

N° 1898.

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**ALBANIE ET GRÈCE**

Traité d'extradition et protocole  
additionnel. Signés à Tirana, le  
25 juin 1926.

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**ALBANIA AND GREECE**

Extradition Treaty and Additional  
Protocol. Signed at Tirana, June  
25, 1926.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1898. — EXTRADITION TREATY<sup>2</sup> BETWEEN ALBANIA AND GREECE, SIGNED AT TIRANA, JUNE 25, 1926.

*French official text communicated by the Albanian Minister for Foreign Affairs. The registration of this Treaty took place December 20, 1928.*

THE PRESIDENT OF THE GREEK REPUBLIC and THE PRESIDENT OF THE REPUBLIC OF ALBANIA, having agreed to conclude a treaty for the reciprocal extradition of malefactors, have appointed for this purpose as their Plenipotentiaries :

THE PRESIDENT OF THE GREEK REPUBLIC :

General A. CONDOULIS, Envoy Extraordinary and Minister Plenipotentiary of Greece in Albania ;

THE PRESIDENT OF THE REPUBLIC OF ALBANIA :

M. Mehmet KONITZA, former Minister for Foreign Affairs ; and  
M. Mehdi FRASHERI, former Minister of the Interior ;

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

*Article I.*

The High Contracting Parties undertake to surrender to each other, in the circumstances and under the conditions laid down in the present Treaty, all persons other than their own nationals who, being accused or convicted by the judicial authorities of either Contracting Party of one of the punishable offences enumerated in Article 2 below, shall be found on the territory of the other Party.

Should the offence giving rise to the demand for extradition have been committed in a third State, extradition shall be granted if the laws of the Government making the application and of the Government applied to authorise the prosecution of acts of this nature, even though, the offence having been committed abroad, there is no obligation in virtue of any existing treaties between this State and the State applied to to deliver up the offender to the Government of the State in which the offence was committed.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Athens, November 10, 1928.

*Article 2.*

Extradition shall only be granted for the following violations of ordinary law, so far as they are covered by the penal laws of the State making the application and the State applied to :

- (1) Murder with premeditation, poisoning, parricide, infanticide, murder without premeditation.
- (2) Criminal abortion.
- (3) Deliberate and premeditated assault or wounding causing an apparently incurable illness or disease, permanent incapacity for work, complete loss of the use of an organ, serious mutilation or unintended death.
- (4) Bigamy.
- (5) Rape and other assaults on virtue, and indecent assaults which instigate, facilitate or encourage the debauchery or corruption of another.
- (6) Abduction of minors or women.
- (7) Exposing or deserting a child under seven years of age.
- (8) Receiving, concealing, substituting or wrongfully exchanging a child.
- (9) Deliberate and unlawful deprivation of personal freedom by private individuals.
- (10) Offences against the inviolability of domicile.
- (11) Theft, purloining, embezzlement, breach of trust, swindling, fraud, extortion, brigandage.
- (12) Forgery or coining, including counterfeiting or alteration of money, issuing or putting into circulation money, issuing or putting into circulation counterfeit or altered money, counterfeiting or falsifying banknotes, bonds, or other public or private securities, issuing or knowingly putting into circulation counterfeit or forged banknotes, bonds, or other certificates or securities.
- (13) Counterfeiting or falsifying public or private documents, and making use of such documents, forging of documents or telegraphic messages and knowingly making use of such telegrams ; destroying, damaging or suppressing a document or public or private deed with the intent to injure others, destroying, removing or displacing boundary-marks.
- (14) Counterfeiting or falsifying seals, stamps, dies and marks of or belonging to the State or intended for public services, knowingly using and putting into circulation such counterfeited or falsified seals, stamps, dies and marks, as well as the improper use of genuine seals, stamps, dies and marks belonging to the State or intended for public services.
- (15) Perjury.
- (16) False swearing.
- (17) Peculation, embezzlement committed by public officials, bribery of public officials.
- (18) Fraudulent bankruptcy and fraud committed in bankruptcy.
- (19) Wilfully destroying or damaging movable property, public or private.
- (20) Arson, criminal use of explosives.

(21) Crimes committed at sea.

(a) Piracy.

(b) Wilful and unlawful destruction, sinking or stranding of a vessel at sea.

