

N° 1313.

**ITALIE
ET TCHÉCOSLOVAQUIE**

Convention d'extradition. Signée à
Rome, le 6 avril 1922.

**ITALY
AND CZECHOSLOVAKIA**

Extradition Convention. Signed at
Rome, April 6, 1922.

TEXTE ITALIEN. — ITALIAN TEXT.

No. 1313. — CONVENZIONE¹ E D'ESTRADIZIONE FRA L'ITALIA E LA CECOSLOVACCHIA, FIRMATA A ROMA, IL 6 APRILE 1922.

Italian and Czech official texts communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations and by the Italian Minister for Foreign Affairs. The registration of this Convention took place October 2, 1926.

La CECOSLOVACCHIA e l'ITALIA, desiderose di regolare le questioni che riguardano l'estradizione dei malfattori, volendo concludere una convenzione a questo riguardo, le Alte Parti Contraenti hanno nominato come loro plenipotenziari :

IL PRESIDENTE DELLA REPUBBLICA CECOSLOVACCA :

il Signor Vlastimil•KYBAL, Inviato Straordinario e Ministro Plenipotenziario ;

SUA MAESTÀ IL RE D'ITALIA :

S. E. il Marchese Guglielmo IMPERIALI, Senatore del Regno, Ambasciatore ;

i quali, dopo avere depositato i loro Pieni Poteri trovati in buona e debita forma, hanno convenuto quanto segue :

Articolo 1.

Le Alte Parti Contraenti si impegnano a far ricercare e arrestare e a consegnarsi reciprocamente le persone che, imputate o condannate dall'autorità giudiziaria competente di uno dei due paesi, per alcuno dei delitti indicati nel seguente articolo, si trovino nel territorio dell'altro.

Articolo 2.

L'impegno di cui all'articolo precedente concerne i delitti comuni, eccettuati quelli indicati nell'articolo 5, per i quali sia stata applicata una pena restrittiva della libertà personale non minore di sei mesi o per i quali secondo la legge dello Stato richiedente può essere applicata una pena restrittiva della libertà personale non inferiore ad un anno. Il fatto deve essere punibile secondo la legge dello Stato richiedente e dello Stato richiesto.

Articolo 3.

L'estradizione potrà essere concessa, in vista di particolari circostanze, anche per reati non compresi nell'articolo precedente, quando lo permettano le leggi degli Stati contraenti.

Articolo 4.

Non è ammessa l'estradizione del proprio cittadino.

¹ The exchange of ratifications took place at Rome, May 31, 1926.

¹ TRANSLATION.

No. 1313. — EXTRADITION CONVENTION BETWEEN ITALY AND CZECHOSLOVAKIA. SIGNED AT ROME, APRIL 6, 1922.

CZECHOSLOVAKIA and ITALY, being desirous of settling questions connected with the extradition of certain offenders, and wishing to conclude a Convention on that subject, have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Vlastimil KYBAL, Envoy Extraordinary and Minister Plenipotentiary ;

HIS MAJESTY THE KING OF ITALY :

His Excellency Marquis Guglielmo IMPERIALI, Senator of the Kingdom, Ambassador ;

Who, having deposited their full powers, found in good and due form, have agreed as follows :

Article 1.

The High Contracting Parties undertake to seek, arrest and surrender to each other any persons who are being proceeded against or who have been convicted by the competent judicial authority of one of the two countries for any of the offences indicated in the following Article, and who may be in the territory of the other Party.

Article 2.

The undertaking given in the preceding Article applies to ordinary offences, except those mentioned in Article 5, which have been punished with imprisonment in any form for a term of not less than six months, or which, under the laws of the State making application, are punishable with imprisonment in any form for a term of not less than one year. The act must be punishable under the laws of both the countries concerned.

Article 3.

In consideration of special circumstances, extradition may also be granted for offences not covered by the preceding Article, provided the laws of the Contracting States permit.

Article 4.

The Contracting Parties shall in no case be required to surrender their own nationals.

¹ Translated by the Secretariat of the League of Nations.

Article 5.

Extradition shall not take place :

- (1) For acts that are offences under the press laws only ;
- (2) For purely military offences, *i.e.*, acts not punishable except under military law ;
- (3) For political offences or acts accessory thereto, except where the act is primarily an ordinary offence.

In the cases referred to in the foregoing paragraphs, the authorities of the State applied to shall alone be competent to judge of the nature of the acts.

Article 6.

Extradition may be refused if the authorities of the State applied to are competent under the laws of the latter to try the offence.

