

N° 1588.

LIBÉRIA ET MONACO

Convention pour l'extradition des
criminels. Signée à Monaco, le
28 octobre 1926.

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Convention for the Extradition of
Criminals. Signed at Monaco,
October 28, 1926.

No. 1588. — CONVENTION¹ BETWEEN THE REPUBLIC OF LIBERIA AND THE PRINCIPALITY OF MONACO FOR THE EXTRADITION OF CRIMINALS. SIGNED AT MONACO, OCTOBER 28, 1926.

English and French official texts communicated by the Permanent Delegate of the Republic of Liberia accredited to the League of Nations. The registration of this Convention took place December 1, 1927.

HIS SERENE HIGHNESS THE PRINCE OF MONACO and HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF LIBERIA, being desirous of concluding a Convention to deliver up criminals, have appointed for that purpose as their Plenipotentiaries :

HIS SERENE HIGHNESS THE PRINCE OF MONACO :

Mr. François ROUSSEL-DESPIERRES, Secretary of State of the Principality of Monaco, Grand Officer in the Order of Saint-Charles, Knight Grand Officer in the Order of the African Redemption, etc., etc.; and

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF LIBERIA :

His Excellency the Baron Rudolph Auguste Louis LEHMAN, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Liberia at Paris, Grand-Band in the Liberian Humane Order of African Redemption, Grand Commander in the Order of the Star of Africa, etc., etc.

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

Article 1.

The Government of the Principality of Monaco and the Government of the Republic of Liberia engage to deliver up to each other those persons who being accused or convicted of a crime or offence committed in the territory of the one Party, shall be found within the territory of the other, under the circumstances and conditions stated in the present Convention.

Article 2.

Persons shall be delivered up according to the provisions of this Convention, who shall have been charged with, or convicted of, any of the following crimes or offences :

(1) (a) Attempt made against the life or liberty of the Prince, of the President of the Republic, or other Head of a friendly State, or undertaken with a view to render them incapable of reigning ;

¹ The exchange of ratifications took place at Paris, November 24, 1927.

- (b) Attempt against the life or liberty of the Heir presumptive of the Throne or of a Member of the Reigning Family ;
- (2) Murder or wilful murder ; murder or wilful murder committed against a child ;
 - (3) Rape, bigamy, abortion ;
 - (4) Violence having caused serious bodily injury or death, or serious violence ;
 - (5) Arson ;
 - (6) Revolt on board a ship on the high seas against the authority of the master ;
 - (7) Theft ;
 - (8) Robbery, according to the terms of the Law of Monaco ;
 - (9) Forgery, or the utterance of forged papers, including the forgery or falsification of official acts of the Government or public authority or courts of justice, affecting the title or claim to money or property ;
 - (10) The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, State, provincial or municipal governments, or coupons thereof, or of banknotes, or the utterance or circulation of the same, or the counterfeiting, falsifying or altering of the seals of State ;
- (11) Perjury ;
- (12) Bribery of public officers, so far as the laws of the two countries permit extradition on this ground ; malversation in office, embezzlement committed by officers or by those regarded as such ;
- (13) Embezzlement by any person or persons hired or salaried to the detriment of their employers, when this offence is subject to punishment by imprisonment by the laws of both countries ;
- (14) The unlawful act, committed intentionally, of sinking, wrecking, destroying, rendering unfit for use, or injuring of a vessel, when there may result from the same a danger of life for others ;
- (15) Kidnapping of minors, defined to be the abduction or detention of a minor for any unlawful end ;
- (16) Swindling, breach of trust ;
- (17) Larceny and pilfering ;
- (18) Wilful and unlawful destruction or obstruction of railroads, endangering human life ;
- (19) Fraudulent bankruptcy.

The attempt to commit, and participation in, the offence are included in the preceding list, when they are punishable under the laws of the country from which the extradition is asked.

Article 3.

The provisions of this Convention shall not apply to any crime or offence of a political character nor to acts connected with such crimes or offences ; and no person, surrendered under the provisions of Article 2 hereof, shall in any case be tried or punished for a crime or offence of a political character nor for any act connected therewith, committed previously to his extradition.

Article 4.

The extradited person shall neither be prosecuted nor punished in the country to which the extradition has been granted, for any punishable offence whatever not provided for by the present

Convention and committed prior to his extradition, nor shall he be extradited to a third State without the consent of that granting the extradition, unless he has had the opportunity again to leave the country aforesaid during three months after he has been tried and, in case of condemnation, after he has served his sentence or been pardoned.