(c) Mutiny or conspiracy by two or more members of the crew or other on board a ship on the high seas, with intent to provoke a mutiny against the authority of the master or commander of the vessel, taking possession of the vessel by fraud or violence against the commander, attacks committed on board a vessel on the high seas with intent to inflict wounds.

(22) Acts imperilling railway traffic.

(23) Acts likely to cause floods.

(24) Criminal acts directed against public health.

(25) Receiving of articles obtained by means of one of the crimes or offences mentioned in the present Treaty.

(26) Furnishing assistance to a criminal guilty of one of the acts covered by the present Article, either to prevent his being prosecuted or to secure for him the gain derived from his offence, helping a criminal in custody to escape.

The foregoing offences shall include complicity in and attempts to commit such offences, when punishable under the laws of the State applied to.

As regards crimes or offences, extradition shall be granted :

(1) In the case of persons convicted after a hearing or by default, when the sentence amounts to at least one year's imprisonment.

(2) In the case of accused persons, when the maximum sentence according to law is two years' imprisonment.

#### *Article 3.*

No Greek subject shall be surrendered to the Albanian Government and no Albanian subject to the Greek Government.

Nationals shall not be surrendered. The Government applied to shall be competent to decide whether the person in respect of whom extradition is demanded is its own subject or not.

#### *Article 4.*

If the person accused or convicted has become a naturalised subject of the State applied to after committing the crime, such naturalisation shall not prevent his being claimed, arrested and surrendered.

Extradition shall not, however, be granted if five years have elapsed since naturalisation, and if the person claimed has since then been domiciled in the country applied to.

#### *Article 5.*

If the accused or convicted person is not a subject of the contracting State claiming him, the Government to which the demand for extradition has been made shall be at liberty to take such action on this demand as it may think desirable and to surrender the accused for trial either to his own country or to the country in which the punishable offence has been committed.

*Article 6.*

If a person whose extradition is demanded by either of the Contracting Parties is also claimed by another Government or Governments for other offences, he shall be surrendered to the Government on whose territory the most serious offence has been committed, and, if the offences are of equal gravity, to the Government whose demand has been received first by the Government applied to.

*Article 7.*

If the person claimed is being proceeded against or has been convicted in the country applied to for an offence other than that which has given rise to the demand for extradition, such extradition may be postponed until the proceedings are concluded and in case of conviction, until he has served his sentence.

Should he be proceeded against or be in custody in the same country by reason of obligations contracted towards private persons, his extradition shall nevertheless be granted subject to the right of the parties in question to maintain their claims before the competent authority later.

*Article 8.*

Extradition shall not be granted if the party applied to considers the offence for which extradition is demanded to be a political offence or an act connected with such an offence, or if the person claimed proves that the demand for extradition has really been made with the object of proceeding against him for an offence of this nature.

An offence committed or attempted against the person of a Head of State shall not be regarded as a political offence or as an act connected with a political offence when it constitutes murder, assassination or poisoning, or an attempt at or complicity in such acts.

A person who has been claimed and whose extradition has been granted may not be proceeded against nor punished for any political offence committed prior to extradition, nor for any act connected with such an offence, nor for any crimes or offences not covered by the present Treaty.

The person surrendered may not be proceeded against, nor sentenced after a hearing, for any offence other than that which led to his extradition. This shall not apply to offences committed after extradition.

*Article 9.*

Extradition shall not be granted for offences against fiscal laws nor for purely military offences.

When a person proceeded against for an offence involving extradition has, in addition, contravened a fiscal or a military law, such contravention shall not entail conviction nor constitute an aggravating circumstance.

*Article 10.*

Extradition shall not be granted :

(a) If under the laws of the country applied to exemption from prosecution or punishment has been acquired by lapse of time ;

(b) When the request for extradition is based upon the same offence as that for which the person claimed has already been prosecuted and discharged, or has been prosecuted or sentenced in the country to which the request for extradition is made.

(c) If under the laws of the State applied to the offence giving rise to the demand for extradition can only be prosecuted on the complaint of the injured party unless it can be proved that the injured party has demanded the prosecution.

*Article 11.*

No person surrendered under the present Treaty may be tried in the country making the application before an exceptional court. This expression includes in particular all civil or military courts constituted under a proclamation of a State of siege.

*Article 12.*

The requisition for extradition must always be made through the diplomatic channel.

*Article 13.*

Extradition shall be granted in conformity with the rules prescribed by the laws of the country to which application is made.

