

No. 5146

**AUSTRIA, BELGIUM, DENMARK, FRANCE,
FEDERAL REPUBLIC OF GERMANY, etc.**

**European Convention on Extradition. Done at Paris, on
13 December 1957**

Official texts: English and French.

Registered by the Council of Europe on 24 May 1960.

**AUTRICHE, BELGIQUE, DANEMARK, FRANCE,
REPUBLIQUE FÉDÉRALE D'ALLEMAGNE, etc.**

**Convention européenne d'extradition. Faite à Paris, le
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Textes officiels anglais et français.

Enregistrée par le Conseil de l'Europe le 24 mai 1960.

No. 5146. EUROPEAN CONVENTION ON EXTRADITION.¹
DONE AT PARIS, ON 13 DECEMBER 1957

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members;

Considering that this purpose can be attained by the conclusion of agreements and by common action in legal matters;

Considering that the acceptance of uniform rules with regard to extradition is likely to assist this work of unification,

Have agreed as follows :

Article 1

OBLIGATION TO EXTRADITE

The Contracting Parties undertake to surrender to each other, subject to the provisions and conditions laid down in this Convention, all persons against whom the competent authorities of the requesting Party are proceeding for an offence or who are wanted by the said authorities for the carrying out of a sentence or detention order.

Article 2

EXTRADITABLE OFFENCES

1. Extradition shall be granted in respect of offences punishable under the laws of the requesting Party and of the requested Party by deprivation of liberty or under a detention order for a maximum period of at least one year or by a more severe penalty. Where a conviction and prison sentence have occurred or a detention order has been made in the territory of the requesting Party, the punishment awarded must have been for a period of at least four months.

2. If the request for extradition includes several separate offences each of which is punishable under the laws of the requesting Party and the requested Party by deprivation of liberty or under a detention order, but of which some do not fulfil the condition with regard to the amount of punishment which may be awarded, the requested Party shall also have the right to grant extradition for the latter offences.

¹ See footnote 1 on p. 276.

(Footnote 1 of p. 274.)

¹ In accordance with article 29, the Convention came into force on 18 April 1960, ninety days after the date of deposit with the Secretary-General of the Council of Europe of the third instrument of ratification, in respect of the following States on behalf of which the instruments were deposited on the dates indicated :

Sweden (with declarations and reservations*)	22 January 1959
Turkey	7 January 1960
Norway	19 January 1960

*DECLARATIONS AND RESERVATIONS

[TRANSLATION — TRADUCTION] **

1. *Declarations made*

(a) *on Article 6*: Within the meaning of this Convention the term “nationals” shall de note, in addition to Swedish nationals, aliens domiciled in Sweden, nationals of Denmark, Finland, Iceland and Norway, as well as aliens domiciled in these States;

(b) *on Article 21*: The transit requested will only be granted on the same conditions as extradition is granted, allowance being made for individual circumstances.

2. *Reservations made*

(a) *to Article 1*: Sweden reserves the right, when granting extradition, to stipulate that the extradited person may not be summoned to appear before a court which is only provisionally, or under exceptional circumstances, empowered to deal with such offences, as well as the right to refuse extradition for the execution of a sentence rendered by such special court.

Sweden reserves the right to refuse extradition in special cases, if that measure is manifestly incompatible with its humanitarian obligations, on account of the age, the state of health or any other condition affecting the individual in question, having regard also to the nature of the offence and the interests of the requesting State.

(b) *to Article 2*: The extradition of an individual on whom final judgment has not yet been passed for the offence in respect of which extradition is requested, shall be granted only if the said offence corresponds to an offence which is punishable under Swedish law by a sentence of hard labour;

(c) *to Article 3*: Sweden reserves the right, in the light of individual circumstances, to regard the offence mentioned in paragraph 3 of this Article as a political offence;

(d) *to Article 4*: Where an offence under military law also comprises an offence in respect of which extradition has been granted, Sweden reserves the right to stipulate that the extradited person may not be penalized in application of provisions relating to offences committed by members of the armed services.

(e) *to Article 12*: Even though the sentence rendered or the warrant of arrest issued by a court or a judge in a State which is a Party to the Convention be generally accepted, Sweden reserves the right to refuse the extradition requested if an examination of the case in question shows that the said sentence or warrant is manifestly illfounded;

(f) *to Article 18*: If the individual whose extradition has been granted has not been taken over on the date appointed by the representing State, Sweden reserves the right immediately to annul the measure of restraint imposed upon him.

