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EUROPEAN CONVENTION ON EXTRADITION

opened for signature, in Strasbourg, on 13 December 1957

CONVENTION EUROPEENNE D'EXTRADITION

ouverte à la signature, à Strasbourg, le 13 décembre 1957

Reservations and Declarations
Réserves et Déclarations

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AUSTRIA
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Declarations and reservations contained in the instrument of ratification, deposited on 21 May 1969 - Or. Engl/Fr/Germ.

Declarations

To Article 2, paragraph 2

Austria will grant extradition also under the conditions mentioned in Article 2, paragraph 2.

To Article 6, paragraph 1, sub-paragraph c

Austria will regard the time of surrender of the person claimed as decisive for the determination of nationality.

To Articles 7 and 8

Austria will only grant extradition of a person for an offence which, according to Austrian law, is under Austrian jurisdiction, in so far as that person will be extradited for another offence and as the condemnation of that person by the judicial authorities of the requesting State for all offences is in the interest of ascertaining the truth or useful by reason of fixing of the penalty and execution of the sentence.

To Article 9

Austria will grant extradition if the person claimed was acquitted only for lack of Austrian jurisdiction, or if, only for this reason, criminal proceedings against this person have not been instituted or if instituted criminal proceedings were terminated.

To Article 16, paragraph 2

In case of a request for provisional arrest Austria also requires a short statement of the facts the person claimed is charged with.

To Article 21, paragraph 2

In any case Austria will refuse transit of Austrian nationals.

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To Article 21, paragraph 5 **(1)**

Austria will also refuse transit because of fiscal offences in the sense of Article 5 and because of the offences mentioned in the reservation to Article 5. Transit for offences punishable, under the law of the requesting Party, by death or by a sentence incompatible with the requirements of humanity and human dignity, will be granted under the conditions governing the extradition for such offences.

Reservations

To Article 1

Austria will not grant extradition if the person claimed is to be brought before a special court or if the extradition should lead to the execution of a sentence or a detention order inflicted by such a court.

To Article 5

Austria will further grant extradition for offences which are exclusively contraventions against regulations concerning monopolies or the export, import, transit and rationing of goods only under the conditions mentioned in Article 5.

To Article 11

Austria will refuse extradition requested in order to carry out death-penalty. Extradition for an offence punishable by the death under the law of the requesting Party will only be granted if the requesting State accepts the condition that a death-penalty will not be pronounced. Austria will apply the same principles in the case of sentences which are incompatible with the requirements of humanity and human dignity.

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(1) **Declaration modified** by letter from the Permanent Representative of Austria, dated 16 April 1985, registered at the Secretariat General on 17 April 1985 - Or. Engl.

The declaration submitted by the Republic of Austria with regard to Article 21 (5) of the European Convention on Extradition of 13 December 1957, is herewith restricted to the extent that the first sentence is to be deleted.

By consequence of this restriction, this declaration shall read henceforth as follows :

"Transit for offences punishable, under the law of the requesting Party, by death or by a sentence incompatible with the requirements of humanity and human dignity, will be granted under the conditions governing the extradition for such offences."

CYPRUS

Declarations and reservations made at the time of signature, on 18 September 1970 - Or. Engl.

In respect of Article 1

The Government of the Republic of Cyprus declares that under Article 11.2.f. of the Constitution of the Republic no extradition of citizens of the Republic can be made. The provisions, therefore, of this Article, as far as the Republic of Cyprus is concerned, should be restricted to extradition of aliens.

In respect of Article 6

The Government of the Republic of Cyprus declares that so long as under its Constitution no extradition of citizens of the Republic is allowed (cf. declaration in respect of Article 1) the term "nationals" within the meaning of the Convention, as far as the Republic of Cyprus is concerned, should mean "citizens of the Republic of Cyprus or persons who, under the provisions relating to citizenship of the Republic in force for the time being, would be entitled to become citizens of the Republic".

Furthermore, under the provisions of the Criminal Code of Cyprus citizens of the Republic may be prosecuted in Cyprus, for offences committed in a foreign country punishable with death or imprisonment exceeding two years if the act or omission constituting the offence is also punishable by the law of the country where it was committed.

In respect of Article 11

Under the Criminal Code of Cyprus in the case of citizens of the Republic committing an offence in a foreign country punishable under the law of Cyprus with death but not so punishable under the law of the foreign country the death penalty is not imposed in the Republic but such citizen is punishable with any other punishment up to imprisonment for life.

In respect of Article 21, paragraph 2

With regard to citizens of the Republic the same declaration is made in respect of Articles 1 and 6.

DENMARK
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Reservations and Declarations contained in a letter from the Ministry of Foreign Affairs of Denmark, dated 30 August 1962, handed to the Secretary General at the time of deposit of the instrument of ratification, on 13 September 1962 - Or. Fr.

Reservations

Article 1

Extradition may be granted on condition that the person charged with an offence shall not be proceeded against before a special court. Extradition may be refused if its object is the execution of a sentence pronounced by such a court.

Extradition may also be refused if it is liable to have particularly serious consequences for the person claimed on account of his age, state of health or other personal reasons.

