

N° 2056.

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**ALBANIE  
ET ROYAUME DES SERBES,  
CROATES ET SLOVÈNES**

Convention concernant l'extradition  
des malfaiteurs. Signée à Belgrade,  
le 22 juin 1926.

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**ALBANIA AND  
KINGDOM OF THE SERBS,  
CROATS AND SLOVENES**

Convention regarding Extradition of  
Criminals. Signed at Belgrade,  
June 22, 1926.

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

No. 2056. — CONVENTION <sup>2</sup> REGARDING EXTRADITION BETWEEN THE ALBANIAN REPUBLIC AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES. SIGNED AT BELGRADE, JUNE 22, 1926.

*French official text communicated by the Permanent Delegate of the Kingdom of the Serbs, Croats and Slovenes accredited to the League of Nations. The registration of this Convention took place June 11, 1929.*

THE KINGDOM OF THE SERBS, CROATS AND SLOVENES and THE ALBANIAN REPUBLIC, being desirous of regulating questions relating to the extradition of criminals and of concluding a Convention for this purpose, the Contracting Parties have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

His Excellency Dr. Momtchilo NINTCHITCH, Minister for Foreign Affairs ;

THE PRESIDENT OF THE ALBANIAN REPUBLIC :

His Excellency M. Milto TOUTOULANI, Former Minister of Justice ;  
M. Djafer VILLA, Secretary-General at the Ministry of Foreign Affairs ;

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

#### A. EXTRADITION OF CRIMINALS.

##### *Article 1.*

The Contracting Parties undertake to search for, apprehend and deliver up to each other those persons who, being accused or convicted by the competent judicial authorities of the one Party for any of the offences mentioned in the following Article, shall be found within the territory of the other Party.

##### *Article 2.*

The undertaking referred to in the previous Article shall cover the offences mentioned below, with the exception of those specified in Article 5.

If the requisition (extradition) relates to a convicted person, such person may be surrendered provided he has been sentenced by a final judgment to a term of imprisonment of not less than six months.

<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 Belgrade, May 17, 1929.

If the requisition relates to accused persons who have not yet been convicted, extradition shall be granted if the minimum term of imprisonment for the offence in respect of which extradition is applied for is one year.

These minimum sentences must be provided for in the laws of the country applying for the extradition.

The offence must be punishable under the legislation of both Contracting Parties.

*Article 3.*

Extradition shall not be granted in respect of a national of the country to which application is made.

*Article 4.*

Extradition shall not be granted:

(1) For political crimes or offences connected therewith, except in cases when the act constitutes in the main an offence under the ordinary law. An offence committed or attempted against the person of the Head of the State shall not be considered as a political offence nor as an act connected with such an offence if it constitutes murder or attempted murder or complicity in murder ;

(2) For military crimes, i. e., for offences punishable only under military law ;

(3) For Press offences ;

(4) For offences punishable on complaints made by private persons and in respect of which proceedings may be settled by virtue of an arrangement.

Should one of the Contracting Parties receive a requisition for the extradition of a national of a third Power in respect of a punishable offence committed abroad, that Party may refuse to grant the extradition if its own laws allow it to try the person in question for that offence, or if criminal proceedings have resulted in a conviction or otherwise and if under its own law it is unable to re-open proceedings in respect of that offence.

The State to which application is made shall alone decide whether the punishable offence in respect of which extradition has been demanded comes under one of the above-named readings.

*Article 5.*

If the person claimed is under trial, or if he is under punishment for another offence committed in the State where he happens to be, his extradition may be deferred until the conclusion of the trial, and, should he be convicted, until he has served his sentence.

*Article 6.*

Extradition shall not be granted if, under the laws of the State to which application is made, exemption from prosecution or punishment has been acquired by lapse of time.

*Article 7.*

A person whose extradition is granted shall be tried only for the offences in respect of which extradition was demanded, and for any offences committed prior to extradition and connected with the offence which gave rise to the extradition, with the exception of the offences specified in Article 4 of the present Agreement.

The person surrendered may be tried for any other offence committed prior to the punishable offence in respect of which he has been surrendered, provided that after being tried and if convicted after having served his sentence or having been pardoned, he had an opportunity to leave the territory of the State making application and did not do so within one month or provided he has subsequently returned to that territory. The person surrendered may not be delivered up to a third country on account of any punishable action whatsoever without the consent of the Government which has handed him over.

The person surrendered may also, at his own request, be tried for any offence in addition to those in respect of which extradition has been granted, provided that the State applied to is advised thereof.

#### *Article 8.*

The requisition for surrender shall be made through the diplomatic channel.

Extradition shall be granted on production of the judgment, or of an indictment, or of a warrant of arrest, indicating the nature and gravity of the offence complained of, its denomination and the text of the criminal law in force in the country making the requisition which is applicable to the offence in question and which indicates the penalty for the offence. The originals of these documents shall be transmitted or also copies legalised by the court or by any other competent authority of the country making the demand, and they shall then as far as possible be accompanied by a description and photograph of the person and any other particulars which may help to establish his identity. Should there be any doubt as to whether the offence for which extradition is demanded comes under the present Convention, the Government making the requisition shall be asked for explanations, and the extradition shall be granted only when the explanations furnished are of a nature to dispel such doubts.

It is understood that, in order to prevent the possibility of flight, the Government applied to shall, immediately on receipt of the documents mentioned above, order the arrest of the person accused, whilst reserving its decision as to the requisition for surrender. If explanations are not furnished to the Government applied to within forty-five days as from the date when the request for such explanations was received by the Government making the application, the person arrested may be released.