Furthermore, the Swedish Government declared [*Translation — Traduction*] that the Scandinavian countries are preparing to regulate their mutual relations in respect of extradition on the basis of a uniform law. After the entry into force of this law, Sweden may wish to avail itself of the provisions of article 28 of the Convention.

** Translation by the Secretariat-General of the Council of Europe.
Traduction du Secrétariat général du Conseil de l'Europe.

3. Any Contracting Party whose law does not allow extradition for certain of the offences referred to in paragraph 1 of this Article may, in so far as it is concerned, exclude such offences from the application of this Convention.
4. Any Contracting Party which wishes to avail itself of the right provided for in paragraph 3 of this Article shall, at the time of the deposit of its instrument of ratification or accession, transmit to the Secretary-General of the Council of Europe either a list of the offences for which extradition is allowed or a list of those for which it is excluded and shall at the same time indicate the legal provisions which allow or exclude extradition. The Secretary-General of the Council shall forward these lists to the other signatories.
5. If extradition is subsequently excluded in respect of other offences by the law of a Contracting Party, that Party shall notify the Secretary-General. The Secretary-General shall inform the other signatories. Such notification shall not take effect until three months from the date of its receipt by the Secretary-General.
6. Any Party which avails itself of the right provided for in paragraphs 4 or 5 of this Article may at any time apply this Convention to offences which have been excluded from it. It shall inform the Secretary-General of the Council of such changes, and the Secretary-General shall inform the other signatories.
7. Any Party may apply reciprocity in respect of any offences excluded from the application of the Convention under this Article.

Article 3

POLITICAL OFFENCES

1. Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested Party as a political offence or as an offence connected with a political offence.
2. The same rule shall apply if the requested Party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons.
3. The taking or attempted taking of the life of a Head of State or a member of his family shall not be deemed to be a political offence for the purposes of this Convention.
4. This Article shall not affect any obligations which the Contracting Parties may have undertaken or may undertake under any other international convention of a multilateral character.

Article 4

MILITARY OFFENCES

Extradition for offences under military law which are not offences under ordinary criminal law is excluded from the application of this Convention.

Article 5

FISCAL OFFENCES

Extradition shall be granted, in accordance with the provisions of this Convention, for offences in connection with taxes, duties, customs and exchange only if the Contracting Parties have so decided in respect of any such offence or category of offences.

Article 6

EXTRADITION OF NATIONALS

1. (a) A Contracting Party shall have the right to refuse extradition of its nationals.

(b) Each Contracting Party may, by a declaration made at the time of signature or of deposit of its instrument of ratification or accession, define as far as it is concerned the term "nationals" within the meaning of this Convention.

(c) Nationality shall be determined as at the time of the decision concerning extradition. If, however, the person claimed is first recognised as a national of the requested Party during the period between the time of the decision and the time contemplated for the surrender, the requested Party may avail itself of the provision contained in sub-paragraph (a) of this Article.

2. If the requested Party does not extradite its national, it shall at the request of the requesting Party submit the case to its competent authorities in order that proceedings may be taken if they are considered appropriate. For this purpose, the files, information and exhibits relating to the offence shall be transmitted without charge by the means provided for in Article 12, paragraph 1. The requesting Party shall be informed of the result of its request.

Article 7

PLACE OF COMMISSION

1. The requested Party may refuse to extradite a person claimed for an offence which is regarded by its law as having been committed in whole or in part in its territory or in a place treated as its territory.

2. When the offence for which extradition is requested has been committed outside the territory of the requesting Party, extradition may only be refused if the law of the requested Party does not allow prosecution for the same category of offence when committed outside the latter Party's territory or does not allow extradition for the offence concerned.

Article 8

PENDING PROCEEDINGS FOR THE SAME OFFENCES

The requested Party may refuse to extradite the person claimed if the competent authorities of such Party are proceeding against him in respect of the offence or offences for which extradition is requested.

Article 9

“NON BIS IN IDEM”

Extradition shall not be granted if final judgment has been passed by the competent authorities of the requested Party upon the person claimed in respect of the offence or offences for which extradition is requested. Extradition may be refused if the competent authorities of the requested Party have decided either not to institute or to terminate proceedings in respect of the same offence or offences.