Article 1 and Article 9

Extradition may be refused if the competent authorities of a third State have, by a final judgment, either acquitted or convicted the person concerned in respect of the offence giving rise to the request for extradition, or if the competent authorities of a third State have decided to waive or to discontinue proceedings in respect of the same offence.

Article 2, paragraph 1

The obligation to grant extradition shall be restricted to offences which, under the Danish penal code, are punishable by a penalty more severe than imprisonment for one year or simple detention.

Article 3, paragraph 3

A decision as to whether, in a given instance, the taking or attempted taking of the life of a Head of State or a member of his family is to be deemed a political offence shall be made after consideration of the facts of the case.

Article 4

Extradition for a military offence which is also a civil offence may only be granted provided the extradited person is not convicted under military law.

Article 12

Where seemingly indicated by special circumstances, the Danish authorities may require the requesting country to produce evidence establishing a sufficient presumption of guilt on the part of the person concerned. Should such evidence be deemed insufficient, extradition may be refused.

Denmark
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Declarations

Article 6

The term "national" means in Denmark a national of Denmark, Finland, Iceland, Norway or Sweden, or a person domiciled in one of those countries.

Article 28, paragraph 3

The Convention will not apply to Denmark's relations with Norway and Sweden, extradition between the Scandinavian countries being governed by uniform legislation.

FINLAND

Declarations contained in a letter from the Embassy of Finland in France, dated 12 May 1971, handed to the Secretary General at the time of deposit of the instrument of accession, on the same day - Or. Engl.

Article 6

Within the meaning of this Convention the term "nationals" shall denote nationals of Finland, Denmark, Iceland, Norway and Sweden as well as aliens domiciled in these States.

Article 28, paragraph 3

The Convention shall not apply to extradition for offences between Finland, Denmark, Iceland, Norway and Sweden because extradition between these States is governed by uniform legislation.

Reservations contained in the instrument of accession, deposited on 12 May 1971 - Or. Engl.

Article 1

Finland 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. Finland rserves also the right to refuse extradition, if extradition on account of the age, the state of health or any other condition affecting the individual in question or on account of special conditions would be unreasonable for human reasons.

Article 2, paragraph 1

The obligation to extradite mentioned in paragraph 1 of this Article shall be restricted to offences which, under Finnish law, are punishable by a penalty more severe than imprisonment for one year. A person sentenced in a foreign State for such offence may be extradited only, if the term not yet served is deprivation of liberty for at least four months.

Article 3, paragraph 3

Finland reserves the right to regard the offence mentioned in paragraph 3 of this Article as a political offence, if such offence has been committed in open fight.

Article 4

Where a military offence also comprises an offence in respect of which extradition otherwise is permissible, Finland reserves the right to stipulate that the extradited person shall not be punished under a provision pertaining to military offences.

Article 18

If the person taken into custody, whose extradition has been granted, has not been taken over by the requesting State on the date appointed, Finland reserves the right to release him immediately.

FRANCE
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Reservations and Declarations contained in the instrument of ratification, deposited on 10 February 1986 - Or. Fr.

Article 1

Extradition shall not be granted if the person sought would be tried in the requesting State by a tribunal which does not assure the fundamental procedural guarantees and the protection of the rights of the defence or by a tribunal created for that person's particular case or if extradition is requested for the enforcement of a sentence or detention order imposed by such a tribunal.

Extradition may be refused if surrender is likely to have consequences of an exceptional gravity for the person sought, particularly by reason of his age or state of health.

Article 2, paragraph 1

Concerning persons prosecuted, extradition shall only be granted in respect of offences which, under French law and under the law of the requesting State, are punishable by deprivation of liberty or by a detention order for a maximum period of at least two years.

With regard to punishments which are more severe than deprivation of liberty or detention orders, extradition may be refused if these punishments or detention orders are not provided for in the scale of punishments applicable in France.

Article 3, paragraph 3

France reserves the right, in the light of the individual circumstances of each case, to appreciate if the taking or attempted taking of the life of a Head of State or a member of his family is to be deemed or not a political offence.

Article 5

France declares that for offences in connection with taxes, duties, customs and exchange, extradition shall be granted to the requesting State if it has been so decided by a simple exchange of letters in each category of case.

Article 6

Extradition shall be refused when the person sought had French nationality at the time of the alleged offence.

Article 14, paragraph 3

France will require that any new description of an offence relates to the same facts as those for which extradition was granted and that this new description does not imply the application of a penalty for which extradition could be refused.

FRANCE
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Article 16, paragraph 2

In the case of a request for provisional arrest, France shall require a short memorandum of the facts alleged against the person sought.

Article 21

France reserves the right not to grant transit except on the same conditions as those on which it grants extradition.

Article 23

France declares that it will request a translation of the requests for extradition and documents annexed thereto into one of the official languages of the Council of Europe and that it chooses French.

Article 27, paragraphs 1 and 2

The Government of the French Republic declares that, with respect to France, the Convention applies to the European and overseas departments of the Republic.

FEDERAL REPUBLIC OF GERMANY

Declarations and Reservations made at the time of deposit of the instrument of ratification, on 2 October 1976 - Or. Engl.

