

N° 1054.

ESTHONIE ET LITHUANIE

Convention sur l'extradition et l'assistance judiciaire, signée à Riga, le 12 juillet 1921.

ESTHONIA AND LITHUANIA

Convention relating to Extradition and Legal Assistance, Signed at Riga, July 12, 1921.

¹ TRADUCTION. — TRANSLATION.

No. 1054. — CONVENTION ² BETWEEN ESTHONIA AND LITHUANIA
RELATING TO EXTRADITION AND LEGAL ASSISTANCE, SIGNED
AT RIGA, JULY 12, 1921.

French official text communicated by the Esthonian Minister for Foreign Affairs. The registration of this Convention took place January 7, 1926.

THE REPUBLIC OF ESTHONIA, represented by the Minister for Foreign Affairs, M. Antoine PIIP, of the one part, and the REPUBLIC OF LITHUANIA, represented by the Minister for Foreign Affairs, Dr. Joseph PURYCKIS, of the other, having decided to conclude a Convention concerning extradition and legal assistance, have agreed upon the following provisions :

I.

Under the present Convention the Contracting Parties undertake to surrender to each other in all cases provided for in the Convention persons within their frontiers who, for an offence committed outside the territory of the country to which the request is addressed, entailing a penalty of one year's imprisonment or any severer penalty, or persons who, by reason of an attempt to commit such an offence either as principal or accomplices, have been (a) sentenced, (b) prosecuted, or (c) detained by the examining judge, if the offence entails under the laws of the country to which the request is addressed a minimum penalty of one year's imprisonment.

2.

Political crimes and offences shall not afford ground for extradition except such as are essentially assimilable to crimes under the ordinary law, such as murder, rapine, theft, violence. The decision in this matter shall be left on each occasion to the State to whom the request is addressed.

3.

The extradition of nationals may be refused.

4.

Extradition shall not be granted :

(a) when the action or the execution of the sentence have lapsed through prescription in accordance with the laws of the country to which the request is addressed.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Riga, June 26, 1924.

(b) when the person whose extradition is requested has been condemned in the country in question for the same criminal act or has been acquitted thereof or has been repleived.

Note. Extradition may be refused while proceedings are in progress or if the case is not proceeded with.

5.

If proceedings are being taken against the person to be extradited in the country to which the request is addressed, or if the person is undergoing sentence for some other offence, extradition may not be granted until the proceedings have terminated or the sentence has been served or the individual has been repleived. Provisional extradition may, however, be allowed, provided the person in question is returned when the country making the request has terminated the enquiry or the legal proceedings.

6.

Civil actions brought by third parties against a person to be extradited shall not prevent extradition.

7.

A person extradited for a criminal act may neither be proceeded against nor sentenced in the country to which he has been delivered for another criminal act committed before extradition, nor may he be delivered by that country to a third country unless the country which has granted extradition shall have given its consent or the person extradited has been free to leave the country to which he was delivered during one month following judgment cancelling the indictment or the carrying out of the sentence, or the granting of repleive, or unless, having left that country, the person returns thither of his own accord.

8.

If extradition is requested by several countries the State to whom the requests are addressed shall give preference to the request the granting of which would, in its opinion, best serve the cause of justice.

9.

Requests for extradition or prolongation of extradition (Article 7) shall be made through diplomatic channels. They shall be accompanied by the judgment given or the warrant for arrest issued by the Court or the examining judge. The warrant for arrest must show the nature of the offence and the penalty which attaches thereto. These documents shall be either originals or certified true copies with translation in the form prescribed by the law of the country making the request.

10.

Before forwarding a request for extradition through diplomatic channels, the Court or the examining judge may request the corresponding authorities of the other Party direct, to place the accused under provisional arrest, at the same time informing these authorities that a request or extradition will follow.

11.

A person arrested under these circumstances shall be released if within 30 days from the day of his arrest the authorities which have arrested him have not received official information to the effect that the Ministry of Foreign Affairs has received the request for extradition and all other necessary papers.

12.

On the order of the competent authority and at the desire of the State requesting extradition, all objects taken from the person at the time of his arrest shall, without prejudice to the rights of third parties, be surrendered at the same time as the person to be extradited.

13.

The passage in transit of a person surrendered by a third country to one of the Contracting Parties shall be allowed if all the conditions and formalities hereinbefore set out as governing direct surrender shall have been observed. Passage shall take place under the escort of officers of the country granting extradition.

14.

When the courts or examining judges of one of the Contracting Parties, in criminal cases in which extradition is allowed under the terms of this Convention, request the other Party through diplomatic channels to examine a witness living within the territory of this other Party, or carry out any other enquiry, such requests must be given effect to in accordance with the laws of the country to which the request is addressed.

In urgent cases requests of this nature may be addressed by the court of one of the Parties direct to the court of the other.

15.

When the courts or examining judges of one of the Contracting Parties, in criminal cases in which extradition is allowed under the terms of this Convention, request through diplomatic channels the attendance in person of a witness living within the territory of the other Party, and the witness, after receiving through these channels a summons to attend, declares that he is willing to do so, shall at his request receive travelling and subsistence allowances, in accordance with the scale obtaining in the country which makes the request, from the judicial authorities of the place of his domicile, the cost being borne by the country which makes the request.

In the case of voluntary attendance, the witness may neither be prosecuted nor arrested for any prior criminal act or on the ground of his participation in the act in connection with which he has been summoned to be witness.

16.

When in criminal cases in which extradition is allowed under the terms of this Convention the judicial authorities or the examining judge of one of the Contracting Parties request through diplomatic channels the surrender of a foreigner arrested within the territory of the other Party, for the purpose of confrontation, or the communication of exhibits or documents, this request shall be complied with unless there is any grave objection, provided such person, exhibits and documents are duly returned.

The provision in the second paragraph of the preceding article shall also apply to such cases of surrender.

17.

The Contracting Parties mutually undertake to forego all claims for the repayment of expenditure incurred by them within their territory for the detention, maintenance and despatch of persons to be extradited and for the examination of witnesses in conformity with Article 14, as also for the surrender of persons, exhibits and documents in conformity with Article 15. If sent by sea, the accused shall be conducted to the port indicated by the diplomatic or consular agent of the State making the request, and this State shall bear the whole cost of detention, maintenance and despatch as from the time at which the person to be extradited is embarked.

The costs of passage in transit (Article 13) shall be borne by the State making the request.

18.

The Contracting Parties undertake mutually to communicate to each other all sentences pronounced against nationals of the other Party in respect of all criminal acts entailing extradition under the terms of this Convention and to send through diplomatic channels the judgment or relative extract from this judgment with the required translation thereof.

19.

Each Party shall accord to the other Party on the basis of reciprocity the same rights and privileges which it has accorded or may accord to a third country as regards extradition and legal assistance. For this purpose the Contracting Parties shall communicate to each other all conventions concerning extradition and legal assistance concluded with third countries as soon as these Conventions have come into force and in like manner when they expire.

20.

The present Convention shall be subject to ratification by the Governments and Parliaments of the Contracting Parties. It shall come into force immediately after the exchange of the instruments of ratification, which shall take place as soon as possible.

The present Convention shall expire six months after it has been denounced, either Party being entitled to denounce it at any time.

In faith whereof the present Convention has been signed in duplicate at Riga on July twelfth, nineteen hundred and twenty-one.

(Signed) ANT. PIIP.

(Signed) Dr. I. PURYCKIS.