceedings to be taken, or, where appropriate, a judgement to be rendered.

3. The person surrendered shall be detained during his stay in the territory of the requesting State and shall be sent back to the requested State not later than three months after his surrender.

Article 16

1. The Contracting Party to which the person claimed has been surrendered shall inform the other Contracting Party of the outcome of the criminal proceedings against him.

2. In the event of conviction and sentencing, a copy of the final judgement shall be transmitted.

Article 17

A person who has been extradited shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence, restricted in his personal

freedom in any other manner or extradited to a third State for any offence committed prior to his surrender other than that for which he was extradited, except in the following cases :

- (a) If the requested State consents;
- (b) If the extradited person does not leave the territory of the requesting State within 30 days of his final discharge; the said time-limit shall not include time during which the person surrendered was unable, for reasons beyond his control, to leave the territory of that State;
- (c) If, after leaving the territory of the State to which he has been surrendered, he voluntarily returns to it.

Article 18

1. Where the consent of the requested Party is sought with a view to prosecution or the carrying out of a penalty for an offence committed prior to the surrender other than that for which the request for extradition was made, the requesting Party must comply with the procedure laid down in article 9 of this Convention.

2. Where the consent of the requested Party is sought with a view to the surrender of the extradited person to a third State the requesting State shall transmit to the requested State the request for extradition and all related documents submitted by the third State.

3. In the cases referred to in the preceding paragraphs, the request submitted by the requesting State shall be accompanied by a judicial protocol recording the statements of the extradited person concerning the proceedings against him and stating that he has been given an opportunity to submit a memorandum in his own defence to the requested State.

Article 19

If the description of the offence charged is altered in the course of proceedings, the extradited person shall be proceeded against or sentenced only in so far as the offence under its new description is shown by its constituent elements to be an offence which would allow extradition.

Article 20

1. When extradition is granted, property which has been used in the commission of the offence or acquired as a result of the offence or in exchange for property so acquired shall be handed over to the requesting State.

2. The property mentioned in the preceding paragraph shall be handed over even if extradition cannot be carried out owing to the death or escape of the person claimed or for any other reason.

3. Any rights of third parties in the said property shall be preserved. After the proceedings have been concluded, the property shall be returned to the person to whom it belongs. Where the identity of such person cannot be established, the property shall be returned to the requested Party.

4. The requested Party may temporarily retain the property mentioned in paragraph 1 of this article if it considers the property necessary for criminal proceedings. It may request the return of property handed over, undertaking to deliver it again as soon as the proceedings held in its territory so permit.

5. The requested Party shall not be required to return the property referred to in the preceding paragraph if its authorities have ordered the confiscation or destruction of the said property.

Article 21

1. Each Contracting Party shall, at the request of the other Party, grant transit across its territory for a person surrendered to the latter by a third State. The request must be supported by documents establishing that the offence is extraditable under this Convention. The provisions of article 2 relating to the length of penalties shall not be taken into account.

2. The requested Party shall authorize transit by such means of transport and such procedures as it considers most suitable.

3. The requested Party shall not be required to authorize transit of its nationals or of persons whose extradition it has requested or intends to request.

Article 22

Expenses occasioned by extradition and, where appropriate, by transit shall be borne by the State in whose territory they are incurred. The expenses of air transport shall, however, be borne by the requesting Party.

Article 23

This Convention shall apply to the entire territory of the two States.

Article 24

Each Contracting Party shall notify the other of the completion of the procedures required under its Constitution for the entry into force of this Convention. The Convention shall enter into force on the first day of the second month following the date of the second such notification.

Article 25

1. This Convention is concluded for an indefinite period.

2. Either Contracting Party may denounce it at any time, and the denunciation shall take effect six months from the date on which notice of denunciation is received by the other Contracting Party.

DONE at Paris on 23 September 1970, in duplicate in the French and Serbo-Croat languages, both texts being equally authentic.

For the Government
of the French Republic :

[Signed]

HERVÉ ALPHAND

For the Government
of the Socialist Federal
Republic of Yugoslavia :

[Signed]

IVO VEJVODA