Article 6

Extradition of Germans from the Federal Republic of Germany to a foreign country is not permitted by virtue of Article 16, paragraph 2, of the Basic Law for the Federal Republic of Germany and must, therefore, be refused in every case.

The term "nationals" within the meaning of Article 6, paragraph 1 b., of the European Convention on Extradition covers all Germans within the meaning of Article 116, paragraph 1, of the Basic Law for the Federal Republic of Germany.

Article 21

In a case of transit under Article 21 of the European Convention on Extradition Article 11 of the Convention will be applied mutatis mutandis.

Article 21, paragraph 2

Transit of a German through the territory of the Federal Republic of Germany is not permitted by virtue of Article 16, paragraph 2, first sentence, of the Basic Law for the Federal Republic of Germany and must, therefore, be refused in every case.

Article 21, paragraphe 4 a.

Where transit is to be effected by air through the territory of the Federal Republic of Germany without any intention to land, an assurance will be required to the effect that, according to the facts known to the requesting Party and the documents in its possession, the extradited person is not a German and does not claim such status.

Article 23

Where the request for extradition and the documents to be produced are not in the German language they must be accompanied by translations of the request and the documents into the German language or into one of the official languages of the Council of Europe.

Article 27, paragraph 3

The European Convention on Extradition shall also apply to Land Berlin with effect from the date on which it will enter into force for the Federal Republic of Germany; however, a request for the extradition of a national of the French Republic, of the United Kingdom of Great Britain and Northern Ireland, or of the United States of America from Land Berlin may be complied with only after the Berlin Commandant of the armed forces of the State concerned has agreed.

FEDERAL REPUBLIC OF GERMANY

Declaration made at the time of deposit of the instrument of ratification, on 2 October 1976 - Or. Fr.

The Permanent Representative declared, on behalf of his Government, that the European Convention on Extradition will also apply to Land Berlin with effect from the date on which it enters into force for the Federal Republic of Germany.

REPUBLIQUE FEDERALE D'ALLEMAGNE

Déclaration faite lors du dépôt de l'instrument de ratification, le 2 octobre 1976 - Or. fr.

Le Représentant Permanent a déclaré, au nom de son Gouvernement, que la Convention européenne d'extradition s'appliquera également au Land de Berlin avec effet de la date à laquelle elle entrera en vigueur pour la République Fédérale d'Allemagne.

GREECE

Reservations made at the time of deposit of the instrument of ratification, on 29 May 1961 - Or. Fr.

Article 6

The provisions of Article 6 will be applied subject to the application of Article 438 (a) of the Greek Code of Criminal Procedure, which prohibits extradition of nationals of the requested Party.

Article 438 of the Greek Code of Criminal Procedure will also be applied in relation to paragraph 1 (c). Under that Article, the date of commission of the offence will on no account be taken into consideration in establishing the nationality of the wanted person.

Article 7

Paragraph 1 will be applied subject to the provisions of Article 438 (b) of the Greek Code of Criminal Procedure.

Article 11

Article 437 (1) of the Greek Code of Criminal Procedure will continue to be applied in place of Article 11 of the Convention. Under that clause, extradition of a foreign national for an offence punishable by death under the law of the requesting Party is authorised only if Greek criminal law prescribes the same penalty for the offence in question.

Article 18

The last sentence of Article 18 (4) of the Convention is accepted, with the addition of the following clause from Article 454 of the Greek Code of Criminal Procedure: "provided that the new request is based on the same facts".

Article 19

This Article is accepted subject to the provisions of Article 441 of the Greek Code of Criminal Procedure.

ICELAND

Reservations contained in the instrument of ratification, deposited on 20 June 1984 - Or. Engl.

Article 1

When granting extradition, Iceland reserves the right to stipulate that the extradited person may not be summoned to appear before a provisional court or a court empowered under exceptional circumstances to deal with such offences, as well as the right to refuse extradition for the execution of a sentence rendered by such special court.

Extradition may also be refused if it is liable to have particularly serious consequences for the person claimed on account of his age, state of health or other personal circumstances.

Article 2, paragraph 1

Iceland can only grant extradition in respect of an offence, or corresponding offence, which under Icelandic law is punishable, or would have been punishable, with imprisonment for more than one year.

Article 3, paragraph 3

Iceland reserves the right, in light of individual circumstances, to consider the offence described in paragraph 3 of Article 3 as a political offence.

Article 4

Extradition for a military offence which is also an offence under ordinary criminal law may only be granted provided the extradited person is not convicted under military law.

Article 12

Iceland reserves the right to require the requesting Party to produce evidence establishing that the person claimed has committed the offence for which extradition is requested. Extradition may be refused if the evidence is found to be insufficient.

ICELAND

Declarations contained in a letter from the Permanent Representative of Iceland, handed to the Secretary General at the time of deposit of the instrument of ratification, on 20 June 1984 - Or. Engl.

Article 6

Within the meaning of the Convention the term "nationals" means a national of Iceland and a national of Denmark, Finland, Norway or Sweden or a person domiciled in Iceland or other aforementioned countries.

Article 28, paragraph 3

The Convention shall not apply to extradition to Denmark, Finland, Norway or Sweden as extradition between the Nordic countries is governed by a uniform law.