No more shall he be prosecuted or punished for a punishable offence provided for by the Convention and committed prior to this extradition, without the consent of the Government that has surrendered him, and which, if found desirable, can require the production of one of the documents mentioned in Article 11 of the present Convention. This consent however will not be necessary if the accused person himself has asked for trial or for serving his sentence, or if, within the aforesaid lapse of time, he has not left the territory of the State to which he has been surrendered.

Article 5.

A wanted criminal shall not be surrendered under the provisions hereof when, by lapse of time, he is exempt from prosecution or punishment for the crime or offence for which the surrender is asked, according to the laws of the country from which the extradition is demanded, or when his extradition is asked for the same crime or offence for which he has been tried, convicted or acquitted in that country or so long as he is under prosecution for the same.

Article 6.

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

Article 7.

If the person claimed by one of the Parties hereto shall also be claimed by one or more Powers, pursuant to treaty provisions, on account of crimes or offences committed within their jurisdiction, such criminal shall be delivered in preference in accordance with that demand which is the earliest in date.

Article 8.

Neither of the Contracting Parties shall be bound to deliver up, under the stipulations of this Convention, its own citizens or subjects.

Article 9.

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

The extradition shall take place on board the vessel designated by a diplomatic or consular officer of the Government making the demand and only in one of the harbours which are opened to international trade.

Article 10.

All articles found in the possession of the wanted criminal at the time of his arrest, which were obtained through the commission of the act of which he is convicted or with which he is

charged, or which may be material as evidence in making proof of the crime, shall, so far as practicable according to the laws or practice in the respective countries, be delivered up with his person at the time of surrender. Nevertheless, the rights of third parties with regard to all such articles shall be duly respected.

Article 11.

Extradition shall be requested through the diplomatic or consular channel, and shall be granted only on the production of the original or of an authenticated copy of either :

- (a) The sentence of condemnation, or
 - (b) Bill of indictment or commitment for trial together with the warrant of arrest,
- or
- (c) The warrant of arrest only, drawn according to the forms prescribed by the laws of the State making the request, and setting forth the offence in question with sufficient clearness to enable the State on which the demand is made to decide whether, under its laws, the case is one provided for by the present Convention, and also indicating the penal provision applicable thereto.

Article 12.

Pending the arrival of the formal requisition for surrender through the diplomatic or consular channel, the provisional arrest of the person whose extradition may be demanded under this Convention, may be asked for, if by the Principality of Monaco, on the one hand, by the Minister of State, the Attorney-General, or the prosecuting Magistrate, and if by the Republic of Liberia, on the other hand, by any Judicial Officer or competent Judicial Authority.

The provisional arrest shall be made subject to the forms and manner prescribed by the laws of the country to which the request has been made.

The foreigner who has been put under provisional arrest according to the terms of the preceding paragraph, shall be discharged from custody, unless he must be detained for other charges, if the formal requisition for surrender through the diplomatic or consular channel, with the documentary proof hereinbefore prescribed, has not been made within three months from the date of the warrant for provisional arrest.

Article 13.

When, in the prosecution of a criminal, not a political case, one of the Governments shall deem it necessary to examine witnesses in the other State, letters rogatory shall be transmitted for that purpose through the diplomatic or consular channel, and due answer shall be made thereto always complying with the laws of the country in which the witnesses are invited to appear. In case of urgency, however, letters rogatory may be directly addressed by the judicial authority in one of the States to the judicial authority in the other State.

Article 14.

The transit through the territory of one of the contracting States of a person surrendered by a third Power to the other Party and who does not belong to the country of transit, shall be granted on the simple production of the original or an authenticated copy of one of the legal documents mentioned in Article 11, provided that the crime which is the cause of the extradition is included in the present Convention and does not fall under the stipulated exceptions, and

provided that the transfer takes place, so far as the escort is concerned, with the assistance of the officers of the country authorising the transit over its territory.

The cost of transit shall be borne by the State making the request.

Article 15.

The present Convention shall take effect four months after the exchange of the ratifications.

After the present Convention shall have come into operation it shall continue until one of the two Parties shall give to the other six months notice of its desire to terminate it. This Convention shall be ratified, and the ratifications shall be exchanged at Monaco as soon as possible,

In testimony whereof the respective Plenipotentiaries have signed the present Convention in two copies, of which both the English and French texts are authentic, and have hereunto affixed their seals.

Done at Monaco, October 28, 1926.

ROUSSEL,
Secretary of State.

LEHMAN,
Minister Plenipotentiary.