Article 10

LAPSE OF TIME

Extradition shall not be granted when the person claimed has, according to the law of either the requesting or the requested Party, become immune by reason of lapse of time from prosecution or punishment.

Article 11

CAPITAL PUNISHMENT

If the offence for which extradition is requested is punishable by death under the law of the requesting Party, and if in respect of such offence the death-penalty is not provided for by the law of the requested Party or is not normally carried out, extradition may be refused unless the requesting Party gives such assurance as the requested Party considers sufficient that the death-penalty will not be carried out.

Article 12

THE REQUEST AND SUPPORTING DOCUMENTS

1. The request shall be in writing and shall be communicated through the diplomatic channel. Other means of communication may be arranged by direct agreement between two or more Parties.
2. The request shall be supported by :
 - (a) the original or an authenticated copy of the conviction and sentence or detention order immediately enforceable or of the warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of the requesting Party;
 - (b) a statement of the offences for which extradition is requested. The time and place of their commission, their legal descriptions and a reference to the relevant legal provisions shall be set out as accurately as possible; and
 - (c) a copy of the relevant enactments or, where this is not possible, a statement of the relevant law and as accurate a description as possible of the person claimed, together with any other information which will help to establish his identity and nationality.

Article 13

SUPPLEMENTARY INFORMATION

If the information communicated by the requesting Party is found to be insufficient to allow the requested Party to make a decision in pursuance of this Convention, the latter Party shall request the necessary supplementary information and may fix a time-limit for the receipt thereof.

Article 14

RULE OF SPECIALITY

1. A person who has been extradited shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order for any offence committed prior to his surrender other than that for which he was extradited, nor shall he be for any other reason restricted in his personal freedom, except in the following cases :
 - (a) When the Party which surrendered him consents. A request for consent shall be submitted, accompanied by the documents mentioned in Article 12 and a legal record of any statement made by the extradited person in respect of the offence concerned. Consent shall be given

- when the offence for which it is requested is itself subject to extradition in accordance with the provisions of this Convention;
- (b) when that person, having had an opportunity to leave the territory of the Party to which he has been surrendered, has not done so within 45 days of his final discharge, or has returned to that territory after leaving it.
2. The requesting Party may, however, take any measures necessary to remove the person from its territory, or any measures necessary under its law, including proceedings by default, to prevent any legal effects of lapse of time.
3. When the description of the offence charged is altered in the course of proceedings, the extradited person shall only be proceeded against or sentenced in so far as the offence under its new description is shown by its constituent elements to be an offence which would allow extradition.

Article 15

RE-EXTRADITION TO A THIRD STATE

Except as provided for in Article 14, paragraph 1 (b), the requesting Party shall not, without the consent of the requested Party, surrender to another Party or to a third State a person surrendered to the requesting Party and sought by the said other Party or third State in respect of offences committed before his surrender. The requested Party may request the production of the documents mentioned in Article 12, paragraph 2.

Article 16

PROVISIONAL ARREST

1. In case of urgency the competent authorities of the requesting Party may request the provisional arrest of the person sought. The competent authorities of the requested Party shall decide the matter in accordance with its law.
2. The request for provisional arrest shall state that one of the documents mentioned in Article 12, paragraph 2 (a), exists and that it is intended to send a request for extradition. It shall also state for what offence extradition will be requested and when and where such offence was committed and shall so far as possible give a description of the person sought.
3. A request for provisional arrest shall be sent to the competent authorities of the requested Party either through the diplomatic channel or direct by post or telegraph or through the International Criminal Police Organisation (Interpol) or by any other means affording evidence in writing or accepted by the requested

Party. The requesting authority shall be informed without delay of the result of its request.

4. Provisional arrest may be terminated if, within a period of 18 days after arrest, the requested Party has not received the request for extradition and the documents mentioned in Article 12. It shall not, in any event, exceed 40 days from the date of such arrest. The possibility of provisional release at any time is not excluded, but the requested Party shall take any measures which it considers necessary to prevent the escape of the person sought.

5. Release shall not prejudice re-arrest and extradition if a request for extradition is received subsequently.

Article 17

CONFLICTING REQUESTS

If extradition is requested concurrently by more than one State, either for the same offence or for different offences, the requested Party shall make its decision having regard to all the circumstances and especially the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality of the person claimed and the possibility of subsequent extradition to another State.

