

No. 19225

**UNITED STATES OF AMERICA
and
FINLAND**

**Treaty on extradition (with schedule of offenses). Signed at
Helsinki on 11 June 1976**

Authentic texts: English and Finnish.

Registered by the United States of America on 7 November 1980.

**ÉTATS-UNIS D'AMÉRIQUE
et
FINLANDE**

**Traité d'extradition (avec liste des infractions). Signé à
Helsinki le 11 juin 1976**

Textes authentiques : anglais et finnois.

Enregistré par les États-Unis d'Amérique le 7 novembre 1980.

EXTRADITION TREATY¹ BETWEEN THE UNITED STATES OF AMERICA AND FINLAND

The Government of the United States of America and the Government of the Republic of Finland;

Desiring to make a new treaty for the reciprocal extradition of offenders;

Have agreed as follows:

Article 1. Each Contracting State agrees to extradite to the other in the circumstances, and subject to the conditions specified in this Treaty, any person found in its territory who has been charged with or convicted of any offense within Article 2, committed within the jurisdiction of the other State or outside thereof under the conditions specified in Article 3.

Article 2. 1. Extradition shall be granted for an offense within any of the descriptions listed in the Schedule annexed to this Treaty, which is an integral part of the Treaty, if the offense is punishable under the laws of both States by imprisonment or other form of detention for more than one year or by the death penalty.

2. Extradition shall also be granted for an attempt to commit, or aiding, abetting or participation in an offense within paragraph 1 of this Article. Extradition shall similarly be granted when the offense constitutes conspiracy to commit a completed offense under the law of the United States and such offense constitutes the offense of aiding or abetting or preparation under the law of Finland. The provisions of this paragraph shall be qualified on the basis that the offense is punishable under the laws of both States by imprisonment or other form of detention for more than one year or by the death penalty.

3. If extradition is requested for any offense mentioned in the first or second paragraphs of this Article and that offense is punishable under the laws of both Contracting States by a term of imprisonment exceeding one year, such offense shall be extraditable whether or not the laws of both Contracting States would place that offense within the same category of offenses made extraditable by the first or second paragraphs of this Article and whether or not the laws of the requested State denominate the offense by the same terminology.

4. Extradition shall also be granted for an offense when the use of the mails or means of interstate communication or transport may be required for the purposes of granting jurisdiction to a federal tribunal of the United States.

5. A person convicted of and sentenced for an offense to which this Article applies shall not be extradited therefor unless he was sentenced to serve a period of imprisonment or other form of detention of which one year or more remains to be served, or to the death penalty.

Article 3. 1. For the purposes of this Treaty, the territory of each Contracting State comprises all the territory over which it exercises sovereignty, including air space and territorial waters, as well as vessels and aircraft registered in that Contracting State if any such aircraft or vessels are on the high seas or in flight when the offense is committed. An aircraft shall be considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends. In the case of

¹ Came into force on 11 May 1980, i.e., three months after the exchange of the instruments of ratification, which took place at Washington on 11 February 1980, in accordance with article 23 (1).

a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for the persons and property on board.

2. The provisions of the preceding paragraph do not exclude the application of penal jurisdiction exercised in accord with the legislation of the requested State.

3. When the offense for which the extradition has been requested has been committed outside the territory of the requesting State, the requested State shall have the power to grant extradition provided that its jurisdiction would extend to such an offense in similar circumstances.

4. It shall be understood that if the offense contemplated by this Article is committed in the requested State or on board an aircraft or vessel of that State, the requested State shall have primary jurisdiction.

Article 4. 1. Neither Contracting State shall be bound to deliver up its own nationals, but the executive authority of the requested State shall, if not prevented by the laws of that State, have the power to deliver them up if, in its discretion, it be deemed proper to do so.

2. If extradition is not granted in pursuance of paragraph 1 of this Article, the requested State shall submit the case to its competent authorities for the purpose of prosecution.

Article 5. Extradition shall be granted only if the evidence be found sufficient according to the law of the requested State either to justify the committal for trial of the person sought if the offense of which he is accused had been committed in the territory of the requested State or to prove that he is the identical person convicted by the courts of the requesting State.

Article 6. The person whose extradition has been requested may advise the appropriate authority of the requested State that he waives the necessity for a hearing on his extraditability. The requested State may thereupon cause the issuance of an order authorizing surrender of the person sought to agents of the government of the requesting State.

