

N° 2796.

BULGARIE ET TURQUIE

Convention d'extradition. Signée à
Ankara, le 23 décembre 1929.

BULGARIA AND TURKEY

Extradition Convention. Signed at
Ankara, December 23, 1929.

¹ TRADUCTION. — TRANSLATION.No. 2796. — EXTRADITION CONVENTION² BETWEEN BULGARIA AND TURKEY. SIGNED AT ANKARA, DECEMBER 23, 1929.

French official text communicated by the Bulgarian Chargé d'Affaires at Berne. The registration of this Convention took place September 1st, 1931.

HIS MAJESTY THE KING OF THE BULGARIANS, of the one part and THE PRESIDENT OF THE TURKISH REPUBLIC, of the other part, being desirous of concluding a Convention to regulate the extradition of criminals, have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BULGARIANS :

M. Théodor PAVLOFF, Envoy Extraordinary and Minister Plenipotentiary of Bulgaria at Ankara ; and

HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC :

Ali CHEVKI Bey, former Under-Secretary of State at the Ministry for Foreign Affairs and Deputy for Tokat ;

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

Article 1.

The Contracting Parties undertake to surrender to each other, under the provisions of the present Convention and with the exception of their own nationals, persons who are being proceeded against or have been convicted by the judicial authorities of one Party, and happen to be in the territory of the other Party.

Extradition shall take place only in the case of proceedings or conviction for an offence committed outside the territory of the State applied to for extradition.

Article 2.

In the case of a requisition in respect of a person proceeded against, extradition shall only be granted if the offence in question is punishable under the laws of both countries with at least one year's imprisonment or a heavier penalty.

When extradition is applied for with a view to the execution of a judgment having force of *res judicata*, it shall be granted only if the offender has been finally sentenced to a penalty exceeding six month's imprisonment for an offence punishable under the laws of both countries with at least one year's imprisonment or a heavier penalty.

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

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Sofia, August 1st, 1931.

Article 3.

Extradition shall also be granted in the case of attempts to commit offences or complicity of any kind, provided such attempts or complicity are punishable under the provisions of Article 2 by the laws of the applicant State and of the State applied to.

Article 4.

Extradition shall not be granted :

(a) For political offences and acts connected therewith.

An attack on the person of the Head of a State or of that of the members of his family or the Head of the Government shall not be deemed to be a political offence or an act connected with such offence, when the attack amounts to murder or attempted murder, or complicity therein.

(b) For military offences and acts connected therewith;

(c) For Press offences ;

(d) For offences in respect of which proceedings can only be instituted on the complaint of the injured party, and can be discontinued when the complainant withdraws his complaint ;

(e) If proceedings have been instituted against the person claimed by the State making application, for an offence in respect of which immunity from punishment has been acquired through limitation under its law, or that of the State applied to or of the State in which the offence was committed ;

(f) If proceedings have also been instituted against the person claimed for the same offence in the country applied to, or if proceedings in that country have been finally stopped, or if he has been convicted, pardoned, or acquitted in respect of the same offence ;

(g) If the authorities of the State applied to are, under its laws, competent to deal with the offence ;

(h) If the act has been committed in the territory of a third State and the laws of the territory applied to do not allow of proceedings being taken in respect of such an act committed abroad.

Article 5.

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

Article 6.

The State applied to shall alone have the right to decide, on the basis of the present Convention, whether extradition shall be refused.

The Contracting Parties agree that, whatever procedure be followed in examining the requisition for extradition, extradition for a political offence may only be refused by the competent Court designated by the State applied to.

Article 7.

1. The requisition for extradition shall be accompanied by the judgment pronounced, document attesting arrest, indictment, final order, warrant of arrest or other equivalent judicial act. These documents should indicate the nature and gravity of the offence and its special category and be accompanied by the text of the criminal law in force in the applicant State which covers the offence, with a statement of the penalty involved.

2. In the case of offences against property, the approximate amount of the damage actually caused or of the damage which the offender purposed to cause shall be indicated.

3. The requisition for extradition shall, whenever possible, be accompanied by a description of the person claimed, or other particulars which might help to establish his identity.

4. The documents to be produced shall be drawn up in the form required by the laws of the applicant State and the originals or copies certified by the Courts or by any other competent authority of that State shall be attached thereto. These shall be accompanied by a translation in the language of the State applied to, certified correct by the diplomatic agent of the applicant State or by a sworn translator of the State applied to.

5. It is understood that, in order to prevent his escape, the competent authorities of the State applied to shall arrest the accused person as soon as that State has received the documents enumerated above, unless extradition should appear to be *a priori* inadmissible, while reserving its decision with regard to the requisition for extradition.

6. Should there be any doubt whether the offence which forms the subject of the proceedings comes within the provisions of the present Convention, the applicant Government shall be asked to furnish explanations, and extradition shall only be granted when the explanations furnished are of a nature to dispel such doubt. The person arrested may be set at liberty if such explanations are not furnished to the State applied to within two months from the date on which the request is transmitted to the diplomatic representative of the applicant State.