Article 18

SURRENDER OF THE PERSON TO BE EXTRADITED

1. The requested Party shall inform the requesting Party by the means mentioned in Article 12, paragraph 1 of its decision with regard to the extradition.

2. Reasons shall be given for any complete or partial rejection.

3. If the request is agreed to, the requesting Party shall be informed of the place and date of surrender and of the length of time for which the person claimed was detained with a view to surrender.

4. Subject to the provisions of paragraph 5 of this Article, if the person claimed has not been taken over on the appointed date, he may be released after the expiry of 15 days and shall in any case be released after the expiry of 30 days. The requested Party may refuse to extradite him for the same offence.

5. If circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited, it shall notify the other Party. The two Parties shall agree a new date for surrender and the provisions of paragraph 4 of this Article shall apply.

Article 19

POSTPONED OR CONDITIONAL SURRENDER

1. The requested Party may, after making its decision on the request for extradition, postpone the surrender of the person claimed in order that he may be proceeded against by that Party or, if he has already been convicted, in order that he may serve his sentence in the territory of that Party for an offence other than that for which extradition is requested.
2. The requested Party may, instead of postponing surrender, temporarily surrender the person claimed to the requesting Party in accordance with conditions to be determined by mutual agreement between the Parties.

Article 20

HANDING OVER OF PROPERTY

1. The requested Party shall, in so far as its law permits and at the request of the requesting Party, seize and hand over property :
 - (a) which may be required as evidence or
 - (b) which has been acquired as a result of the offence and which, at the time of the arrest, is found in the possession of the person claimed or is discovered subsequently.
2. The property mentioned in paragraph 1 of this Article shall be handed even if extradition, having been agreed to, cannot be carried out owing to the death or escape of the person claimed.
3. When the said property is liable to seizure or confiscation in the territory of the requested Party, the latter may, in connection with pending criminal proceedings, temporarily retain it or hand it over on condition that it is returned.
4. Any rights which the requested Party or third parties may have acquired in the said property shall be preserved. Where these rights exist, the property shall be returned without charge to the requested Party as soon as possible after the trial.

Article 21

TRANSIT

1. Transit through the territory of one of the Contracting Parties shall be granted on submission of a request by the means mentioned in Article 12, paragraph 1, provided that the offence concerned is not considered by the Party requested to grant transit as an offence of a political or purely military character having regard to Articles 3 and 4 of this Convention,

2. Transit of a national, within the meaning of Article 6, of a country requested to grant transit may be refused.
3. Subject to the provisions of paragraph 4 of this Article, it shall be necessary to produce the documents mentioned in Article 12, paragraph 2.
4. If air transport is used, the following provisions shall apply :
 - (a) when it is not intended to land, the requesting Party shall notify the Party over whose territory the flight is to be made and shall certify that one of the documents mentioned in Article 12, paragraph 2 (a) exists. In the case of an unscheduled landing, such notification shall have the effect of a request for provisional arrest as provided for in Article 16, and the requesting Party shall submit a formal request for transit;
 - (b) when it is intended to land, the requesting Party shall submit a formal request for transit.
5. A Party may, however, at the time of signature or of the deposit of its instrument of ratification of, or accession to, this Convention, declare that it will only grant transit of a person on some or all of the conditions on which it grants extradition. In that event, reciprocity may be applied.
6. The transit of the extradited person shall not be carried out through any territory where there is reason to believe that his life or his freedom may be threatened by reason of his race, religion, nationality or political opinion.

Article 22

PROCEDURE

Except where this Convention otherwise provides, the procedure with regard to extradition and provisional arrest shall be governed solely by the law of the requested Party.

Article 23

LANGUAGE TO BE USED

The documents to be produced shall be in the language of the requesting or requested Party. The requested Party may require a translation into one of the official languages of the Council of Europe to be chosen by it.

Article 24

EXPENSES

1. Expenses incurred in the territory of the requested Party by reason of extradition shall be borne by that Party.

2. Expenses incurred by reason of transit through the territory of a Party requested to grant transit shall be borne by the requesting Party.
3. In the event of extradition from a non-metropolitan territory of the requested Party, the expenses occasioned by travel between that territory and the metropolitan territory of the requesting Party shall be borne by the latter. The same rule shall apply to expenses occasioned by travel between the non-metropolitan territory of the requested Party and its metropolitan territory.