Article 7. 1. Extradition may be refused if:

- a. The person whose surrender is sought is being proceeded against or has been tried and discharged or punished in the territory of the requested State for the offense for which extradition is requested;
- b. The person whose surrender is sought has been tried and acquitted, or has undergone punishment, or has been pardoned, in a third state for the offense for which his extradition is requested;
- c. In special circumstances, having particular regard to the age, health or other personal conditions of the person concerned, the requested State has reason to believe that extradition will be incompatible with humanitarian considerations.

2. Extradition shall be refused if:

- a. The prosecution or the enforcement of the penalty for the offense for which extradition is requested has become barred by lapse of time according to the law of the requesting or requested State;
- b. The offense is a military offense which does not constitute a common crime; or
- c. (i) The offense for which extradition is requested is regarded by the requested State as one of a political character; or
(ii) The person sought proves that the request for his extradition has in fact been made with a view to try or punish him for an offense of political character.

3. The provisions of subparagraph *c(i)* of paragraph 2 of this Article shall not be applicable to:

- a.* A murder or other serious assault, or an attempt to commit such an offense, except in open combat, against the life or physical integrity of a person to whom the requesting State has the duty according to international law to give special protection; or
- b.* The unlawful seizure of an aircraft engaged in commercial services carrying passengers.

4. If criminal proceedings are instituted in Finland against the person sought for the offense for which his extradition is requested and the charge against him is waived, the Government of Finland shall not be bound to extradite him for that offense unless the executive authority of Finland determines, after due consideration of the circumstances of the case, that the interests of justice would be served thereby. In any event, the requesting State shall be afforded an opportunity to supplement its request before final determination on the request for extradition pursuant to this provision.

Article 8. When, at the time of the presentation of the request for extradition, the person whose extradition is requested is under the age of eighteen years and has permanent residence in the requested State and the competent authorities of that country determine that the extradition would prejudice the social readjustment and rehabilitation of that person, the requested State may suggest that the request for extradition be withdrawn, specifying the reasons therefor.

Article 9. If the offense for which extradition is requested is punishable by death under the laws of the requesting State and the laws of the requested State do not provide for the death penalty for that offense, extradition may be refused unless the requesting State provides assurances satisfactory to the requested State that the death penalty shall not be imposed, or, if imposed, shall not be carried out.

Article 10. In the case of a request for extradition emanating from the Government of the United States, the subject of which is an individual born in Finland of Finnish nationality who at the time of the request for extradition is a permanent resident of Finland and a national of Denmark, Iceland, Norway or Sweden, the Government of Finland shall have the right to recommend that the extradition request be withdrawn, specifying the reasons therefor.

Article 11. When the person whose extradition is requested is being proceeded against or is lawfully detained in the territory of the requested State for an offense other than that for which extradition has been requested, the decision whether or not to extradite him may be deferred until the conclusion of the proceedings and the full execution of any punishment he may be or may have been awarded.

Article 12. The determination that extradition based upon the request therefor should or should not be granted shall be made in accordance with the law of the requested State and the person whose extradition is sought shall have the right to use such remedies and recourses as are provided by such law.

Article 13. 1. The request for extradition shall be made through the diplomatic channel.

2. The request shall be accompanied by:

- a.* The data necessary to prove the identity of the person sought, including, when possible, photographs and fingerprints, and information as to his nationality and residence, if available;
- b.* A statement of the facts of the case for which extradition is requested;

c. The text of the laws defining the offense, the law prescribing the punishment for the offense, and the law relating to the limitation of the legal proceedings or the enforcement of the penalty for that offense.

3. If the request relates to a person charged but not yet convicted, it must also be accompanied by a warrant of arrest issued by a judge or other competent authority in the territory of the requesting State and by such evidence as, according to the law of the requested State, would justify his committal for trial if the offense had been committed in the territory of the requested State, including evidence that the person requested is the person to whom the warrant of arrest refers.

4. If the request relates to a convicted person, it must also be accompanied by the judgment of conviction and sentence, if any, imposed in the territory of the requesting State, and by a certification indicating that the sentence has not been served or indicating the part of the sentence yet to be served.