ISLANDE

Déclarations consignées dans une lettre du Représentant Permanent de l'Islande, remise au Secrétaire Général lors du dépôt de l'instrument de ratification, le 20 juin 1984 - Or. angl.

Article 6

Au sens de la présente Convention, le terme "ressortissants" désigne un national de l'Islande, du Danemark, de la Finlande, de la Norvège ou de la Suède ainsi que les personnes domiciliées dans ces pays.

Article 28, paragraphe 3

La présente Convention ne s'applique pas à l'extradition vers le Danemark, la Finlande, la Norvège ou la Suède, l'extradition entre ces Etats ayant lieu sur la base d'une législation uniforme.

IRELAND

Declaration contained in a letter from the Ministry of External Affairs of Ireland, dated 2 May 1966, handed to the Secretary General made at the time of signature and deposit of the instrument of ratification, on the same day - Or. Engl.

I have the honour to declare, in accordance with Article 6 of the Convention, that the term "national" in the Convention is hereby defined as meaning "citizens of Ireland" as far as my Government is concerned.

Reservation contained in the instrument of ratification, deposited on 2 May 1966 - Or. Engl.

Article 9

The Irish authorities will not grant extradition if final judgment in respect of the offence for which extradition is requested has been passed in a third State on the person claimed.

Declaration made at the time of confirmation of ratification, on 12 July 1988 - Or. Engl.

A decision of the Irish Supreme Court has made it impossible for Ireland to comply with its international obligations under the European Convention on Extradition.

The Court ruled that Ireland was not bound by its ratification of a similar extradition Treaty as the approval of Dail Eireann of the terms of that Treaty had not been obtained prior to ratification as is required by the Constitution of Ireland. The said Supreme Court Decision serves as a binding precedent in all future extradition cases.

The same circumstance applies in the case of the European Convention on Extradition. Dail approval of the terms thereof was not obtained prior to ratification of the said Convention on behalf of the Government of Ireland in 1966. Consequently, in the event of a court challenge, Ireland's ratification in 1966 is likely to be declared invalid under domestic law.

In order to rectify this position, Dail Eireann approved the terms of the European Convention on Extradition on 29 June 1988. It is now necessary, for the purposes of domestic requirements, for the Government of Ireland to confirm the earlier ratification by way of deposit of a new instrument of ratification.

ITALY

Reservation made at the time of signature, on 13 December 1957, and confirmed at the time of deposit of the instrument of ratification, on 6 August 1963 - Or. Fr.

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.

ITALIE

Réserve faite lors de la signature, le 13 décembre 1957, et confirmée lors du dépôt de l'instrument de ratification, le 6 août 1963 - Or. fr.

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.

LIECHTENSTEIN

Declarations and Reservations contained in the instrument of accession, deposited on 28 October 1969 - Or. Fr.

Article 1

Extradition is on principle granted by the Principality of Liechtenstein only on the condition that the person against whom proceedings are being taken for an offence be tried by the ordinary courts of the requesting State. It therefore reserves the right to grant extradition only on condition that the requesting State gives adequate assurances in that respect.

Article 6 (1) (a)

The Government of the Principality of Liechtenstein declares that Liechtenstein law does not permit extradition of Liechtenstein nationals. Once they have entered the territory of the Principality, they will be tried by the Liechtenstein authorities under Liechtenstein criminal law (paragraph 36 of the Penal Code) for offences committed abroad, whatever the laws of the country where the offence was committed. 'Nationals' within the meaning of the Convention are persons possessing Liechtenstein nationality.

Article 11

The Principality of Liechtenstein reserves the right to apply Article 11 by analogy where the requesting State does not give the Liechtenstein authorities adequate assurances that it will not impose any penalty or measure contrary to Liechtenstein law or which offends against the principle of inviolability of the person in a way which is incompatible with Liechtenstein law. Article 21: The Principality of Liechtenstein reserves the right to refuse transit through its territory even where the offence with which the accused person is charged is covered by Article 5 of the Convention.

Article 23

The Principality of Liechtenstein requires that requests and the documents to be produced which are written in a language other than German must be accompanied by a translation into that language.

LUXEMBOURG
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Reservations and Declarations contained in a letter from the Permanent Representative of Luxembourg, dated 16 November 1976, handed to the Secretary General at the time of deposit of the instrument of ratification, on 18 November 1976 - Or. Fr.

Reservations

Article 1

The Government of the Grand Duchy of Luxembourg reserves the right not to grant extradition requested for the purpose of executing a judgment pronounced by default against which no remedy remains open, if such extradition might have the effect of subjecting the person claimed to a penalty without his having been enabled to exercise the rights of defence prescribed in Article 6.3.c. of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The Government of the Grand Duchy of Luxembourg reserves the right to refuse extradition on humanitarian grounds if it would cause particular hardship to the person claimed, for example, because of his youth, advanced age or state of health.

Articles 6 and 21

The Government of the Grand Duchy of Luxembourg will not grant extradition or transit of its own nationals.

Article 7

The Government of the Grand Duchy of Luxembourg reserves the right not to grant extradition when, in accordance with Article 7(2), the requesting State would be authorised to refuse extradition in like cases.

