

N° 3839.

**ALBANIE ET
ÉTATS-UNIS D'AMÉRIQUE**

Traité d'extradition. Signé à Tirana,
le 1^{er} mars 1933.

**ALBANIA AND
UNITED STATES OF AMERICA**

Treaty of Extradition. Signed at
Tirana, March 1st, 1933.

No. 3839. — TREATY¹ OF EXTRADITION BETWEEN THE KINGDOM OF ALBANIA AND THE UNITED STATES OF AMERICA. SIGNED AT TIRANA, MARCH 1ST, 1933.

English and Albanian official texts communicated by the Chargé d'Affaires of the United States of America at Berne. The registration of this Treaty took place February 20th, 1936.

THE UNITED STATES OF AMERICA and ALBANIA, desiring to promote the cause of justice, have resolved to conclude a Treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries :

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Hermann BERNSTEIN, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Albania ;

HIS MAJESTY THE KING OF THE ALBANIANS :

His Excellency M. Djafer VILA, Minister for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following Articles :

Article I.

It is agreed that the Government of the United States and the Government of Albania shall, upon requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of, any of the crimes or offenses specified in Article II of the present Treaty committed within the jurisdiction of one of the High Contracting Parties, and who shall seek an asylum or shall be found within the territories of the other ; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

Persons shall be delivered up according to the provisions of the present Treaty who shall have been charged with or convicted of any of the following crimes or offenses :

- (1) Murder, (including crimes designated by the terms parricide, poisoning, and infanticide) ; manslaughter, when voluntary.
- (2) Malicious wounding or inflicting grievous bodily harm with premeditation.
- (3) Rape, abortion, carnal knowledge of children under the age of 15 years.

¹ The exchange of ratifications took place at Washington, November 14th, 1935.

- (4) Abduction or detention of women or girls for immoral purposes.
- (5) Bigamy.
- (6) Arson.
- (7) Wilful and unlawful destruction or obstruction of railroads, which endangers human life.
- (8) Crimes committed at sea :
 - (a) Piracy, as commonly known and defined by the law of nations, or by statutes ;
 - (b) Wrongfully sinking or destroying a vessel at sea or attempting to do so ;
 - (c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel ;
 - (d) Assault on board ship upon the high seas with intent to do bodily harm.
- (9) Burglary ; house-breaking.
- (10) The act of breaking into and entering the offices of the Government or public authorities, or other buildings not dwellings with intent to commit a felony therein.
- (11) Robbery.
- (12) Forgery or the utterance of forged papers.
- (13) The forgery or falsification of the official acts of the Government or public authorities, including Courts of Justice, or the uttering or fraudulent use of any of the same.
- (14) The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above-mentioned objects.
- (15) Embezzlement.
- (16) Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.
- (17) Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Albanian equivalent.
- (18) Obtaining money, valuable securities or other property by false pretenses, or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars, or Albanian equivalent.
- (19) Perjury.
- (20) Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars, or Albanian equivalent.
- (21) Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

(22) Wilful desertion or wilful non-support of minor or dependent children, or of other dependent persons, provided that the crime or offense is punishable by the laws of both countries.

(23) Bribery.

(24) Crimes or offenses against the bankruptcy laws.

(25) Crimes or offenses against the laws for the suppression of traffic in narcotics.

(26) Extradition shall also take place for participation in any of the crimes or offenses before mentioned as an accessory before or after the fact, or in any attempt to commit any of the aforesaid crimes or offenses.

Article III.

The provisions of the present Treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses ; and no person surrendered by or to either of the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offense committed before his extradition. The State applied to, or courts of such State, shall decide whether the crime or offense is of a political character. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the Sovereign or Head of the State of one of the High Contracting Parties, or against the Sovereign or Head of a foreign State, or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

Article IV.

No person shall be tried for any crime or offense, committed prior to his extradition, other than that for which he was surrendered, unless he has been at liberty for one month after having been tried, to leave the country, or, in case of conviction, for one month after having suffered his punishment or having been pardoned.

Article V.

A fugitive criminal shall not be surrendered under the provisions hereof when, from lapse of time or other lawful cause, according to the laws of the demanding country, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

Article VI.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

Article VII.

If a fugitive criminal claimed by one of the two Parties hereto shall be also claimed by one or more Powers pursuant to treaty provisions, on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received unless the demand is waived.

This Article shall not affect such treaties as have previously been concluded by one of the Contracting Parties with other States.

Article VIII.

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens, except in cases where such citizenship has been obtained after the perpetration of the crime for which extradition is sought. The State appealed to shall decide whether the person claimed is its own citizen.

Article IX.

The expense of transportation of the fugitive shall be borne by the Government which has preferred the demand for extradition. The appropriate legal officers of the country where the proceedings of extradition are had shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim other than for the board and lodging of a fugitive prior to his surrender, arising out of the arrest, detention, examination and surrender of fugitives under this Treaty, shall be made against the Government demanding the extradition; provided, however, that any officer or officers of the surrendering Government giving assistance, who shall in the usual course of their duty receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

Article X.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to shall be duly respected.

Article XI.

The stipulations of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Albania, requisitions may be made by superior consular officers.

The arrest of the fugitive shall be brought about in accordance with the laws of the respective countries, and if, after an examination, it shall be decided, according to the law and the evidence, that extradition is due pursuant to this Treaty, the fugitive shall be surrendered in conformity to the forms of law prescribed in such cases.

The person provisionally arrested, shall be released, unless within two months from the date of arrest in Albania, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime or offense for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed shall be produced, together with the evidence of criminality mentioned in Article I hereof.

Article XII.

The present Treaty, of which the English and Albanian texts are equally authentic, shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Washington as soon as possible.

Article XIII.

The present Treaty shall remain in force for a period of five years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above-named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Tirana, this first day of March, nineteen hundred and thirty-three.

(Seal) Herman BERNSTEIN.

Certified to be a true and complete textual copy of the original Treaty in all the languages in which it was signed.

For the Secretary of State
of the United States of America :

C. E. MacEachran,
Chief Clerk and Administrative Assistant.