5. The warrant of arrest, or the judicial document establishing the existence of the conviction or sentence and any deposition or statement or other evidence given on oath or affirmed, or any certified copy thereof shall be received in evidence in any proceedings for extradition:

- a. (i) If it is authenticated, in the case of a warrant, by being signed, or in the case of any other original document, by being certified, by a judge or other competent authority in the requesting State, or, in the case of a copy by being so certified to be a true copy of the original; and
- (ii) Where the requesting State is Finland by being sealed with the official seal of the appropriate Ministry and certified by the principal diplomatic or consular officer of the United States of America in Finland; and where the requesting State is the United States of America, by being sealed with the official seal of the Department of State; or
- b. If it is authenticated in such other manner as may be permitted by the law of the requested State.

6. The requested State may require that the documentation be translated into the language of that State.

Article 14. 1. In case of urgency, the Contracting States may request, through the diplomatic channel, the provisional arrest of an accused or convicted person. This request may be honored if the request includes the identification of such a person, describes the offense of which he is accused, indicates the purpose for the request of extradition and the existence of an order of arrest or an outstanding conviction or sentence.

2. Upon the granting of the request for provisional arrest, the requesting State shall present to the Executive Authority of the other State the formal request for extradition within forty-five calendar days or the time specified by the law of the requested State; if no such request is made, the accused shall be released upon expiration of the time specified and a new request based on the same acts shall be admitted only through the means of a formal request for extradition.

3. In conjunction with the request for provisional arrest of the accused, the requesting State may request the seizure of the objects related to the offense of which he has been accused and which objects are in the possession of the accused or of his agent, associate, or representative. The requesting State shall accompany this request by evidence showing the relationship of the objects to the offense committed and an indication of where they may be located. The requested State may deny the request if it appears that the rights of innocent third parties have intervened.

Article 15. 1. If the requested State requires additional evidence or information to enable it to decide on the request for extradition, it shall request the same of the

requesting State, and the requesting State shall furnish it within such time as the requested State indicates.

2. If the requested evidence or information is not received within the specified period or if such evidence is insufficient, the person sought, if under arrest, shall be released immediately. This fact shall not bar the requesting State from renewing its request for extradition, with new documentation, with respect to the same person and for the same offense.

Article 16. 1. The requested State shall promptly communicate to the requesting State, through the diplomatic channel, the decision on the request for extradition.

2. If the extradition has been granted, the authorities of the requesting and the requested States shall agree on the time and place of surrender of the person sought.

3. If a warrant or order for the extradition of a person sought has been issued by the competent authority and he is not removed from the territory of the requested State within such time as may be agreed, he shall be set at liberty and the requested State may subsequently refuse to extradite him for the same offense.

Article 17. 1. A person extradited shall not be detained or proceeded against in the territory of the requesting State for any offense other than an extraditable offense established by the facts in respect of which his extradition has been granted, or on account of any other matters, nor be extradited by that State to a third State

a. Until after he has left the territory of the requesting State; or

b. Until the expiration of forty-five days after he has been free to leave the territory of the requesting State.

2. The provisions of paragraph 1 of this Article shall not apply to offenses committed, or matters arising, after the extradition has been granted.

Article 18. If the extradition of a person is requested concurrently by one of the Contracting States and by another State or States, either for the same offense or for different offenses, the requested State shall make its decision having regard to all the circumstances, including the provisions in this regard in any Agreements in force between the requested State and the requesting States, the relative seriousness and place of commission of the offenses, the respective dates of the requests, the nationality of the person sought and the possibility of subsequent extradition to another State.

Article 19. 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, instruments, objects of value or documents relating to the offense, whether or not used for its execution, or which in any other manner may be material evidence for the prosecution, shall be surrendered upon the granting of the extradition even when extradition cannot be effected due to the death, disappearance, or escape of the accused.

Article 20. 1. For the purposes of authorizing the transit through the territory of one of the Contracting States of a person whose extradition has been granted to the other Contracting Party by a third State, the following shall be necessary:

a. That the State of transit be given prior notice of the route said person will use;

b. That the agents escorting said person carry with them the original or an authenticated copy of the warrant or order of extradition; and

c. That conditions are present which would warrant extradition of such person by the State of transit.

2. The requesting State shall reimburse the State of transit for any expenses incurred in connection with such transportation.