Article 9

The Government of the Grand Duchy of Luxembourg will not grant extradition if it is satisfied that final judgment for the offence for which extradition is requested has been passed on the person claimed by the competent authorities of a third State and, in the event of conviction for that offence, the convicted person is serving his sentence, has already served it or has been dispensed from serving it.

Article 28

By reason of the special arrangements between the Benelux countries, the Government of the Grand Duchy of Luxembourg does not accept Article 28.1 and 2 in respect of its relations with the Netherlands and Belgium.

The Government of the Grand Duchy of Luxembourg reserves the right to derogate from these provisions in respect of its relations with other member States of the European Economic Community.

Declarations

Article 6.1.b.

The Government of the Grand Duchy of Luxembourg declares that so far as the Grand Duchy of Luxembourg is concerned, "nationals" for the purposes of the Convention are to be understood as meaning persons of Luxembourg nationality as well as foreigners integrated into the Luxembourg community in so far as they can be prosecuted within Luxembourg for the act in respect of which extradition is requested.

Article 19

The Government of the Grand Duchy of Luxembourg will not grant temporary extradition under Article 19.2 save of a person who is serving a sentence in its territory and if necessitated by special circumstances.

Article 21.5

The Government of the Grand Duchy of Luxembourg reserves the right not to grant transit except on the same conditions on which it grands extradition.

NETHERLANDS

Declaration made at the time of signature, on 21 January 1965 - Or. Fr.

Having regard to the equality existing in public law between the Netherlands, Surinam and the Netherlands Antilles, the term "metropolitan territories" used in paragraph 1 of Article 27 of the present Convention, no longer has its original sense in relation to the Kingdom of the Netherlands and consequently shall be deemed to signify, so far as concerns the Kingdom, "European territory".

PAYS-BAS

Déclaration faite lors de la signature, le 21 janvier 1965 - Or. fr.

Eu égard à l'égalité qui existe du point de vue du droit public entre les Pays-Bas, le Surinam et les Antilles néerlandaises, le terme "territoires métropolitains", utilisé au paragraphe 1 de l'article 27 de la présente Convention, perd son sens initial en ce qui concerne le Royaume des Pays-Bas et sera en conséquence, en ce qui a trait au Royaume, considéré comme signifiant "territoire en Europe".

NETHERLANDS

Declaration contained in a letter from the Permanent Representative of the Netherlands, dated 24 December 1985, registered at the Secretariat General on 3 January 1986 - Or. Engl.

The island of Aruba, which is at present still part of the Netherlands Antilles, will obtain internal autonomy as a country within the Kingdom of the Netherlands as of 1 January 1986. Consequently the Kingdom will from then on no longer consist of two countries, namely the Netherlands (the Kingdom in Europe) and the Netherlands Antilles (situated in the Caribbean region), but will consist of three countries, namely the said two countries and the country Aruba.

As the changes being made on 1 January 1986 concern a shift only in the internal constitutional relations within the Kingdom of the Netherlands, and as the Kingdom as such will remain the subject under international law with which treaties are concluded, the said changes will have no consequences in international law regarding to treaties concluded by the Kingdom which already apply to the Netherlands Antilles, including Aruba. These treaties will remain in force for Aruba in its new capacity of country within the Kingdom. Therefore these treaties will as of 1 January 1986, as concerns the Kingdom of the Netherlands, apply to the Netherlands Antilles (without Aruba) and Aruba.

Consequently the treaties referred to in the annex, to which the Kingdom of the Netherlands is a Party and which apply to the Netherlands Antilles, will as of 1 January 1986 as concerns the Kingdom of the Netherlands apply to the Netherlands Antilles and Aruba.

List of Conventions referred to by the Declaration

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24 European Convention on Extradition

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NETHERLANDS

Reservations contained in the instrument of ratification, deposited on 14 February 1969 - Or. Fr.

Article 1

The Netherlands Government reserves the right not to grant extradition requested for the purpose of executing a judgment pronounced by default against which no remedy remains open, if such extradition might have the effect of subjecting the person claimed to a penalty without his having been enabled to exercise the rights of defence prescribed in Article 6(3)c. of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950.

The Netherlands Government reserves the right to refuse extradition on humanitarian grounds if it would cause particular hardship to the person claimed, for example, because of his youth, advanced age or state of health.

Article 7

The Netherlands Government reserves the right not to grand extradition when, in accordance with Article 7(2), the requesting State would be authorised to refuse extradition in like cases.

Article 9

The Netherlands Government will not grand extradition if it is satisfied that final judgment for the offence for which extradition is requested has been passed on the person claimed by the competent authorities of a third State and , in the event of conviction for that offence, the convicted person is serving his sentence, has already served it or has been dispensed from serving it.

Article 28

By reason of the special arrangements between the Benelux countries, the Netherlands Government does not accept Article 28(1) and (2) in respect of its relations with the Kingdom of Belgium and the Grand Duchy of Luxembourg.

The Netherlands Government reserves the right to derogate from these provisions in respect of its relations with other member States of the European Economic Community.

