

N° 3088.

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**SUÈDE  
ET TCHÉCOSLOVAQUIE**

Convention d'extradition de malfaiteurs et d'assistance judiciaire en matière pénale. Signée à Prague, le 17 novembre 1931.

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**SWEDEN  
AND CZECHOSLOVAKIA**

Convention regarding the Extradition of Criminals and Judicial Assistance in Criminal Matters. Signed at Prague, November 17, 1931.

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

No. 3088. — CONVENTION <sup>2</sup> BETWEEN THE KINGDOM OF SWEDEN  
AND THE CZECHOSLOVAK REPUBLIC REGARDING THE  
EXTRADITION OF CRIMINALS AND JUDICIAL ASSISTANCE IN  
CRIMINAL MATTERS. SIGNED AT PRAGUE, NOVEMBER 17, 1931.

*French official text communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations and by the Swedish Minister for Foreign Affairs. The registration of this Convention took place November 3, 1932.*

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC and HIS MAJESTY THE KING OF SWEDEN, being desirous of regulating legal relations between the two States as regards extradition and the transport of criminals and as regards judicial assistance in criminal matters, have decided to conclude a Convention for this purpose and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Kamil KROFTA, Envoy Extraordinary and Minister Plenipotentiary in the Ministry of Foreign Affairs, and

M. Antonín KOUKAL, Superior Counsellor in the Ministry of Justice,

HIS MAJESTY THE KING OF SWEDEN :

Baron Gerhard LÖWEN, His Envoy Extraordinary and Minister Plenipotentiary in Czechoslovakia,

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

CHAPTER I.

EXTRADITION OF CRIMINALS.  
GENERAL CONDITIONS FOR EXTRADITION.

*Article 1.*

The Contracting Parties undertake to surrender to each other on demand any person found in the territory of one of them and wanted by the police or sentenced by the judicial authorities

<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 Stockholm, October 3, 1932.

of the other Party for any offence for which extradition may be authorised under the relevant laws of the two Parties.

Extradition shall also be granted in respect of attempts to commit or of any complicity in such offences, provided that this is authorised by the laws of the Contracting Parties applicable to the case.

*Article 2.*

In no case and under no conditions shall the Contracting Parties be compelled to surrender their own nationals.

*Article 3.*

Extradition shall not be granted for an offence committed in the territory of the State applied to or on board a vessel of its nationality. Extradition shall, however, be granted in the case of an individual sentenced or wanted by the police for complicity in an offence committed outside the territory of the State applied to and not on board a vessel of its nationality, even if the act of complicity must be held to have been committed in the territory of that State or on board a vessel of its nationality.

If the offence for which extradition is claimed was committed outside the territory of the applicant State, extradition shall only be granted if the relevant laws of the State applied to allow legal proceedings to be taken, in similar circumstances, in respect of an offence of the same kind committed outside its territory.

NON-EXTRADITABLE OFFENCES.

*Article 4.*

Extradition shall not be granted :

(a) For political offences. When, however, the act for which it is applied for also comprises a non-political extraditable offence, extradition may be granted, provided that, in view of the circumstances of the particular case, the offence may be regarded as being of an essentially non-political character.

The mere fact that the offence has been committed against the person of the Head of the State shall not be sufficient for it to be regarded as a political offence or as an act connected with such an offence ;

(b) For offences of a purely military character ;

(c) For offences that are strictly breaches of the Press laws ;

(d) For offences against the Customs, fiscal and other finance laws ;

(e) For offences in respect of which a prosecution may only be instituted by the party wronged ;

(f) If, before the application for extradition, judgment has been given in the State applied to, in respect of acts on which the application is based, or if the prosecution has been instituted before a court of that State or, again, if according to the laws of that State the prosecution is exclusively reserved for its own courts ;

(g) If the time-limit has been reached on the expiry of which the action or penalty is barred under the relevant laws in the State applied to, or if the accused person cannot be prosecuted or the sentence cannot be carried out for other legal reasons.

