

No. 5146. EUROPEAN CONVENTION ON EXTRADITION. DONE AT PARIS, ON  
13 DECEMBER 1957<sup>1</sup>

RATIFICATIONS and ACCESSION (*a*)

*Instruments deposited with the Secretary-General of the Council of Europe on:*

25 January 1995 *a*

CROATIA

(With effect from 25 April 1995.)

With the following declaration:

Article 9 of the Constitution of the Republic of Croatia prohibits the extradition of Croatian citizens.

Consequently, the Republic of Croatia will not allow any extradition or transit (Article 21, paragraph 2, of the Convention) of its own citizens.

The "nationality" of a person being requested for extradition will be considered in terms of the time when the criminal act was committed and in compliance with the regulations of the Republic of Croatia regarding citizenship (Article 6, paragraph 1 (b), of the Convention).

The Republic of Croatia will approve the transit of a person only under the conditions applying to extradition (Article 21, paragraph 5, of the Convention).

16 February 1995

SLOVENIA

(With effect from 17 May 1995.)

20 June 1995

LITHUANIA

(With effect from 18 September 1995.)

With the following reservations and declarations:

**Reservations**

**Article 1**

Extradition shall be granted only under the condition that any person suspected of having committed a crime will be not tried in a special court of the requesting Party.

The Republic of Lithuania reserves the right not to grant extradition if the said person, on the grounds of his/her health, age or personal motivation, would be adversely affected by this extradition.

<sup>1</sup>United Nations, *Treaty Series*, vol. 359, p. 273; for subsequent actions, see references in Cumulative Indexes Nos. 5, 6, 8, 9, 11, 12, 20 and 23, as well as annex A in volumes 1496, 1525, 1604, 1704, 1862 and 1934.

### Article 3

The Republic of Lithuania reserves its right referred to in Article 3 of the Convention to decide in each particular case whether acts referred to in Article 3, paragraph 3, of the Convention are regarded as being a political offence.

### Declarations

#### Article 6

The term "nationals" means persons having Lithuanian nationality under the Law of the Lithuanian nationality (Citizenship Law). According to Article 6 of the Law on Lithuanian nationality (Citizenship Law), the Republic of Lithuania does not extradite its nationals to foreign countries. All requests for extradition of Lithuanian nationals shall be refused.

#### Article 12

Written requests for extradition can be exchanged between the Ministry of Justice or the Prosecutor General's Office of the requesting Party and the Lithuanian Ministry of Justice or Prosecutor General's Office. The use of diplomatic channels is not excluded.

#### Article 21

In no case shall the Republic of Lithuania grant transit in respect of Lithuanian nationals.

#### Article 23

Requests for extradition (including documents in support of the request) have to be accompanied by proper translations in Lithuanian, English, French, Russian or German if these documents are not produced in one of these languages.

19 March 1996

MALTA

(With effect from 17 June 1996.)

With the following reservations:

#### Article 1

Malta reserves the right to grant a request for the extradition of a person accused of an offence only where the court of committal is satisfied, after hearing any evidence tendered in support of the request for the return of that person or on behalf of that person, that the evidence would be sufficient to warrant his trial for that offence if it had been committed within the jurisdiction of the Courts of Criminal Justice of Malta. A person convicted of an offence in his absence shall be treated as a person accused of that offence.

Malta reserves the right, when granting extradition, to stipulate that the extradited person shall not be prosecuted for the offence in question in a court which is only provisionally, or under exceptional circumstances, empowered to deal with such offences. Extradition requested for the execution of a sentence rendered by such special court may be refused.

Malta reserves the right to apply the Convention in accordance with Section 20 of Chapter 276 of the laws of Malta (The Extradition Act, 1978) which section reads as follows:

"On an appeal made to the Court of Criminal Appeal or an application for redress to the Constitutional Court under Section 46 of the Constitution of Malta, either of the said Courts

may, without prejudice to any other jurisdiction, order the person committed to be discharged from custody if it appears to such Court that,

- a) by reason of the trivial nature of the offence of which he is accused or was convicted; or
- b) by reason of the passage of time since he is alleged to have committed it or to have become unlawfully at large, as the case may be; or
- c) because the accusation against him is not made in good faith in the interests of justice,

it would, having regard to all circumstances, be unjust or oppressive to return him."

### Article 3

Malta reserves the right to apply paragraph 3 of this Article in accordance with Section 10 (5) of the Extradition Act which reads as follows:

"For the purposes of this section, an offence against the life or person of a Head of State, or any related offence described in subsection (3) of Section 5 of this Act, shall not necessarily be deemed to be an offence of a political character."

### Article 9

Malta reserves the right to apply this Article in accordance with the rule of "*Non bis in idem*" as laid down in Section 527 of the Criminal Code (Chapter 9 of the Laws of Malta) which reads as follows:

"Where in a trial, judgement is given acquitting the person charged or accused, it shall not be lawful to subject such person to another trial for the same fact."

### Article 18

Malta reserves the right to apply the provisions set out in paragraphs 4 and 5 of this Article in accordance with Section 24 of the Extradition Act (Chapter 276 of the Laws of Malta) which reads as follows:

"(1) If any person committed to await his return is in custody in Malta under this Act after the expiration of the following period is to say –

- (a) in any case, the period of two months beginning with the first day on which, having regard to subsection (2) of Section 21 of this Act, he could have been returned;
- (b) where a warrant for his return has been issued under Section 21 of this Act, the period of one month beginning with the day on which that warrant was issued –

he may apply to the Court of Criminal appeal, sitting as a court of appeal from judgements of the Court of Judicial Police, for his discharge.