Article 21. 1. The requested State shall make all necessary arrangements for and meet the cost of the representation of the requesting State in any proceedings arising out of a request for extradition.

2. Expenses relating to the translation of documents and to the transport of a person arising out of the arrest, detention, examination and surrender of a person sought under the provisions of this Treaty shall be borne by the requesting State.

Article 22. The provisions of this Treaty shall not affect the rights and obligations of either Contracting State with respect to international conventions.

Article 23. 1. This Treaty shall be subject to ratification, and the instruments of ratification shall be exchanged at Washington as soon as possible. It shall come into force three months after the date of the exchange of instruments of ratification.

2. This Treaty shall apply to any offense governed by this Treaty committed before or after this Treaty enters into force, provided that extradition shall not be granted for an offense committed before this Treaty enters into force which was not punishable under the laws of both Contracting States at the time of its commission.

3. On the entry into force of this Treaty the provisions of the Treaty for the extradition of fugitives from justice, signed at Helsinki on August 1, 1924,¹ and the Supplementary Extradition Treaty signed at Washington May 17, 1934,² shall cease to have effect between the United States of America and Finland.

4. Either of the Contracting States may terminate this Treaty at any time by giving notice to the other through the diplomatic channel. Termination shall become effective six months after the date of such notice.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments have signed this Treaty.

DONE in duplicate at Helsinki this 11th day of June 1976 in the English and Finnish languages, both texts being equally authentic.

For the Government
of the United States of America:
[Signed — Signé]³

For the Government
of Finland:
[Signed — Signé]⁴

SCHEDULE OF OFFENSES

1. Murder, including assault with intent to murder.
2. Manslaughter.
3. Malicious wounding or grievous bodily harm.
4. Assault upon a public official.
5. An offense against the laws relating to the use of any corrosive or injurious substance upon a person.
6. An offense against the laws relating to sexual offenses with or upon a minor or a person, including rape, unlawful intercourse, indecent assault, procuration, illegal abortion.
7. An offense against the laws relating to kidnapping, abduction and false imprisonment.
8. An offense against the laws relating to the abandonment of a dependent person which causes grave injury or death.

¹ League of Nations, *Treaty Series*, vol. XXXIV, p. 103.

² *Ibid.*, vol. CLII, p. 83.

³ Signed by Joseph John Sisco — Signé par Joseph John Sisco.

⁴ Signed by Kalevi Sorsa — Signé par Kalevi Sorsa.

9. Larceny or theft or burglary.
 10. Embezzlement.
 11. Robbery.
 12. An offense against the laws relating to the unlawful obtaining, transporting, receiving and fraudulent use of property, money or valuable securities.
 13. Extortion or threats.
 14. Fraud, including that by bankers, directors, company officials and others, whether or not in a fiduciary relationship.
 15. An offense against the laws relating to bankruptcy.
 16. An offense against the laws relating to counterfeiting and forgery.
 17. An offense against the laws relating to bribery, including soliciting, offering and accepting bribes.
 18. An offense against the laws relating to narcotic drugs, *cannabis Sativa L.*, cocaine and its derivatives, psychotropic drugs, and other dangerous drugs, and chemicals.
 19. An offense against the laws for protection of public health.
 20. An offense against the laws relating to perjury, subornation of perjury, false testimony.
 21. Arson.
 22. An offense against the laws relating to damage to property.
 23. Offenses against the safety of a means of transportation or communication, especially when endangering persons making use of such means; piracy and any act of mutiny or revolt on board a vessel or aircraft against the authority of the captain or commander of such aircraft or vessel; and seizure or exercise of control or deviation of routes committed by force, violence, or threat of force or violence, of an aircraft or vessel; destruction or damage of aircraft in flight which renders it incapable of flight or which is likely to endanger its safety in flight; and any act which could endanger the life or physical integrity of the passengers or crew.
 24. False statements to a government agency or official.
 25. An offense against the laws relating to customs.
 26. An offense against the laws relating to international trade and transfers of funds.
 27. Violation of financial laws when such violation is committed in furtherance of an enumerated offense.
 28. An offense against the laws relating to the sales of securities and commodities.
 29. An offense against the laws relating to the unlawful abuse of official authority.
 30. An offense against the laws relating to obstruction of justice.
 31. An offense relating to prison mutiny.
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