

No. 722

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
SWEDEN and NORWAY**

**Treaty for the mutual surrender of fugitive criminals. Signed
at Stockholm on 26 June 1873**

Authentic text: English.

*Filed and recorded at the request of the United Kingdom of Great Britain and
Northern Ireland on 10 July 1974.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
SUÈDE et NORVÈGE**

**Traité relatif à la remise réciproque des délinquants fugitifs.
Signé à Stockholm le 26 juin 1873**

Texte authentique: anglais.

*Classé et inscrit au répertoire à la demande du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord le 10 juillet 1974.*

TREATY¹ BETWEEN HER MAJESTY AND THE KING OF SWEDEN AND NORWAY FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS²

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sweden and Norway, having judged it expedient, with a view to the better administration of justice and to the more complete prevention of crime within the respective countries, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; their said Majesties have named as their plenipotentiaries to conclude a treaty for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Edward Morris Erskine, a Companion of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden and Norway;

And His Majesty the King of Sweden and Norway, Henrick Wilhelm Bredberg, Grand Cross of the Order of the Polar Star, His Majesty's Councillor of State and Acting Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I. The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime committed in the territory of the one Party, shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

Article II. The crimes for which the extradition is to be granted are the following:

1. Murder (child murder and poisoning included) or attempt to murder.
2. Manslaughter.
3. Counterfeiting or altering money, uttering or bringing into circulation knowingly counterfeit or altered money.
4. Forgery or counterfeiting or altering or uttering what is forged, or counterfeited, or altered, comprehending the crimes designated in the Swedish and Norwegian penal codes as counterfeiting or falsification of paper money, bank notes or other securities, forgery or falsification of other public or private documents, likewise the uttering or bringing into circulation or wilfully using such counterfeited, forged, or falsified papers.
5. Embezzlement or larceny.

¹ Came into force on 17 October 1873, i.e., ten days after its publication, in conformity with the forms prescribed by the laws of the Contracting Parties, in accordance with article XV.

² *British and Foreign State Papers*, vol. 63, p. 175; League of Nations, *Treaty Series*, vol. XCII, p. 427; vol. CXXVI, p. 461; vol. CLXIV, p. 446; and vol. CLXXXI, p. 500; and United Nations, *Treaty Series*, vol. 133, p. 380, and vol. 200, p. 360.

6. Obtaining money or goods by false pretences, except, as regards Norway, cases in which the crime is not accompanied by aggravating circumstances according to the law of that country.
7. Crimes by bankrupts against bankruptcy law.
8. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company, made criminal by any law for the time being in force.
9. Rape.
10. Abduction.
11. Child stealing.
12. Burglary or housebreaking.
13. Arson.
14. Robbery with violence.
15. Threats by letter or otherwise with intent to extort, except as regards Norway, cases in which this crime is not punishable by the laws of that country.
16. Sinking or destroying a vessel at sea, or attempting to do so.
17. Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.
18. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master; except, as regards Norway, conspiracy to revolt.

The extradition is also to take place for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

Article III. No Swedish or Norwegian subject shall be delivered up to the Government of the United Kingdom; and no subject of the United Kingdom shall be delivered up to the Swedish or Norwegian Government.

Article IV. The extradition shall not take place if the person claimed has already been tried and discharged or punished, or is still under trial in the country where he has taken refuge, for the crime for which his extradition is demanded.

If the person claimed should be under examination for any other crime in the country where he has taken refuge, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

Article V. The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the country where the criminal has taken refuge.

Article VI. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded, is one of a political character, or

if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

Article VII. A person surrendered by either of the High Contracting Parties to the other, cannot, until he has been restored or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any crime committed in the other country other than that on account of which the extradition shall have taken place.

This stipulation does not apply to crimes committed after the extradition.

Article VIII. The requisitions for extradition shall be made through the diplomatic agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent court of the State that makes the requisition for extradition.

The requisition ought, as far as possible, to be accompanied by a description of the person accused or convicted, in order to identify him.

A requisition for extradition cannot be founded on sentences passed *in contumaciam*.

Article IX. If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the same country.

The extradition shall not take place before the expiration of fifteen days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, or to prove that the prisoner is the identical person convicted by the courts of the State which makes the requisition.

Article X. In the examinations which they have to make, in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a judge, magistrate, or officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

Article XI. If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

Article XII. All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

Article XIII. Each of the High Contracting Parties shall defray and bear expenses incurred by it in the arrest, maintenance and conveyance of the individual to be surrendered till placed on board ship, as well as in keeping and conveying the articles which are to be delivered up in conformity with the stipulations of the preceding article.

The individual to be surrendered shall be conveyed to the port specified by the applying Government, at whose expense he shall be taken on board the ship to convey him away.

If it be necessary to convey the individual claimed through the territories of another State, the expenses incurred thereby shall be defrayed by the applying State.

Article XIV. The stipulations of the present Treaty shall be applicable to the colonies and foreign possessions of the two High Contracting Parties.

The requisition for the surrender of a fugitive criminal who has taken refuge in a colony or foreign possession of either Party, shall be made to the Governor or Chief Authority of such colony or possession by the chief consular officer of the other in such colony or possession; or, if the fugitive has escaped from a colony or foreign possession of the Party on whose behalf the requisition is made, by the Governor or Chief Authority of such colony or possession.

Such requisitions may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the respective Governors or Chief Authorities, who, however, shall be at liberty either to grant the surrender, or to refer the matter to their Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British colonies and foreign possessions for the surrender of Swedish and Nowegian criminals who may there take refuge, on the basis, as nearly as may be, of the provisions of the present Treaty.

Article XV. The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for six months after notice has been given for its termination.

Article XVI. The present Treaty shall be ratified, and the ratifications shall be exchanged at Stockholm, as soon as may be possible.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the same, and have affixed thereto their seals.

DONE at Stockholm, the 26th day of June, in the year of our Lord one thousand eight hundred and seventy-three.

E. M. ERSKINE

H. W. BREDBERG