(2) If upon any such application the court is satisfied that reasonable notice of the proposed application has been given to the Minister, the court may, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged from custody, and if a warrant for his return has been issued under the said section squash that warrant."

### Article 21

Malta reserves the right to grant such transit under this Article only in so far as transit is permissible under its own laws.

*Certified statements were registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 14 March 1997.*

RATIFICATIONS and ACCESSION (*a*) in respect of the Additional Protocol of 15 October 1975<sup>1</sup> to the European Convention on Extradition of 13 December 1957<sup>2</sup>

*Instruments deposited with the Secretary-General of the Council of Europe on:*

25 January 1995 *a*

CROATIA

(With effect from 25 April 1995.)

16 February 1995

SLOVENIA

(With effect from 17 May 1995.)

29 June 1995

LITHUANIA

(With effect from 18 September 1995.)

23 September 1996

SLOVAKIA

(With effect from 22 December 1996.)

19 November 1996

CZECH REPUBLIC

(With effect from 17 February 1997.)

*Certified statements were registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 14 March 1997.*

---

<sup>1</sup>United Nations, *Treaty Series*, vol. 1161, p. 450, and annex A in volumes 1338, 1496, 1604, 1862 and 1934.

<sup>2</sup>See p. 315 of this volume.

RATIFICATIONS and ACCESSION (*a*) in respect of the Second Additional Protocol of 17 March 1978<sup>1</sup> to the European Convention on Extradition of 13 December 1957<sup>2</sup>

*Instruments deposited with the Secretary-General of the Council of Europe on:*

25 January 1995 *a*

CROATIA

(With effect from 25 April 1995.)

16 February 1995

SLOVENIA

(With effect from 17 May 1995.)

29 June 1995

LITHUANIA

(With effect from 18 September 1995.)

23 September 1996

SLOVAKIA

(With effect from 22 December 1996.)

19 November 1996

CZECH REPUBLIC

(With effect from 17 February 1997.)

*Certified statements were registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 14 March 1997.*

---

<sup>1</sup>United Nations, *Treaty Series*, vol. 1496, p. 328, and annex A in volumes 1604, 1704, 1862 and 1934.

<sup>2</sup>See p. 315 of this volume.

#### TERRITORIAL APPLICATION

By an exchange of notes dated 20 July 1993 and 21 February 1994 between the Governments of the Kingdom of the Netherlands and the Czech Republic, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 June 1994.

#### TERRITORIAL APPLICATION

By an exchange of notes dated 21 September 1993 and 16 June 1994 between the Governments of the Kingdom of the Netherlands and Greece, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 September 1994.

#### TERRITORIAL APPLICATION

By an exchange of notes dated 20 July 1993 and 30 June 1994 between the Governments of the Kingdom of the Netherlands and Slovakia, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 September 1994.

#### TERRITORIAL APPLICATION

By an exchange of notes dated 26 January and 22 July 1994 between the Governments of the Kingdom of the Netherlands and the Iceland, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 October 1994.

#### TERRITORIAL APPLICATION

By an exchange of notes dated 22 and 28 July 1994 between the Governments of the Kingdom of the Netherlands and Austria, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 January 1996.

#### TERRITORIAL APPLICATION

By an exchange of notes dated 11 November 1993 and 24 November 1994 between the Governments of the Kingdom of the Netherlands and Spain, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 February 1995.

*Certified statements were registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 14 March 1997.*

## TERRITORIAL APPLICATION

By an exchange of notes dated 8 and 24 November 1994 between the Governments of the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 4 March 1996.

## TERRITORIAL APPLICATION

By an exchange of notes dated 28 February 1994 and 31 July 1995 between the Governments of the Kingdom of the Netherlands and Israel, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 November 1995.

## TERRITORIAL APPLICATION

By an exchange of notes dated 6 July and 29 August 1995 between the Governments of the Kingdom of the Netherlands and Portugal, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 December 1995.

## TERRITORIAL APPLICATION

By an exchange of notes dated 16 October 1995 and 12 February 1996 between the Governments of the Kingdom of the Netherlands and the United Kingdom of Great Britain and Croatia, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 May 1996.

## TERRITORIAL APPLICATION

By an exchange of notes dated 28 March and 2 April 1996 between the Governments of the Kingdom of the Netherlands and Hungary, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 July 1996.

## TERRITORIAL APPLICATION

By an exchange of notes dated 5 February and 4 July 1996 between the Governments of the Kingdom of the Netherlands and Finland, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 October 1996.

*Certified statements were registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 14 March 1997.*

#### TERRITORIAL APPLICATION

By an exchange of notes dated 29 March and 17 July 1996 between the Governments of the Kingdom of the Netherlands and Bulgaria, registered by the Secretariat General of the Council of Europe on 8 November 1996, it was agreed to extend the application of the European Convention on Extradition of 13 December 1957 to the Netherlands Antilles and Aruba, with effect from 1 October 1996.

*Certified statement were registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 14 March 1997.*

---