If criminal proceedings have been instituted against the person whose extradition is required, or if the person in question is detained for another offence committed in the country in which he is, his surrender may be postponed until the conclusion of the proceedings or, in the event of a conviction, until the expiry of the sentence.

Article 7.

Extradition shall not be granted if, under the law of the State applied to, exemption from prosecution or punishment has been acquired by lapse of time.

Article 8.

A person whose extradition has been granted may be tried for any other offence committed prior to his extradition and in connection with the offence for which he was extradited, except as otherwise provided in Article 5.

In the case of an offence not so connected, the State to which extradition is granted shall request the other State to extend the effect of the extradition to the acts for which it proposes to take proceedings.

Article 9.

Requisitions for extradition shall be forwarded by the Ministry of Justice of the State making application direct to the Ministry of Justice of the State applied to.

Extradition shall be granted in virtue of a certificate of conviction or a warrant of arrest or any other paper having the effect of a warrant, stating the nature and degree of gravity of the alleged offence and the provisions of the criminal law which have been or may be applied.

Certified copies of the papers in question shall be forwarded in the form prescribed by the law of the State making application, together with a copy of the text of the laws which have been or may be applied, and, if possible, the descriptions and photographs of the persons whose extradition is demanded, and any other particulars which may assist in establishing their identity.

The requisition and other papers shall be drawn up in the official language of the State making application.

Article 10.

In urgent cases, provisional arrest may be allowed on receipt of a declaration, if necessary telegraphic, certifying the existence of one of the papers mentioned in the second paragraph of the preceding Article.

The judicial authorities and diplomatic and consular agents of the country which proposes to demand extradition shall be authorised to make the declaration referred to above direct to the Ministry of Justice or competent judicial authority of the State applied to.

Any person placed under provisional arrest shall be released if the Ministry of Justice of the State applied to has not received the requisition and the relevant papers within forty-five days following the date of arrest.

This time-limit shall be extended to two months if the person to be surrendered is stated to be a dangerous criminal.

Article 11.

If the extradition of a person is required by one of the High Contracting Parties and at the same time by other States, preference shall be given to the requisition in respect of the offence which the State applied to considers to be the most serious.

Should the offences be considered to be of equal gravity, the requisition bearing the earliest date shall receive preference. If, however, one of the States making application is the State of which the person claimed is a national, preference shall be given to that State, provided that under its legislation proceedings can be taken against the person in question for the offences committed in the territory of the said States.

Article 12.

All money and effects found at the time of arrest in the possession of the person wanted shall be seized and forwarded to the State making application. Money and effects of which the arrested person was legitimately in possession shall be handed over, should they come into the hands of the authorities after the arrest, even if they were in the possession of third parties. The effects handed over shall not be confined to articles acquired as a result of the offence for which extradition is claimed, but shall include everything that may serve as evidence of the crime, and they shall be given up even if it is impossible to effect extradition owing to the escape or death of the offender.

Nothing in this Article shall affect the rights of third parties not implicated in the case over any of the confiscated articles; these shall be restored to them free of charge at the close of the proceedings.

Article 13.

Permission for the transit across the territory of the High Contracting Parties of persons who are not nationals of the country of transit, but are being surrendered by another country, shall be granted immediately on receipt of a request presented in accordance with Article 9 of the present Convention by the authorities of the country applying for extradition.

Permission for transit shall be given without judicial formalities by the competent Ministry of the country requested to grant it, provided that the offence is not one of those referred to in Article 5 and that no serious reasons of public order form an obstacle. The person under arrest shall be conveyed by the speediest means and under the escort of agents of the country applied to.

The person under arrest shall not be permitted to enter the territory of the country requested to allow transit until permission for transit has been granted.

Article 14.

All expenses occasioned by the requisition for extradition in the territory of the State applied to shall be borne by that State. All transit expenses shall be borne by the State making application.

Article 15.

The present Convention shall be ratified, and the instruments of ratification shall be exchanged as soon as possible.

The Convention shall come into force upon the exchange of ratifications, and shall remain in force until six months following its denunciation by either of the High Contracting Parties.

In faith whereof the above-named Plenipotentiaries have signed the present Convention.

Done at Rome, this sixth day of April one thousand nine hundred and twenty-two, in Italian and Czech, both texts being equally authentic, in two copies, one of which shall be deposited with each of the signatory States.

For Czechoslovakia :
(L. S.) Vlastimil KYBAL.

For Italy :
(L. S.) IMPERIALI.