Article 25

DEFINITION OF "DETENTION ORDER"

For the purposes of this Convention, the expression "detention order" means any order involving deprivation of liberty which has been made by a criminal court in addition to or instead of a prison sentence.

Article 26

RESERVATIONS

1. Any Contracting Party may, when signing this Convention or when depositing its instrument of ratification or accession, make a reservation in respect of any provision or provisions of the Convention.
2. Any Contracting Party which has made a reservation shall withdraw it as soon as circumstances permit. Such withdrawal shall be made by notification to the Secretary-General of the Council of Europe.
3. A Contracting Party which has made a reservation in respect of a provision of the Convention may not claim application of the said provision by another Party save in so far as it has itself accepted the provision.

Article 27

TERRITORIAL APPLICATION

1. This Convention shall apply to the metropolitan territories of the Contracting Parties.
2. In respect of France, it shall also apply to Algeria and to the overseas Departments and, in respect of the United Kingdom of Great Britain and Northern Ireland, to the Channel Islands and to the Isle of Man.
3. The Federal Republic of Germany may extend the application of this Convention to the *Land* of Berlin by notice addressed to the Secretary-General of the Council of Europe, who shall notify the other Parties of such declaration.

4. By direct arrangement between two or more Contracting Parties, the application of this Convention may be extended, subject to the conditions laid down in the arrangement, to any territory of such Parties, other than the territories mentioned in paragraphs 1, 2 and 3 of this Article, for whose international relations any such Party is responsible.

Article 28

RELATIONS BETWEEN THIS CONVENTION AND BILATERAL AGREEMENTS

1. This Convention shall, in respect of those countries to which it applies, supersede the provisions of any bilateral treaties, conventions or agreements governing extradition between any two Contracting Parties.

2. The Contracting Parties may conclude between themselves bilateral or multilateral agreements only in order to supplement the provisions of this Convention or to facilitate the application of the principles contained therein.

3. Where, as between two or more Contracting Parties, extradition takes place on the basis of a uniform law, the Parties shall be free to regulate their mutual relations in respect of extradition exclusively in accordance with such a system notwithstanding the provisions of this Convention. The same principle shall apply as between two or more Contracting Parties each of which has in force a law providing for the execution in its territory of warrants of arrest issued in the territory of the other Party or Parties. Contracting Parties which exclude or may in the future exclude the application of this Convention as between themselves in accordance with this paragraph shall notify the Secretary-General of the Council of Europe accordingly. The Secretary-General shall inform the other Contracting Parties of any notification received in accordance with this paragraph.

Article 29

SIGNATURE, RATIFICATION AND ENTRY INTO FORCE

1. This Convention shall be open to signature by the Members of the Council of Europe. It shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the Council.

2. The Convention shall come into force 90 days after the date of deposit of the third instrument of ratification.

3. As regards any signatory ratifying subsequently the Convention shall come into force 90 days after the date of the deposit of its instrument of ratification.

Article 30

ACCESSION

1. The Committee of Ministers of the Council of Europe may invite any State not a Member of the Council to accede to this Convention, provided that the resolution containing such invitation receives the unanimous agreement of the Members of the Council who have ratified the Convention.
2. Accession shall be by deposit with the Secretary-General of the Council of an instrument of accession, which shall take effect 90 days after the date of its deposit.

Article 31

DENUNCIATION

Any Contracting Party may denounce this Convention in so far as it is concerned by giving notice to the Secretary-General of the Council of Europe. Denunciation shall take effect six months after the date when the Secretary-General of the Council received such notification.

Article 32

NOTIFICATIONS

The Secretary-General of the Council of Europe shall notify the Members of the Council and the Government of any State which has acceded to this Convention of :

- (a) the deposit of any instrument of ratification or accession;
- (b) the date of entry into force of this Convention;
- (c) any declaration made in accordance with the provisions of Article 6, paragraph 1, and of Article 21, paragraph 5;
- (d) any reservation made in accordance with Article 26, paragraph 1;
- (e) the withdrawal of any reservation in accordance with Article 26, paragraph 2;
- (f) any notification of denunciation received in accordance with the provisions of Article 31 and by the date on which such denunciation will take effect.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Convention.