NETHERLANDS

Declarations contained in a letter from the Permanent Representative of the Netherlands, dated 13 February 1969, handed to the Secretary General at the time of deposit of the instrument of ratification, on 14 February 1969 - Or. Fr.

Articles 6 and 21 **(1)**

The Government of the Kingdom of the Netherlands will not permit the transit of Netherlands nationals nor their extradition for the purposes of the enforcement of penalties or other measures.

However, Netherlands nationals may be extradited for purposes of prosecution if the requesting State provides a guarantee that the person claimed may be returned to the Netherlands to serve his sentence there if, following his extradition, a custodial sentence other than a suspended sentence or a measure depriving him of his liberty is imposed upon him.

As regards the Kingdom of the Netherlands, "nationals" for the purpose of the Convention are to be understood as meaning persons of Netherlands nationality as well as foreigners integrated into the Netherlands community insofar as they can be prosecuted within the Kingdom of the Netherlands for the act in respect of which extradition is requested.

Article 19

The Netherlands Government will not grant temporary extradition under Article 19(2) save of a person who is serving a sentence in its territory and if necessitated by special circumstances.

Article 21(5)

The Netherlands Government rserves the right not to grant transit except on the same conditions on which it grants extradition.

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(1) **Declaration amended** by Note Verbale from the Permanent Representation of the Netherlands, dated 14 October 1987, registered at the Secretariat General on 15 October 1987 - Or. Engl.

The original read as follows:

"The Netherlands Government will not grant extradition or transit of its own nationals. As regards the Netherlands, "nationals" for the purposes of the Convention are to be understood as meaning persons of Netherlands nationality as well as foreigners integrated into the Netherlands community insofar as they can be prosecuted within the Netherlands for the act in respect of which extradition is requested."

The present declaration entered into force on 1 January 1988.

NORWAY
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Declarations and reservations made at the time of signature, on 13 December 1957 - Or. Engl.

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 2, paragraphe 1 **(1)**

Under the terms of the Norwegian Act No. 39 of 13 June 1975, relating to the Extradition of Offenders etc..., paragraph 3, Norway is in a position to grant extradition only in respect of an offence, or a corresponding offence, which under Norwegian law is punishable, or would have been punishable with imprisonment for more than one year.

Article 3, paragraph 3 **(1)**

Norway reserves the right, in light of individual circumstances, to consider the offence described in paragraph 3 of Article 3 as a political offence.

Article 4 **(1)**

When an offence under military law also comprises an offence in respect of which extradition otherwise is permissible, Norway reserves the right to stipulate that the extradited person shall not be punished under the military law of the requesting State.

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(1) Reservations modified by letter from the Permanent Representative of Norway, dated 17 January 1977, registered at the Secretariat General on 19 January 1977 - Or. Engl.

The original reservations read as follows:

"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 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 4
In regard to offences which under Norwegian law would have been considered as military offences, extradition is only permissible, 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."

NORWAY
(Page 2)

Article 6, paragraph 1 b.

As far as Norway is concerned, the term "national" shall incude 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.

Declaration contained in a letter from the Permanent Representative of Norway, dated 17 January 1977, registered at the Secretary General on 19 January 1977 - Or. Engl.

Article 28, paragraph 3

This Convention shall not apply to extradition to Denmark, Finland or Sweden, as extradition between the said States is governed by a uniform legislation.

PORTUGAL

Declaration and reservations contained in a letter from the Permanent Representative of Portugal, dated 12 February 1990, registered at the Secretary General on 13 February 1990 - Or. Fr.

Declaration

The term "nationals" within the meaning of the Convention shall apply to Portuguese citizens, regardless of how they acquired their nationality.

Reservations

Article 1 : Portugal shall not grant the extradition of persons :

a. who are to be tried by a special court or who are to serve a sentence passed by such a court;

b. who it has been proved will be subjected to a trial which affords no legal guarantees of criminal proceedings complying with the conditions internationally recognised as essential to the protection of human rights, or will serve their sentences in inhuman conditions;

c. who are being demanded in connection with an offence punishable by a life-long sentence or detention order.

Article 2 : Portugal shall grant extradition only for offences punishable by deprivation of liberty for more than one year.

Article 6, paragraph 1 : Portugal shall not grant extradition in respect of Portuguese nationals.

Article 11 : Portugal shall not grant extradition for offences punishable by the death penalty under the law of the requesting state.

Article 21 : Portugal shall authorise transit through its national territory only in respect of persons whose circumstances are such that their extradition may be granted."

TRANSLATION

Annex to letter JJ2524C
of 14 February 1991
Tr./24-7

PERMANENT REPRESENTATION
OF THE FEDERAL REPUBLIC OF GERMANY
TO THE COUNCIL OF EUROPE

Strasbourg, 4 February 1991

Sir,

With reference to your notification JJ2356C Tr./24-4 of 16 February 1990 concerning the declarations and reservations made by Portugal in respect of the above-mentioned Convention, I have the honour to communicate to you the following declaration made by my Government :

The Governement of the Federal Republic of Germany considers Portugal's reservation (under item c) to Article 1 of the Convention to be compatible with the object and purpose of the Convention only if refusal to grant extradition for offences punishable by a life-long sentence or detention order is not absolute. It takes the reservation to mean that the only circumstance in which extradition will not be granted is where there is no possibility under the law of the requesting state for the person sentenced to life imprisonment, having completed a certain proportion of the sentence or period of detention, to obtain a judicial review of his case with a view to having the remainder of the sentence commuted to probation.