The State applied to shall be entitled to decide whether an offence is of the kind referred to in the preceding paragraph.

## APPLICATIONS FOR EXTRADITION.

*Article 5.*

Applications for extradition shall be made through the diplomatic channel.

## DOCUMENTS TO BE ATTACHED TO THE APPLICATION FOR EXTRADITION.

*Article 6.*

The application for extradition shall state the nationality of the individual claimed and shall be accompanied by the original or by a certified copy either of a sentence pronounced by a court or of a warrant of arrest issued by a court or other competent authority specifying exactly the nature of the offence together with the date on which and the place at which it was committed. The text of the penal provisions in force in the applicant State which are applicable to the offence and, whenever possible, a description of the person claimed and his photograph shall be attached to the application for extradition.

## ADDITIONAL EXPLANATIONS.

*Article 7.*

If there is any doubt as to whether the application for extradition is of a nature to be granted under the terms of the present Convention, the applicant State may be asked for explanations and extradition may be postponed until explanations have been given which dispel such doubt.

The arrested person may be set free if these explanations have not been given to the State applied to within a reasonable period fixed by it. This period may be extended if good reason be shown.

In no case shall the applicant State be bound to furnish evidence of the guilt of the person claimed.

## MEASURES FOR ENSURING EXTRADITION.

*Article 8.*

On the arrival of the application for extradition, together with the documents mentioned in Article 6, the State applied to shall take the necessary steps in accordance with its own laws to secure the person claimed and to prevent his escape, unless it be clear from the outset that extradition is inadmissible.

## PROVISIONAL ARREST.

*Article 9.*

Pending the formal application for extradition, a person may be arrested provisionally.

The application for arrest shall be made through the diplomatic channel. In urgent cases, however, and in particular if there is any reason to fear the escape of the said person, the following

authorities may address this application direct to each other by post or by telegraph : in Czechoslovakia, the Courts of Justice (*soudy*), the Public Prosecutor's Offices (*státní zastupitelství*), the authorities for public security (*úřady bezpečnostní*), the governors of convict prisons (*ředitel trestnic*) ; in Sweden, the Prefecture of Stockholm (*överståthållarämbetet*), the provincial administrations (*länsstyrelse*), the provincial chiefs of police (*landsfögde*), the burgomasters (*borgmästare*) and the urban chiefs of police (*polismästare*).

The application shall indicate the offence of which the person in question is accused, the date on which and the place at which it was committed and, as far as possible, the nationality of the said person and his description, and shall notify the fact of any sentence or warrant of arrest, in conformity with the provisions of Article 6. It shall also state that a formal application for the extradition of the said person will be made subsequently.

The competent authorities of each of the Contracting Parties may, even in the absence of such notification, provisionally arrest any person found in their territory who has been reported by the authorities of the other Party or who figures in the usual gazette or registers as wanted by the police.

#### Article 10.

If a person has been provisionally arrested in conformity with the preceding Article and if within one month as from the date on which the diplomatic representative of the applicant State accredited to the Government of the other State has been notified of the arrest, the applicant State does not address a formal application for the extradition of the person detained in custody to the State in whose territory the arrest was made, the arrested person may be set at liberty.

#### APPLICATIONS FOR EXTRADITION MADE BY SEVERAL STATES.

#### Article 11.

If a person whose extradition is applied for, under the provisions of the present Convention, by one of the Contracting Parties is, at the same time, claimed by one or more other States, the State applied to shall be free to decide to which of the applicant States preference shall be given. If the State of which the person claimed is a national is not one of those applying for him, the State applied to may inform it of the applications made by the other States and may fix a reasonable period for it to declare whether it also desires to apply for extradition.

If, in the case mentioned above, the applications for extradition refer to different offences, the State applied to may, when granting extradition, make it a condition that the person claimed shall, on the expiry of his sentence, be surrendered to another State.

