

N° 1071.

FINLANDE ET NORVÈGE

Convention d'extradition, signée à
Helsinki (Helsingfors), le 10 no-
vembre 1925.

FINLAND AND NORWAY

Extradition Convention, signed at
Helsinki (Helsingfors), November
10, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 1071. — EXTRADITION CONVENTION ² BETWEEN FINLAND AND NORWAY, SIGNED AT HELSINKI (HELSINGFORS), NOVEMBER 10, 1925.

French official text communicated by the Finnish and Norwegian Ministers for Foreign Affairs. The registration of this Convention took place February 5, 1926.

THE PRESIDENT OF THE FINNISH REPUBLIC and HIS MAJESTY THE KING OF NORWAY have resolved to conclude a Convention for the reciprocal extradition of criminals and have appointed for this purpose as their Plenipotentiaries :

THE PRESIDENT OF THE FINNISH REPUBLIC :

Dr. K. G. IDMAN, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF NORWAY :

M. H. H. BACHKE, Norwegian Envoy Extraordinary and Minister Plenipotentiary at Helsingfors,

Who, having communicated their full powers, found in good and due form, have agreed upon the following Articles :

Article 1.

The Contracting Parties mutually undertake to surrender criminals to each other in the circumstances and under the conditions specified in the present Convention.

Article 2.

The Finnish Government may demand the extradition of persons charged with or convicted of an infringement of the law committed outside Norway which, either in itself or by reason of its being accompanied by aggravating circumstances, is punishable under the Finnish Penal Code or the Finnish maritime laws, by a heavier penalty than imprisonment, provided that the offence, if committed in the same circumstances in Norway, would have been punishable under the ordinary Norwegian Penal Code by a heavier penalty than imprisonment (" fengsel ") for one year.

The Norwegian Government may demand the extradition of persons charged with or convicted of an infraction of the law committed outside Finland which is punishable under the ordinary

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 Oslo, January 21, 1926.

Norwegian Penal Code by a severer penalty than imprisonment (" fengsel ") for one year, provided that the offence, if committed in the same circumstances in Finland, would either in itself or if by reason of its being accompanied by aggravating circumstances have been punishable under the Finnish Penal Code or the Finnish maritime laws by a severer penalty than imprisonment.

The Contracting Parties may also demand the extradition of persons charged with or convicted of complicity in or of attempting to commit an infringement of the law of the kind referred to, provided that the penalty for the offence is as severe as that indicated above.

If the infringement of the law in respect of which the requisition for extradition is made was committed outside the territory of the State making the requisition, extradition shall only be granted if the laws of the State applied to would permit prosecution in the same circumstances, in respect of a similar offence committed outside its territory.

Article 3.

The Contracting Parties shall not surrender to each other their own nationals.

Article 4.

No requisition for extradition may be made in respect of a political crime, or of an ordinary crime committed in connection with a political crime and with a view to facilitating the object thereof.

An attempt against the life of the Head of a State or a member of his family constituting the act of murder or attempted murder may give rise to extradition unless the crime was committed in open combat, or in connection with a crime which, under the first paragraph of the present article, is not extraditable.

The State applied to shall decide in each case whether the crime is to be regarded as of a political character or not.

Article 5.

Extradition shall not be granted :

- (1) If the offence in question was committed in the territory of a third State and has given rise to a requisition for extradition on the part of that State ;
- (2) If judgment was pronounced or legal proceedings instituted in the country applied to in respect of the offence for which extradition is demanded before the requisition for extradition was made.
- (3) If, under the laws of the State applied to, it is impossible to institute legal proceedings, pronounce judgment, or execute the sentence.

Article 6.

No person who has been extradited may be either prosecuted or punished in the State to which he has been surrendered for any offence committed before his extradition other than that for which he was extradited, nor may he be surrendered to a third State unless he consents thereto before a Court or other public authority or unless, having been finally set at liberty, he has not left the country within a period of one month, notwithstanding that he has had the opportunity of leaving it, or unless he has returned to the country after having left it.

The State which has granted the extradition may, however, afterwards consent to such prosecution or to a subsequent extradition, notwithstanding the conditions mentioned in the previous paragraph, provided that the crime or offence in question is extraditable.

Article 7.

If the person claimed has been prosecuted or sentenced for any offence other than that for which extradition is requested, his extradition shall be suspended until the conclusion of the trial and the execution of any underrferred punishment awarded to him.

Article 8.

If the person whose extradition is applied for under the terms of the present Convention by one of the Contracting Parties is also claimed by one or more other Governments in respect of the same offence, preference shall as a rule be given to the State in whose territory the offence was committed or, if it was committed in the territory of more than one, to the State in which the principal act was committed.

Article 9.

If the person whose extradition is applied for under the terms of the present Convention by one of the Contracting Parties is also claimed by one or more other Governments in respect of another offence or offences, preference shall be given to the State whose requisition for extradition, or for arrest with a view to extradition, was received first, unless a special agreement to the contrary has been concluded with one of the States in question.

Article 10.