I kindly request you to circulate this declaration, the English translation of which you will find enclosed.

Yours faitfully,

(Signed) Klaus PRALLER
Deputy Permanent Representative

Mr E. HARREMOES
Director of Legal Affairs
Council of Europe
STRASBOURG

SPAIN

Reservations and declarations contained in the instrument of ratification, deposited on 7 May 1982 - Or. Sp.

Reservations

Article 1

The person claimed may not be brought to trial before a special court in the territory of the requesting State. Extradition shall not be granted for this purpose nor for the enforcement of a sentence or detention order imposed by courts of this nature.

Article 10

Spain will not grant extradition if liability to criminal prosecution has lapsed for any cause for which provision is made in the legislation of the requesting Party or the requested Party.

Article 21.5

Spain will grant transit only on the conditions specified for extradition in the present Convention.

Article 23

Spain will require the requesting Party to supply a translation into Spanish, French or English of the request for extradition and the accompanying documents.

Declarations

Article 2.7

Spain will apply the rule of reciprocity in respect of offences excluded from the application of the present Convention by virtue of Article 2 thereof.

Article 3

For the purposes of extradition, apart from the offences mentioned in Article 3(3) of the Conventiion, acts of terrorism will not be deemed to be political offences.

Article 6.1 (b)

For the purposes of the present Convention, Spain will consider as nationals the persons entitled to that quality by virtue of the provisions of Title I of Book I of the Spanish Civil Code.

Article 9

Final judgment shall be deemed to have been passed on a person when the judicial decision in question is no longer subject to any ordinary appeal either because all remedies have been exhausted, or because the decision has been accepted, or on account of its specific nature.

Article 11

If the offence for which extradition is requested is punishable by death under the law of the requesting Party, Spain will refuse extradition unless the requesting Party gives such guarantees as the requested Party considers sufficient that the death penalty will not be imposed or, if imposed, will not be carried out.

SWEDEN
(Page 1)

Declarations and reservations contained in the instrument of ratification, deposited on 22 January 1959 - Or. Fr.

Declarations

a. on Article 6 : Within the meaning of this Convention the term "nationals" shall denote, in addition to Swedish nationals, aliens domiciled in Sweden, nationals in 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.

Reservations

a. to Article 1 : Sweden reserves the right, when granting extradition, to stipulate that the extradited person may not be summoned 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 imprisonment for more than one year (1).

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.

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(1) **Reservation modified** by letter from the Ministry for Foreign Affairs, dated 14 April 1967, registered at the Secretariat General on 21 April 1967 - Or. Engl.

The original reservation read as follows:

"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."

SWEDEN
(Page 2)

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 penalised 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 ill-founded.

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.

SWITZERLAND
(Page 1)

Declarations and reservations contained in the instrument of ratification, deposited on 20 December 1966 - Or. Fr.

In respect of Article 1

The Swiss Federal Council declares that extradition by Switzerland is in all cases subject to the condition that the person claimed is not brought before an extraordinary court (tribunal d'exception). It therefore reserves the right to refuse extradition:

a. if there is a possibility that the person claimed, if extradited, will be brought before an extraordinary court (tribunal d'exception) and if the requesting State does not give assurances deemed sufficient, that the judgment will be passed by a court which is generally empowered under the rules of judicial administration to pronounce on criminal matters;

b. if extradition is requested for the purpose of carrying out a sentence passed by an extraordinary court (tribunal d'exception).

In respect of Article 2, paragraph 1 **(1)**

Having regard to the requirements of Swiss law on extradition, Switzerland reserves the right to refuse extradition if the offence alleged against the person claimed does not combine the constituent elements of one of the offences set out in the list deposited with the Secretariat of the Council of Europe as an annex to this declaration.

In respect of Article 2, paragraph 2 **(2)**

The Federal Council declares that if extradition is or has been granted in respect of an offence which is extraditable under Swiss law, Switzerland may extend the effects thereof to any other offence punishable under Swiss ordinary law.

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(1) Reservation withdrawn by letter from the Permanent Representative of Switzerland, dated 25 January 1983, registered at the Secretariat General on 26 January 1983 - Or. Fr.

(2) Declaration modified by letter from the Permanent Representative of Switzerland, dated 25 January 1983, registered at the Secretariat General on 26 January 1983 - Or. Fr.

The original declaration read as follows:

"The Swiss Federal Council declares that, notwithstanding the reservation made in respect of Article 2, paragraph 1, Switzerland may, when extradition is or has been granted for a crime (crime) or a correctional offence (délit) which is extraditable under Swiss law, extend the effects thereof to any other offence punishable under Swiss law."

The new Declaration entered into force on 1st January 1983.

SWITZERLAND
(Page 2)

In respect of Article 3, paragraphe 3

Notwithstanding Article 3, paragraph 3, of the Convention, Switzerland reserves the right to refuse extradition on the basis of Article 3, paragraph 1 when it is requested for the taking or attempted taking of the life of a Head of State or a member of his family.