DONE at Paris, this 13th day of December 1957, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General of the Council of Europe shall transmit certified copies to the signatory Governments.

For the Government
of the Republic of Austria :

Pour le Gouvernement
de la République d'Autriche :

Leopold FIGL

For the Government
of the Kingdom of Belgium :

Pour le Gouvernement
du Royaume de Belgique :

V. LAROCK

For the Government
of the Kingdom of Denmark :

Pour le Gouvernement
du Royaume de Danemark :

H. C. HANSEN

For the Government
of the French Republic :

Pour le Gouvernement
de la République française :

M. FAURE

For the Government
of the Federal Republic of Germany : de la République Fédérale d'Allemagne :

Pour le Gouvernement

v. BRENTANO

For the Government
of the Kingdom of Greece :

Pour le Gouvernement
du Royaume de Grèce :

sous réserves à formuler par écrit

Grég. CASSIMATIS

For the Government
of the Icelandic Republic :

Pour le Gouvernement
de la République islandaise :

For the Government
of Ireland :

Pour le Gouvernement
d'Irlande :

For the Government
of the Italian Republic :

Pour le Gouvernement
de la République italienne :

Massimo MAGISTRATI

Italy makes the express reservation that it will not grant the extradition of persons wanted for the carrying out of a detention order unless :

- a) all the criteria laid down in Article 25 are fulfilled in each case;
- b) the said detention order is expressly provided for under the criminal law of the requesting Party as being a necessary consequence of an offence.

Italy declares that it will not, under any circumstances, grant extradition in respect of offences punishable by death under the law of the requesting Party.

L'Italie formule la réserve expresse qu'elle n'accordera pas l'extradition d'individus recherchés aux fins d'exécution de mesures de sûreté, à moins toutefois :

- a) que ne soient réunis dans chaque cas tous les critères définis à l'article 25;
- b) que lesdites mesures ne soient expressément prévues par des dispositions pénales de la Partie requérante comme conséquences nécessaires d'une infraction.

L'Italie déclare qu'en aucun cas elle n'accordera l'extradition pour des infractions punies de la peine capitale par la loi de la Partie requérante.

For the Government
of the Grand Duchy of Luxembourg :

Pour le Gouvernement
du Grand Duché de Luxembourg :

Robert ALS

For the Government
of the Kingdom of the Netherlands :

Pour le Gouvernement
du Royaume des Pays-Bas :

For the Government
of the Kingdom of Norway :¹

Pour le Gouvernement
du Royaume de Norvège¹ :

Halvard LANGE

For the Government
of the Kingdom of Sweden :

Pour le Gouvernement
du Royaume de Suède :

Leif BELFRAGE

For the Government
of the Turkish Republic :²

Pour le Gouvernement
de la République turque² :

F. R. ZORLU

For the Government
of the United Kingdom of Great
Britain and Northern Ireland :

Pour le Gouvernement
du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord :

¹ Declaration made by the Norwegian Government at the time of signature :

¹ Déclaration faite par le Gouvernement de la Norvège au moment de la signature :

[TRANSDUCTION — TRANSLATION*]

Article 1. — Extradition may be refused on humanitarian grounds if surrender is likely to have consequences of an exceptional gravity for the person claimed, particularly by reason of his age, state of health or other personal circumstances.

Article 1. — L'extradition peut être refusée pour des considérations humanitaires si la remise est susceptible d'avoir des conséquences d'une gravité exceptionnelle pour l'individu réclamé en raison notamment de son âge, de son état de santé ou d'autres particularités d'ordre personnel.

Article 2, paragraph 1. — Under the terms of the Norwegian extradition law of 13 June 1908, paragraph 2, Norway is in a position to grant extradition only in respect of offences which under the Norwegian Criminal Code are punishable, or would have been punishable, by imprisonment for more than one year.

Article 2, paragraphe 1. — Aux termes du paragraphe 2 de la loi norvégienne du 13 juin 1908 sur l'extradition, la Norvège n'est à même d'accorder l'extradition qu'à raison de faits qui, aux termes du Code pénal norvégien, sont punis ou auraient été punis d'une peine d'emprisonnement de plus d'un an.

Article 3, paragraph 3. — Under the terms of the Norwegian extradition law, paragraph 3, extradition for the taking or attempted taking of the life of a head of state or a member of his family may not be granted if the offence has been committed in connection with another offence which has a political character.