The requisition for extradition shall be made through the diplomatic channel. It must indicate the nationality of the person claimed and must be accompanied :

- (1) if possible, by a full description of the person concerned ;
- (2) by the sentence passed or, if no sentence has been passed, by a warrant of arrest or an indictment issued by the competent authority, specifying clearly the date, place and nature of the offence ; the documents produced must be either the originals or certified copies thereof ;
- (3) by a copy of such penal provisions in force in the State making the requisition as are applicable to the offence.

Article 11.

In urgent cases, and if there is reason to fear that the person in question may escape, the police authorities or the Public Prosecutor of either of the Contracting Parties may, before the transmission of a formal requisition for extradition, enter into direct postal or telegraphic communication with the police authorities or the Public Prosecutor of the other Contracting Party and request the provisional arrest of the person concerned. Such request must state the date, place and nature of the offence and the nationality of the person claimed and must contain, if possible, a description of him ; it must further state whether sentence has been passed or a warrant of arrest or an indictment has been issued as provided in Article 10, second paragraph, No. 2. It must further state that a formal requisition for extradition will be subsequently presented.

If a temporary arrest is made in conformity with the foregoing provisions and if no formal requisition for extradition is presented to the Ministry for Foreign Affairs of the State applied to within six weeks of the date on which notice of arrest was sent to the State applying for extradition, the person under detention shall at once be released.

Article 12.

All articles found in the possession of the person claimed at the time of his arrest, which may be of value as evidence of the offence or to which claim may be laid by the aggrieved party, shall be handed over to the competent authorities of the State applying for extradition at the same time as the person claimed.

Nevertheless, if a person residing in the country which has granted the extradition furnishes *prima facie* evidence of his having acquired rights over such articles, they shall, if such person so requests, be handed over on condition that they be restored free of charge after the termination of the criminal proceedings, provided that the said person is not himself found guilty of the offence.

Article 13.

If, in connection with a prosecution for a criminal offence of a non-political character in one of the Contracting States, it is found necessary to take the evidence of witnesses residing in the other State or to carry out any enquiry there, a request to that effect shall be made through the diplomatic channel, and shall be granted if permissible under the laws of the State in which the witnesses are to be heard or the enquiry is to take place. It shall be the duty of the competent authorities of the State in which the evidence is to be given or the enquiry is to be carried out to give the authorities of the State which has made the application timely information, so far as possible, regarding the date and place arranged for the execution of the letters rogatory.

Article 14.

If, in connection with a prosecution for a criminal offence of a non-political character in one of the Contracting States, it is considered necessary or desirable to summon a witness residing in the other State, a direct application may be made for that purpose to the police authorities or the Public Prosecutor of the other State, in Finland by the competent court or attorney (*procureur*) of the Republic, and in Norway by the competent court or attorney (*procureur*) of the Crown, who will ask the witness to accede to the request. If he consents, he shall be granted a travelling and subsistence allowance in accordance with the scales and regulations in force in the State in which his evidence is to be given, unless the competent authority of that State thinks it desirable to grant him a larger allowance.

No witness of any nationality whatever who, on receiving a request as aforementioned, proceeds of his own free-will to the territory of one of the Contracting States, may, during such time as he is there for the purpose of giving the evidence in question or is legitimately prevented from leaving, be prosecuted or arrested either for any previous offence or conviction, or for alleged complicity in the act or acts which gave rise to the trial at which he is summoned to appear as a witness.

Article 15.

If, in connection with a prosecution for a criminal offence of a non-political character in one of the Contracting States, it is considered necessary or desirable to produce, as evidence in the case, articles or documents which are in possession of the authorities of the other Contracting State, a request to that effect may be sent direct to the aforesaid authorities, in Finland by the competent court or attorney (*procureur*) of the Republic, and in Norway by the competent court or attorney (*procureur*) of the Crown, and this request shall be granted unless there are special reasons for refusing it.

Article 16.

If a person surrendered by one of the Contracting Parties to a third State has to be sent through the territory of the other Party, the latter may not refuse to allow him passage, unless he is one of its own nationals. The application for the passage of such person shall be made through the diplomatic channel and shall be accompanied by the documents referred to in Article 10, second paragraph, No. 2. The same rule shall apply if a person is surrendered to one of the Contracting Parties by a third State. Such person shall be conveyed under the escort of a police official in the service of the State whose territory is being crossed.

Article 17.

The expenses occasioned by the execution of the measures provided for in the present Convention shall be borne by the State on whose territory the measures are taken, with the exception of the cost of the transit arrangements referred to in Article 16.

Article 18.

All documents produced in the cases provided for in the present Convention shall be drawn up in Norwegian or Swedish or accompanied by a translation into Norwegian or Swedish.

Article 19.

The present Convention shall be ratified and shall come into force ten days after the exchange of ratifications. It shall remain in force for six months from the day on which either of the Contracting Parties denounces it.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have affixed their seals thereto.

Done in duplicate at Helsingfors, November 10, 1925.

(L. S.) K. G. IDMAN.

(L. S.) H. H. BACHKE.