*Article 14.*

In the case of an accused person, the request for extradition shall be accompanied by a warrant of arrest issued by the competent judicial authority and indicating exactly the nature of the act for which it has been issued. The said warrant shall also be accompanied by such evidence as under the laws of the State in which the accused person is found, would have led to his arrest if the offence had been committed therein.

If the request for extradition refers to a person already convicted, it must be accompanied by a copy of the sentence passed by the competent court or tribunal of the Government making the application.

Judgment by default shall not be regarded as a conviction, but the person so sentenced shall be regarded as an accused person.

If there should be any doubt as to whether the crime or offence constituting the subject of the charge comes under the provisions of the present Treaty, the Government applied to may ask for any explanations it considers necessary or desirable for its enlightenment, and shall then decide what action is to be taken on the demand for extradition.

On furnishing the Government applied to with these explanations, the Government making the application shall at the same time put at the disposal of the former all documents necessary or desirable for its enlightenment.

All the relevant documents and papers of the High Contracting Parties emanating from the authorities in conformity with the present Treaty shall be accompanied by a French translation, duly legalised.

*Article 15.*

Extradition shall be granted only in cases where the evidence, under the law of the Government applied to, is sufficient to justify the indictment of the accused, had the offence been committed in the territory of that State. The same shall apply in the case where extradition is demanded for a crime or offence for which the person claimed has already been convicted.

In such case it will be necessary to prove the identity of the person claimed with the convicted person and to show at the same time that the crime or offence for which he has been sentenced could justify his extradition by the Government applied to at the time of his conviction.

*Article 16.*

The depositions and statements received, the warrants issued in the territories of either of the High Contracting Parties and the copies of these documents, together with judicial certificates or documents proving the fact of conviction, shall be admitted as evidence in the procedure followed in the territories of the other Party if they are signed by, or are accompanied by a certificate from, a judge or magistrate or other official of the State in which these documents have been received or issued, provided always that such warrants, depositions, statements and judicial certificates or documents are authenticated either by a declaration on oath or by the official seal of the Ministry of Justice or of any other Ministry of State.

*Article 17.*

In urgent cases, provisional arrest may be effected on notification, transmitted by post or telegraph but always through the diplomatic channel, of the existence of a warrant of arrest. Such notification shall be regularly given to the Ministry of Foreign Affairs of the country applied to, but may according to circumstances be addressed direct by a competent authority of the Government making the application to an authority of the Government applied to.

*Article 18.*

Provisional arrest shall take place in the form and in accordance with the regulations established by the laws of the Government applied to.

A person arrested in accordance with the terms of the preceding Article shall be released if, within two months from the date of arrest, the Government applied to has not received communication through the diplomatic channel of one of the documents mentioned in Article 14.

*Article 19.*

When extradition is to be granted, all articles obtained from the crime or offence or serving as evidence thereof, which are found in the possession of the person claimed at the time of his arrest or discovered later shall, if the competent authority of the Government applied to so decree, be seized and handed over to the Government making the application, even if extradition cannot take place owing to the death or escape of the person claimed.

Nevertheless, the rights which third parties may have acquired over these articles shall be reserved, and such articles shall if necessary be returned to them free of charge on the termination of the proceedings.

*Article 20.*

The costs of the arrest, maintenance and conveyance of the person claimed, together with the costs of consigning and transporting objects which, under the terms of the preceding Article, have to be restored or handed over, shall be borne by the two States within the limits of their respective territories.

The costs of conveyance or other expenses incurred in the territories of intermediate States shall be borne by the Government making the application.

The costs of conveyance by sea or other expenses incurred at sea shall also be borne by the State making application. The person to be surrendered shall be conveyed to the port of the country applied to or to a point at the frontier specified by the Government applied to.

*Article 21.*

The extradition in transit through the respective territories of the contracting States of a person not belonging to the country of transit shall be granted merely on the production of the original or a certified copy of one of the documents mentioned in Article 14, provided that the act for which extradition is granted is included in the present Treaty and does not come under the provisions of Articles 8, 9 and 10.

The costs of transit shall be borne by the Party making the application.

*Article 22.*

If the person claimed and arrested under the terms of the present Treaty is not taken over within three months after his arrest, he shall be released, and his extradition may not again be claimed for the same offence.