Article 3, paragraphe 3. — Aux termes du paragraphe 3 de la loi norvégienne sur l'extradition, l'extradition peut ne pas être accordée à raison d'un attentat à la vie d'un Chef d'État ou d'un membre de sa famille si le délit a été commis en connexité avec une autre infraction de caractère politique.

* Traduction du Secrétariat général du Conseil de l'Europe.
Translation by the Secretariat-General of the Council of Europe.

Article 4. — In regard to offences which under Norwegian law would have been considered as military offences, extradition is only punishable, under the terms of paragraph 2 of the Norwegian extradition law, if the offence, stripped of its military elements, would have constituted an extraditable offence, and on condition that the extradited person shall not be more severely punished than by the maximum penalty provided for the corresponding offence in the ordinary criminal code.

Article 6, paragraph 1 (b). — As far as Norway is concerned, the term "national" shall include both nationals and residents of Norway. The term shall also include nationals and residents of Denmark, Finland, Iceland or Sweden, if extradition is requested by states other than those mentioned.

Article 12. — The Norwegian authorities reserve the right to require the requesting Party to produce *prima facie* evidence to the effect that the person claimed has committed the offence for which extradition is requested. The request may be refused if the evidence is found to be insufficient.

The Norwegian Government also stated that it "may wish to limit the field of application of the Convention in accordance with the provision of Article 28, paragraph 4, if the Nordic countries adopt uniform extradition laws in accordance with a project now under discussion".

² Declaration made by the Turkish Government at the time of signature :

[TRANSLATION — TRADUCTION] *

The assurance mentioned in Article 11 will be limited to the following procedure :

In the event of extradition to Turkey of an individual under sentence of death or accused of an offence punishable by death, any requested Party whose law does not provide for capital punishment shall be authorised to transmit a request for commutation of death sentence to life imprisonment. Such request shall be transmitted by the Turkish Government to the Grand National Assembly, which is the final instance for confirming a death sentence, insofar as the Assembly has not already pronounced on the matter.

* Translation by the Secretariat-General of the Council of Europe.
Traduction du Secrétariat général du Conseil de l'Europe.

Article 4. — En ce qui concerne les délits qui, aux termes de la loi norvégienne, auraient été considérés comme des infractions militaires, l'extradition ne peut être accordée selon l'article 2 de la loi norvégienne sur l'extradition, que si l'infraction, en dehors de son caractère militaire, aurait constitué une extradition pouvant donner lieu à extradition et à la condition que l'individu extradé ne soit pas puni d'une peine plus sévère que le maximum prévu pour l'infraction correspondante par le Code pénal ordinaire.

Article 6, paragraphe 1 (b). — En ce qui concerne la Norvège, le terme « ressortissants » couvre à la fois les nationaux et les personnes résidant en Norvège. Le terme couvre également les nationaux du Danemark, de la Finlande, de l'Islande et de la Suède ainsi que les personnes résidant dans ces pays à moins qu'un de ces États demande l'extradition.

Article 12. — Les autorités norvégiennes se réservent le droit d'exiger de la Partie requérante la production de preuves établissant une présomption suffisante que l'individu réclamé a commis l'infraction à raison de laquelle l'extradition est demandée. La demande peut être rejetée si les preuves paraissent insuffisantes.

Ce Gouvernement a en outre signalé qu'il « voudra éventuellement limiter le champ d'application de la Convention, comme le prévoit le paragraphe 4 de l'article 28, si les pays nordiques adoptent des lois uniformes en matière d'extradition conformément à un projet actuellement en discussion ».

² Déclaration faite par le Gouvernement de la Turquie au moment de la signature :

Les assurances mentionnées dans l'article 11 se limiteront à la procédure suivante :

En cas d'extradition à la Turquie d'un condamné à mort ou d'un individu inculpé d'un crime passible de la peine capitale, la Partie requise dont la législation ne prévoit pas la peine capitale est autorisée à transmettre une demande en commutation de celle-ci en réclusion perpétuelle. Cette demande sera transmise par le Gouvernement turc à la Grande Assemblée Nationale qui ratifie en dernier lieu une condamnation à mort, pour autant qu'Elle n'aurait pas déjà statué à ce sujet.