Article 8.

Provisional arrest may be effected not only on production of one of the documents mentioned in Article 7, but also, in urgent cases, on notification given through the post or by telegraph of the existence of a warrant of arrest, provided that such notification is transmitted through the diplomatic channel to the Ministry for Foreign Affairs of the country applied to.

Nevertheless, the person arrested under the terms of the present Article shall be set at liberty if, within one month from the date of his arrest, the Government applied to has not received notification through the diplomatic channel of one of the documents mentioned in Article 7.

Article 9.

All articles which have come into the possession of the accused as a result of the offence or offences and have been found on his person, and implements which have been used to commit the offence, together with any other article which may serve as proof of the offence shall, subject to the rights of third parties and at the discretion of the competent authority, be handed over to the Government making application for extradition together with the accused person, even when extradition cannot take place owing to the death or disappearance of the person claimed.

All articles of the same nature which the accused may have concealed or deposited in the country granting extradition and which may be discovered subsequently, shall also be handed over.

Article 10.

If the person claimed is being proceeded against or has been convicted in the State applied to for an offence other than that leading to the requisition for extradition, his extradition may be postponed until he has served his sentence or until the sentence has been remitted.

Similarly, if proceedings are in progress before the authorities of the Party applied to for a reason other than a criminal offence, which involves compulsory appearance in Court or detention of the person whose surrender is requested, extradition may be postponed until the proceedings have been concluded or the period of detention is terminated.

Nevertheless, if such postponement might, under the law of the applicant country, lead to immunity through limitation or might in any other way seriously hinder the proceedings against the accused, he may, unless special considerations render such a course undesirable, be surrendered temporarily, provided he be sent back as soon as the proceedings in the applicant State have been concluded.

Should the person whose surrender is requested be prevented by extradition from meeting his obligations towards private persons, his extradition shall nevertheless take place, subject to the right of such persons to bring their claims later before the competent authority.

Article 11.

If extradition is granted, the person claimed shall be handed over to the applicant State either at the frontier station or at the port of embarkation of the State applied to.

He may be released if, within a month from the date of notification of the decision to extradite him, the applicant State has not taken charge of him.

Article 12.

The extradited person may not be proceeded against or punished in the country to which extradition has been granted, or surrendered to a third country, for any offence committed before extradition, unless, in either case, he has been free to leave the applicant country within one month after judgment was given or, in the event of conviction, after he has served his sentence or has been pardoned, or unless he returns to the territory subsequently of his own accord.

He may not be proceeded against or punished in the State to which extradition has been granted for an offence other than that for which the requisition for extradition was made, except with the consent of the Government which has surrendered him, and which may, if it think fit, require the production of one of the documents mentioned in Article 7 of the present Convention relating to such other offence. The consent of that Government shall also be required for the surrender of the accused person to a third State. Nevertheless such consent shall not be necessary in cases where the accused person has himself requested to be placed on trial or to serve his sentence, or if he has not left the territory of the country to which he has been surrendered within the period fixed above or has returned to the territory subsequently.

Article 13.

If the person whose extradition is claimed by one of the Contracting Parties is also claimed by another State or States for other offences, he shall be handed over to the State in whose territory he has committed the most serious offence or, if the offences are all of equal gravity, to the State of which he is a national.

If the person proceeded against is not a national of any of the applicant States, he shall be surrendered, if the offences are of equal gravity, to the State whose requisition for extradition was first received by the State applied to.

It is understood that the gravity of the offence shall be determined according to the law of the State applied to.

Article 14.

If an offender is to be extradited by one of the Contracting Parties to a third Power, the other Party shall allow him and the articles enumerated in Article 9 to be conveyed through its territory,

unless the person in question is one of its nationals, provided the offence for which extradition is requested is not covered by the provisions of Article 4.

The request for transit shall be made through the diplomatic channel and shall be accompanied either by the original or a certified copy of one of the legal documents mentioned in Article 7.

Article 15.

The Contracting Parties mutually undertake to waive all claims to the reimbursement of expenses occasioned in their respective territories by the arrest, maintenance and conveyance of the offender or by the temporary surrender referred to in Article 10.

Expenses occasioned by the conveyance in transit of a person whose extradition or temporary surrender has been granted to the applicant Government by a third Power shall be borne by the applicant Government.

Article 16.

The present Convention shall be ratified and the ratifications shall be exchanged at Sofia as soon as possible.

It shall come into force one month after the exchange of the ratifications, and shall remain in force for six months from the date of its denunciation by one of the Contracting Parties.

In faith whereof the respective Plenipotentiaries have apposed their signatures and their seals.

ANKARA, *December the twenty-third*, 1929.

(L. S.) (m. p.) TH. PAVLOFF,

(L. S.) (m. p.) A. SHEVKI.