#### POSTPONEMENT OF EXTRADITION ; TEMPORARY SURRENDER.

#### Article 12.

If the person claimed has been sentenced by a final judgment in the State applied to for an offence other than that for which he is claimed, his extradition shall not take place until he has served his full sentence.

For very special reasons the other State may, however, claim his provisional extradition with a view to preparing the prosecution or carrying out any special act connected with the judicial inquiry, provided that it undertakes to surrender him again immediately, as soon as final judgment has been given or the acts connected with the judicial inquiry for which the person has been temporarily surrendered are completed, to the competent authority of the State which has granted extradition.

If proceedings are taken against the person in the State applied to for an offence other than that on which the application for extradition is based, or if he is detained in custody there for other reasons, that State shall be entitled to decide whether his extradition shall take place before the proceedings instituted against him have resulted in a final sentence or before his detention for other reasons is terminated.

Notwithstanding postponement of the surrender of the person to be extradited, the State applied to shall come to a decision immediately concerning the application for extradition.

#### PERIOD FOR CARRYING OUT EXTRADITION.

##### *Article 13.*

If extradition is granted, the applicant State shall take over the person claimed within one month of the date on which its diplomatic representative accredited to the Government of the State applied to has been informed that extradition may take place immediately. After the expiration of this time, the individual in question may be set at liberty.

#### RESTRICTIONS OF THE RIGHT OF EXTRADITION.

##### *Article 14.*

No person surrendered by either Contracting State to the other may be proceeded against or punished in the territory of the latter for an act committed prior to extradition, other than that on which the extradition is based, nor, except in the case provided for in Article 11, paragraph 2, may he be surrendered to a third State, unless special permission is given in accordance with paragraph 3 of this Article or unless, after being finally acquitted or set at liberty either after serving his sentence or as a result of a non-suit or of a reprieve being granted, the extradited person has failed to leave the country within one month — there being no impediment to his departure — or has again returned to the country.

During the period of one month referred to in the preceding paragraph, unless the person surrendered commits a fresh offence, no obstacle shall be placed in the way of his leaving the country.

The application for the permission mentioned in paragraph 1 shall be made through the diplomatic channel. It shall indicate the nature of the offence together with the date on which and the place at which it was committed or shall be accompanied by documents giving this information. If the purpose of the application is to bring a charge against the person surrendered and if the offence is such that extradition cannot be refused under the terms of the present Convention, the authorisation shall be granted.

##### *Article 15.*

The person surrendered may not be brought, for the offence on which his extradition was based, before a court to which the necessary jurisdiction to try offences of the kind has only been granted for the particular case or in exceptional and special circumstances.

If extradition is granted for an offence under military criminal law in cases where it can take place in spite of the provisions of Article 4, paragraph 1 (*b*), or for an offence committed against some public authority, it may be stipulated that the person surrendered shall only be punished for that offence to the extent to which it could form a basis for his extradition.

If extradition is granted under Article 4, paragraph 1 (*a*), for an offence of an essentially non-political character, it may be stipulated that the person surrendered shall not be punished for the act in question as an offence of a political nature.

If the person claimed has been condemned to death in the applicant State or if the offence for which extradition is requested is punishable with death under the law of the said State, it may further be stipulated that the death penalty shall not be carried out.

#### TRANSIT OF CRIMINALS.

##### *Article 16.*

When a person is surrendered by a third State to one of the Contracting Parties and has to be conveyed through the territory of the other Party, the latter may not oppose transit unless, according to the provisions of the present Convention, there would be no obligation to grant the extradition of the person claimed. The request for transit shall be made through the diplomatic channel and shall be accompanied either by the original or a certified copy of the extradition order, or by a document stating that judgment has been delivered or a warrant of arrest issued in accordance with the provisions of Article 6.

Transit shall be effected by the agents of the Party applied to under such conditions and by such route as that Party may determine.