#### *Article 9.*

In urgent cases provisional arrest may be granted on notification, even by telegraph, of the existence of any of the documents specified in the second paragraph of the preceding Article.

The competent authorities and the diplomatic and consular agents of the country demanding extradition shall be authorised to communicate this notification direct to the Ministry of Justice or the competent authority of the State to which application is made.

A person who is provisionally arrested shall be released if the Ministry of Justice of the State to which application is made has not received the requisition and the necessary documents within forty-five days from the date of his arrest.

#### *Article 10.*

If the person whose extradition is demanded by one of the Contracting Parties is claimed at the same time by other States, priority shall be given to the requisition relating to the offence which the State applied to deems to be the most serious.

If the offences are considered to be equally serious preference shall be given to the earliest requisitions. Nevertheless, if one of the States making application is the country to which the person claimed belongs, preference shall be given to that country provided that its laws allow proceedings to be taken against the person in question in respect of offences committed in the territory of other States.

*Article 11.*

Money and effects in the possession of the person claimed at the time of his arrest shall be seized and handed over to the State applying for his extradition. Money and effects which are the lawful property of the person arrested shall be handed over even if they are in the possession of other persons and if after the arrest they fall into the hands of the authorities.

In addition to the effects obtained as a result of the offence in respect of which extradition has been applied for, everything which may serve as proof of the offence shall also be handed over and this shall be done even if extradition has not been possible by reason of the flight or death of the criminal.

The rights of third parties over the money and effects seized shall be reserved, and such moneys and effects shall be returned to them free of charge at the conclusion of the trial.

*Article 12.*

A permit to convey across the territory of the Contracting Parties persons who do not belong to the country through which they are passing shall be granted on application being made, in accordance with Article 8 of the present Convention, by the authorities of the country applying for extradition.

A transit permit shall be granted, without any judicial formality, on the order of the competent Ministry of the country to which application for transit is made, provided the offence in question is not one covered by Article 4 and provided no serious considerations of public policy stand in the way.

The person arrested shall be conveyed as speedily as possible under the supervision of police officials of the country to which application is made.

The person arrested shall not enter the territory of the country to which application for transit is made until the transit permit has been granted.

*Article 13.*

The State to which application is made shall bear the expenses occasioned in its territory by requisition for surrender. The transit expenses shall be borne by the country making the requisition.

**B. LEGAL CO-OPERATION IN OTHER CRIMINAL CASES.***Article 14.*

The Contracting Parties shall, if requested to do so, render each other legal assistance in criminal cases.

They shall in particular communicate to each other written documents and shall transmit to each other documents, with a request for their return after use, and records relating to criminal procedure. They shall take the evidence of witnesses and experts, conduct searches and carry out all other proceedings connected with the preliminary judicial enquiry.

The request may be drawn up by the judicial authorities in the language of their own State, and shall be transmitted through the diplomatic channel.

The costs of this request shall be borne by the Party in whose territory they have been incurred. The State making application shall only refund the costs of experts.

Nevertheless, sentences and summaries passed or issued by the courts of one Contracting Party against nationals of the other Party shall not be notified to them.

*Article 15.*

If it is necessary in a criminal case for a witness or expert who is in the territory of the other Contracting Party to appear in court, the subpoena shall be communicated to the State to which application is made, and that State shall forward it to the person concerned.

The costs of this appearance in court shall be borne by the State making application.

The application shall indicate the amount allowed for travelling expenses and loss of time, together with the amount of the advance that the State applied to may make to the witness or expert, subject to repayment by the State making application.

No witness or expert of any nationality whatsoever who appears before a court of the State making application may be charged with an offence committed previously or detained with a view to the execution of a previous sentence on account of complicity in the offences giving rise to the trial at which he appears as a witness or an expert, during a period of thirty days from the day on which his presence in the territory of the State making application is no longer required.

If a person whose presence is required is under punishment in the territory of the other State, his temporary extradition may be demanded on condition that he is sent back as soon as possible ; in such a case, however, his consent is also required if he is not a national of the State making application.

*Article 16.*

If a national of either Contracting Party is sentenced to a term of imprisonment in the territory of the other Contracting Party, the latter shall, through the channels prescribed in this Convention, communicate a copy of the sentence in question to the judicial authority of the other State whose national has been convicted.

The competent authorities of either Contracting Party shall, if requested to do so, furnish the other Party with information concerning the aforementioned sentences in each particular case.

*Article 17.*

The Ministry of Justice of either Contracting Party shall, if requested to do so by the judicial authorities of the other Contracting Party, communicate the text of the laws in force in its own territory.

*Article 18.*

Public documents in criminal cases drawn up in the territory of either Contracting Party by the competent authority and bearing the official seal shall, as regards their authenticity, be deemed in the territory of the other State to have the same validity as documents drawn up in its own territory. Consequently, legalisation by the diplomatic or consular authorities shall not be necessary.

C. FINAL PROVISIONS.

*Article 19.*

The present Convention shall come into force on the date of the exchange of ratifications and shall remain in force for one year from the date of its denunciation by either of the Contracting Parties.

Done at Belgrade in duplicate in French on the twenty-second day of June, one thousand nine hundred and twenty-six.

(L. S.) (Signed) M. NINTCHITCH.

(L. S.) (Signed) MILTO TOUTOULANI.

(L. S.) (Signed) Djafer VILLA.