*Article 23.*

If in a non-political criminal case the personal attendance of a witness is deemed necessary or desirable, the Government of the State in whose territory he happens to be shall request him to comply with the summons addressed to him for this purpose by the authorities of the Government making the application.

The costs of the attendance of a witness shall always be met by the Government making the application, and the requisition sent for this purpose through the diplomatic channel shall specify the amount to be allotted to the witness as travelling and maintenance expenses, as well as the sum which the Government applied to may pay to the witness as an advance on the total amount to be ultimately refunded by the Government making the application.

This advance shall be paid to the witness as soon as he has expressed his willingness to comply with the summons.

*Article 24.*

If in a non-political criminal case which is being investigated in either of the countries the communication of articles serving as proof of the crime or of documents which are in the possession of the authorities of the other country is deemed to be necessary or desirable, a request therefor shall be made through the diplomatic channel, and the request shall be granted unless there are special objections thereto and subject to the obligation to return such articles and documents with as little delay as possible.

The contracting Governments shall waive all claim to the refund of expenses occasioned, within the limits of their respective territories, by the despatch and return of articles serving as proof of the crime and of documents.

*Article 25.*

If in the prosecution of a non-political criminal case the hearing of persons who happen to be in either of the countries or any other act connected with the preliminary legal proceedings is deemed to be necessary, letters of request, accompanied by a certified translation in the language of the country applied to, shall be addressed for this purpose through the diplomatic channel, and shall be duly executed subject to compliance with the laws of the country in which the hearing or the act is to take place.

Nevertheless, letters of request for the purpose of effecting either a domiciliary search or the seizure of the *corpus delicti* or of articles serving as proof of the crime may only be executed in respect of an act mentioned in Article 2, and subject to the reservation made in the last paragraph of Article 19.



The respective Governments shall waive all claim to the refund of expenses resulting from the execution of letters of request in criminal matters even when an experts' report is prepared, provided always that the enquiry has not necessitated more than one sitting.

*Article 26.*

If in a non-political criminal case the Government of either country deems it necessary that notification of a summons or of a judgment should be made to a person residing in the territory of the other country, the document, after being forwarded through the diplomatic channel with an authenticated translation in the language of the country applied to, shall, provided the laws of the latter permit, be served on the person concerned at the request of the Public Prosecutor's Department in his place of residence, through a competent official, and the original, certifying that notification has been effected, shall be returned through the same channel to the applicant Government, without refund of expenses.

Officials of the Government applied to shall not be entitled to payment of an indemnity or a special reward from the Government making the application on account of the arrest of a criminal.

Nevertheless, where the officials of the Government applied to arrest brigands or other criminals, on whose heads a price has been set or for whose arrest a reward has been decreed by the Government making the application, the said officials shall be entitled to half of the sum as soon as the criminal has been handed over to the police authorities of the Government making the application.

*Article 27.*

The two Governments undertake to communicate to each other, without refund of costs, sentences for crimes or offences of all kinds pronounced by the Courts of either State against the subjects of the other.

Such communication shall be made by the despatch through the diplomatic channel of a bulletin or extract from the final decision to the Government of the country of which the convicted person is a national.

*Article 28.*

The present Treaty shall enter into force thirty (30) days after its publication in the form prescribed by the laws of the two countries.

Acts committed prior to the entry into force of the present Treaty may only form the subject of a requisition for extradition should the persons claimed have taken refuge in the territory of the Government applied to after the signature of the Treaty.

Either of the High Contracting Parties may denounce the present Treaty at any time by giving the other Party six (6) months' notice of its intention.

It shall be ratified and the ratifications shall be exchanged at Tirana as soon as possible.

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

Done in duplicate at Tirana, June 25, 1926.

*(Signed)* A. CONDOULIS.

*(Signed)* Mehmet KONITZA.

*(Signed)* Mehdi FRASHERI.

## ADDITIONAL PROTOCOL

TO THE EXTRADITION TREATY BETWEEN GREECE AND ALBANIA, SIGNED AT TIRANA,  
ON JUNE 25, 1926.

The undersigned, being duly authorised by their Governments, have agreed to declare that the Extradition Treaty between Greece and Albania, signed at Tirana on June 25, 1926, shall enter into force thirty days after the exchange of ratifications.

The present Protocol shall form an integral part of the aforesaid Convention.

Done in duplicate.

ATHENS, *November 10, 1928.*

(Signed) A. KARAPANOS.

(Signed) Lec KURTI.