

N° 1063.

**ÉTATS-UNIS D'AMÉRIQUE
ET ESTHONIE**

Convention d'extradition, signée à
Tallinn, le 8 novembre 1923.

**UNITED STATES OF AMERICA
AND ESTHONIA**

Extradition Convention signed at
Tallinn, November 8, 1923.

No. 1063. — EXTRADITION CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND ESTHONIA, SIGNED AT TALLINN, NOVEMBER 8, 1923.

Texte officiel anglais communiqué par le Ministère des Affaires étrangères d'Esthonie. L'enregistrement de cette Convention a eu lieu le 25 janvier 1926.

ESTHONIA and the UNITED STATES OF AMERICA, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries :

THE GOVERNMENT OF THE REPUBLIC OF ESTHONIA :

M, Frederick AKEL, Minister for Foreign Affairs, and

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Mr. Frederick W. B. COLEMAN, Envoy Extraordinary and Minister Plenipotentiary,

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

Article I.

It is agreed that the Government of Esthonia and the Government of the United States shall, upon requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present Treaty, committed within the jurisdiction of one of the High Contracting Parties, and who shall seek an asylum or shall be found within the territories of the other ; provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

Article II.

Persons shall be delivered up according to the provisions of the present Treaty who shall have been charged with or convicted of any of the following crimes :

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter, poisoning or infanticide.

¹ L'échange des ratifications a eu lieu à Washington, le 15 novembre 1924.

¹ TRADUCTION. — TRANSLATION.

No. 1063. — CONVENTION D'EXTRADITION² ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET L'ESTHONIE, SIGNÉE A TALLINN, LE 8 NOVEMBRE 1923.

English official text communicated by the Estonian Ministry for Foreign Affairs. The registration of this Convention took place January 25, 1926.

L'ESTHONIE et les ETATS-UNIS D'AMÉRIQUE, désireux de servir la cause de la justice, ont résolu de conclure entre les deux pays un Traité pour l'extradition des prévenus ou condamnés qui se dérobent à l'action de la justice, et ont désigné à cette fin les Plénipotentiaires suivants :

LE GOUVERNEMENT DE LA RÉPUBLIQUE D'ESTHONIE :

M. Frederick AKEL, Ministre des Affaires étrangères,

LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE :

M. Frederick W. B. COLEMAN, Envoyé extraordinaire et Ministre plénipotentiaire,

lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :

Article I.

Il est convenu que le Gouvernement esthonien et le Gouvernement des Etats-Unis remettront à la justice, sur réquisition qui en sera faite dans les formes prescrites par le présent Traité, toute personne accusée ou convaincue de l'un des crimes ou délits spécifiés à l'article 2 du présent Traité et commis dans les limites de la juridiction de l'une des Hautes Parties contractantes, et qui cherchera un refuge ou sera découverte sur le territoire de l'autre Partie; toutefois, cette extradition ne pourra avoir lieu que s'il existe, selon les lois du pays où le fugitif aura été découvert, des preuves de culpabilité suffisantes pour motiver son arrestation et sa mise en jugement au cas où le crime ou le délit aurait été commis dans ledit pays.

Article II.

Aux termes du présent Traité, seront extradées les personnes accusées ou convaincues de l'un des crimes ou délits suivants :

1. Meurtre, ce mot comprenant les crimes de parricide, assassinat, homicide volontaire, empoisonnement et infanticide.

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 Washington, November 15, 1924.

2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.
8. Crimes committed at sea :
 - (a) Piracy, as commonly known and defined by the law of nations or by statute,
 - (b) Wrongfully sinking or destroying a vessel at sea or attempting to do so :
 - (c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel :
 - (d) Assault on board ship upon the high seas with intent to do bodily harm.
9. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
10. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, saving-banks, trust companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.
11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.
12. Forgery or the utterance of forged papers.
13. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.
14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above-mentioned objects.
15. Embezzlement or criminal malversation committed by public officers or depositaries.
16. Embezzlement by any person or persons hired, salaried or employed to the detriment of their employers or principals.
17. Kidnapping of minors or adults, defined to be the abduction or detention of a persons or persons, in order to exact money from their families or any other person or persons, or for any other unlawful end.
18. Larceny, defined to be the theft of effects, personal property or money.
19. Obtaining money, valuable securities or other property by false pretences, or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained.
20. Perjury or subornation of perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position.

22. Crimes and offences against the laws of both countries for the suppression of slavery and slave trading.

23. Wilful desertion or wilful non-support of minor or dependent children.

24. Extradition shall be granted for the crimes and offences as specified above only, subject to the condition that the crime or offence committed is punishable under the law of both of the High Contracting Parties at least by imprisonment with or without hard labour.

25. Extradition shall also take place for participation in any of the crimes before-mentioned as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both the High Contracting Parties.

Article III.

The provisions of the present Treaty shall not import a claim of extradition for any crime or offence of the political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offence. When the offence charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offence was committed or attempted against the life of the Sovereign or Head of a Foreign State, or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offence was of a political character or was an act connected with crimes or offences of a political character.

Article IV.

No person shall be tried for any crime or offence other than that for which he was surrendered.

Article V.

A fugitive criminal shall not be surrendered under the provisions hereof, when from lapse of time or other lawful cause, according to the laws of both of the Contracting Parties, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

Article VI.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof be actually under prosecution, out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined and until he shall have been set at liberty in due course of law.

Article VII.

If a fugitive criminal by one of the parties hereto shall be also claimed by one or more Powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

Article VIII.

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens.

Article IX.

The expense of arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

Article X.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

Article XI.

The stipulations of the present Treaty shall be applicable to all territory, wherever situated, belonging to either of the High Contracting Parties or in the occupancy and under the control of either of them during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraphs, other than Esthonia or United States, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the persons charged, in order that he or she may be brought before such judge or magistrate; that the evidence of criminality may be heard and considered, and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority, that a warrant may be issued for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity of the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest or commitment in Esthonia or United States respectively the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

Article XII.

In every case of a request made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are held shall assist the officers of the Government demanding the extradition before the respective judges and magistrates by every legal means within their power, and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition ; provided, however, that any officer or officers of the surrendering Government so giving assistance who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed by them, in the same manner and to the same amount as though such acts or services had been conformed in ordinary criminal proceedings under the laws of the country of which they are officers.

Article XIII.

The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Article XIV.

The present Treaty shall remain in force for a period of ten years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date of which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above-named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Tallinn this day of 8 November, nineteen hundred and twenty-three.

(Signed) FR. AKEL.

(Signed) FR. W. B. COLEMAN.