

N° 2879.

AUTRICHE ET ITALIE

Echange de notes comportant un accord au sujet de la remise et de la réception des personnes à extraditer. Rome, le 19 novembre 1931.

AUSTRIA AND ITALY

Exchange of Notes constituting an Agreement regarding the Delivery and Taking Over of Persons to be surrendered. Rome, November 19, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 2879. — EXCHANGE OF NOTES² BETWEEN THE AUSTRIAN AND ITALIAN GOVERNMENTS CONSTITUTING AN AGREEMENT REGARDING THE DELIVERY AND TAKING OVER OF PERSONS TO BE SURRENDERED. ROME, NOVEMBER 19, 1931.

French official text communicated by the Federal Chancellor of the Austrian Republic. The registration of this Exchange of Notes took place January 22, 1932.

I.

MINISTRY OF FOREIGN AFFAIRS.

T. 250.147/61.

ROME, November 19, 1931. X.

YOUR EXCELLENCY,

In order to confirm the exchange of views which has taken place on the subject, I have the honour to propose to Your Excellency that, in the relations between Italy and Austria, the surrender and reception of persons to be extradited, who, as authors of or accomplices in one of the punishable offences enumerated in Article II of the Treaty³ of February 27, 1869, are being proceeded against or have been convicted by the judicial authorities of the State of which they are nationals, and who have taken refuge in the territory of the other State, might be effected according to the following rules :

(1) The surrender of persons to be extradited in the relations between the two States, shall take place at the following frontier-points :

Brennero—San Candido—Tarvisio—Brennersee—Sillian—Arnoldstein.

(2) The Government of the State to which application for extradition has been made may effect surrender at any one of the frontier-points mentioned above, without coming to a previous arrangement with the applicant Government concerning the date and place of surrender.

(3) Surrender shall be effected in the following manner :

(a) If the frontier-point at which surrender is to take place is situated in the territory of the applicant State, the surrender shall be effected in the presence of the police authority or at the police station there situated, without further formality, after verification of the relevant documents ;

(b) If, on the contrary, the frontier-point at which the prisoner is to be surrendered is situated in the territory of the State applied to, the police authority or police station there situated shall inform the nearest police authority of the applicant State. The

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 Came into force January 1st, 1932.

³ *British and Foreign State Papers*, Vol. 63, page 422.

latter shall then take over the prisoner, without delay, and may not object that it has received no previous orders or instructions from its Government on the subject.

(4) In order to justify (*legittimare*) the surrender, it will be sufficient to produce the warrant of arrest in the original or a certified copy, or a similar document issued by the judicial authorities of the applicant State.

The said documents must be drawn up in the language of the State applied to or that of the applicant State.

(5) All articles and money which have been taken from the person to be extradited shall be handed over at the time of surrender.

(6) If the surrender of a person to be extradited is effected by police officers in uniform, they shall not require a special identity-paper. Police officers in plain clothes who are obliged to enter the territory of the other contracting State in order to receive or surrender the person to be extradited shall have on their persons an identity-paper with their photograph affixed.

(7) The above-mentioned provisions shall come into force as from January 1, 1932.

I should be obliged if Your Excellency would kindly inform me whether your Government agrees to the foregoing. If so, the Agreement may, in my opinion, be deemed to be concluded and in force in the relations between the two States.

I have the honour to be, etc.

GRANDI, *m. p.*

His Excellency
M. Lothar v. Egger-Moellwald,
Envoy Extraordinary and
Minister Plenipotentiary of Austria
at Rome.

II.

AUSTRIAN LEGATION.

No. 3453/A.

ROME, *November 19, 1931.*

YOUR EXCELLENCY,

By Note No. 250.147 of to-day's date Your Excellency was good enough to inform me of the following :

In order to confirm the exchange of views which has taken place on the subject, I have the honour to propose to Your Excellency that, in the relations between Austria and Italy, the surrender and reception of persons to be extradited, who, as authors of or accomplices in one of the punishable offences enumerated in Article II of the Treaty of February 27, 1869, are being proceeded against or have been convicted by the judicial authorities of the State of which they are nationals, and who have taken refuge in the territory of the other State, might be effected according to the following rules :

(1) The surrender of persons to be extradited, in the relations between the two States, shall take place at the following frontier-points :

Brennero—San Candido—Tarvisio—Brennersee—Sillian—Arnoldstein.

(2) The Government of the State to which application for extradition has been made may effect surrender at any one of the frontier-points mentioned above, without coming to a previous arrangement with the applicant Government concerning the date and place of surrender.

(3) Surrender shall be effected in the following manner :

(a) If the frontier-point at which surrender is to take place is situated in the territory of the applicant State, the surrender shall be effected in the presence of the police authority or at the police station there situated, without further formality, after verification of the relevant documents ;

(b) If, on the contrary, the frontier-point at which the prisoner is to be surrendered is situated in the territory of the State applied to, the police authority or police station there situated shall inform the nearest police authority of the applicant State. The latter shall then take over the prisoner without delay, and may not object that it has received no previous orders or instructions from its Government on the subject.

(4) In order to justify (*legittimare*) the surrender, it will be sufficient to produce the warrant of arrest in the original or a certified copy, or a similar document issued by the judicial authorities of the applicant State.

The said documents must be drawn up in the language of the State applied to or that of the applicant State.

(5) All articles and money which have been taken from the person to be extradited shall be handed over at the time of surrender.

(6) If the surrender of a person to be extradited is effected by police officers in uniform, they shall not require a special identity-paper. Police officers in plain clothes who are obliged to enter the territory of the other contracting State in order to receive or surrender the person to be extradited shall have on their persons an identity-paper with their photograph affixed.

(7) The above-mentioned provisions shall come into force as from January 1, 1932.

Under instructions from my Government, I have the honour to inform Your Excellency that the Federal Government of the Austrian Republic agrees to the rules proposed, and that it is consequently understood that this Agreement, embodying the above-mentioned provisions, is to be regarded as concluded and in force in the relations between the two States.

I have the honour to be, etc.

EGGER, *m. p.*

His Excellency
M. Dino Grandi,
Royal Minister for Foreign Affairs,
etc., etc., etc.,
Rome.