#### CHAPTER II.

#### JUDICIAL ASSISTANCE IN CRIMINAL MATTERS.

##### *Article 17.*

If, in proceedings taken in respect of a non-political offence, a judicial authority of either of the Contracting States deems it necessary to hear witnesses residing in the territory of the other State or to carry out in that territory any other act connected with the judicial inquiry, a request shall be made in writing through the diplomatic channel and shall be complied with as far as the law of the State applied to allows. The execution of letters of request may be refused in cases where, under the provisions of the present Convention, there would be no obligation to grant the extradition of the person against whom proceedings are taken.

The applicant State shall, if it so requests and in so far as is possible, be notified in advance and in good time of the date on which and the place at which the required steps will be taken.

Judgments delivered and summonses to appear as accused issued by the Courts of one of the Contracting Parties against nationals of the other Party shall not be served on these latter; nor can a national of one of the Contracting Parties be interrogated as accused on the demand of the other Party.

#### TRANSMISSION OF INCRIMINATING ARTICLES.

##### *Article 18.*

If a person has been arrested in conformity with the provisions of the present Convention, all the objects in his possession at the time of his arrest which might serve as evidence of the offence or which might be claimed by the party injured shall be seized and, if extradition is granted, shall be delivered to the authorities of the applicant State. If, in proceedings taken in respect of a non-political offence in one of the Contracting States, the production is deemed necessary of objects and documents which may serve as evidence and which are in the possession of the authorities

of the other State, the application shall be made through the diplomatic channel and shall be complied with unless there be special considerations which would constitute an objection in any particular case.

The State applied to may make any reservations that it deems necessary in respect of such articles and documents in order to safeguard the rights of third parties. It may also retain them provisionally, should it think fit, for the purposes of a criminal prosecution or, when forwarding them, it may provide that they shall be returned for that same object, while undertaking in its turn to send them back as soon as possible.

#### COMMUNICATION OF SENTENCES AND OF EXTRACTS FROM CRIMINAL RECORDS.

##### *Article 19.*

Each of the Contracting Parties undertakes to communicate to the other Party through the diplomatic channel, in the form of an extract from the criminal records, any final criminal sentence and any subsequent decision relating to such sentences that may be inserted therein in respect of a national of the latter Party.

#### CHAPTER III.

##### JOINT PROVISIONS.

##### LANGUAGE TO BE USED.

##### *Article 20.*

The documents produced in cases coming under the present Convention shall be drawn up in the official language of the State applied to or be accompanied by a translation into that language certified correct by an official or sworn translator of the State applied to or by a similar translator of the applicant State whose competence shall be attested by a diplomatic or consular agent either of the applicant State or of the State applied to.

##### COSTS OF JUDICIAL ASSISTANCE IN CRIMINAL MATTERS.

##### *Article 21.*

The costs of applications for extradition or any other judicial assistance in criminal matters shall be borne by the Party in whose territory they are incurred.

The authorities of the Party applied to shall, however, inform the applicant Party of the amount of such costs with a view to their being repaid by the persons liable for them; the amounts thus collected shall be refunded to the State applied to.

There shall be an exception in the case of expenses of any expert enquiry, which shall be refunded by the applicant State. The applicant State shall also bear the cost of transit and maintenance expenses, through intermediate territories, in respect of persons whose extradition or temporary surrender has been granted.

The applicant State shall also bear the cost of the temporary surrender and of the return mentioned in Article 12 of the present Convention.



*Article 22.*

The provisions of the present Convention shall not affect any undertakings previously assumed by either of the Contracting States towards other States.

*Article 23.*

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

It shall come into force one month after the exchange of ratifications and shall remain in force until one of the Contracting Parties has given the other Party six months notice of abrogation.

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

Done, in duplicate, at Prague, November 17, 1931.

(L. S.) Dr. K. KROFTA.

(L. S.) Dr. KOUKAL.

(L. S.) LÖWEN.