In respect of Article 6 **(1)**

The Federal Council declares that Swiss law allows Swiss nationals to be extradited only on the conditions specified in Article 7 of the Federal Act of 20 March 1981 on International Mutual Assistance in Criminal Matters. Provided that the statutory requirements are satisfied, offences committed outside Switzerland which are punishable under Swiss law as felonies ("crimes") or misdemeanours ("délits") may be prosecuted and tried by the Swiss authorities in the following cases:
- where they were committed against Swiss nationals (Article 5 of the Swiss Criminal Code of 21 December 1937);
- where they are extraditable under Swiss law and were committed by a Swiss national (Article 6 of the Swiss Criminal Code);
- where they were committed on board a Swiss ship or Swiss aircraft (Article 4 of the Federal Act of 23 September 1953 on Shipping under the Swiss flag; Article 97 of the Federal Act of 21 December 1948 on Air Navigation);
- where the special statutory provisions so stipulate in respect of certain offences (Articles 202 and 240 of the Swiss Criminal Code; Article 19 of the Federal Act of 3 October 1951 on Narcotics; Article 101 of the Federal Act of 19 December 1958 on Road Traffic; Article 16 of the Federal Act of 14 March 1958 on the Liability of the Confederation, Members of its Authorities and its Civil Servants; Article 12 of the Federal Act of 26 September 1958 on the Export Risk Guarantee).

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(1) Declaration modified by letter from the Permanent Representative of Switzerland, dated 25 January 1983, registered at the Secretariat General on 26 January 1983 - Or. Fr.

The original declaration read as follows:

"The Swiss Federal Council declares that Swiss law does not permit extradition of Swiss nationals. Provided that the statutory requirements are satisfied, the Swiss authorities may take proceedings and pass sentences in respect of offences committed outside Switzerland which are punishable under Swiss law as crimes (crimes) or correctional offences (délits):
- if they were committed against Swiss nationals (Article 5 of the Swiss Penal Code);
- if they are extraditable under Swiss law and were committed by a Swiss national (Article 6 of the Swiss Penal Code; Section 16 of the Federal Act of 14 March 1958 on the responsibility of the Confederation, the members of its authorities and its officials);
- if they were committed on board a Swiss ship or a Swiss aircraft (Section 4 of the Federal Act of 23 September 1953 on shipping under the Swiss flag; Section 97 of the Federal Act of 21 December 1948 on air navigation)."

The new Declaration entered into force on 1st January 1983.

SWITZERLAND
(Page 3)

In accordance with the Act of 20 March 1981 on International Mutual Assistance in Criminal Matters, other offences committed abroad by a Swiss national may be prosecuted in Switzerland at the request of the State in which they were committed in cases where the person concerned is in Switzerland and is answerable there for offences of a more serious kind and where, if he is acquitted or punished in Switzerland, he is not liable to be prosecuted again for the same act in the requesting State.

In respect of Articles 7 and 8 **(1)**

The Swiss Federal Council declares that, under present Swiss legislation, extradition can be granted for an offence committed in Swiss territory or in a place treated as that territory only in application of Article 2, paragraph 2, that is, where the person claimed is in any event being extradited to the requesting State in respect of other offences not subject to Swiss jurisdiction and it is considered desirable, particularly in the interests of his social rehabilitation, that all the offences of which he is accused be dealt with at the same proceedings.

In respect of Article 9

a. Switzerland reserves the right to refuse extrdition, in derogation of Article 9, if the decisions motivating the refusal of extradition in accordance with that Article have been rendered in a third State in whose territory the offence was committed;

b. Switzerland reserves the right to grant extradition, notwithstanding the first sentence of Article 9, if it has granted extradition for other offences and the requesting State has shown that new facts or evidence which have come to its knowledge justify a review of the decision motivating the refusal for extradition in accordance with this Article, or if the person sought has not served all or part of the punishment imposed on him by that decision.

In respect of Article 11

Switzerland reserves the right to apply Article 11, mutatis mutandis, also in cases where the law of the requesting State provides that the person claimed may, in respect of the offence for which extradition is requested, be sentenced to corporal punishment or be subjected to such treatment against his will.

In respect of Article 14, paragraph 1 b.

The Swiss Federal Council declares that the Swiss authorities regard discharge as final within the meaning of Article 14 if it enables the person extradited to move about freely without breaking the rules of behaviour and other conditions laid down by the proper authority. For the Swiss authorities, an extradited person is in all cases deemed to be able to leave the territory of a State within the meaning of this Article if he is not in fact prevented from leaving by a disease or some other actual restriction of his freedom of movement.

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(1) Reservation withdrawn by letter from the Permanent Representative of Switzerland, dated 25 January 1983, registered at the Secretariat General on 26 January 1983 - Or. Fr.

SWITZERLAND
(Page 4)

In respect of Article 16, paragraph 2

Switzerland asks that any request addressed to it in accordance with Article 16, paragraph 2, contain a brief description of the offence alleged against the person claimed, including the essential particulars by which the nature of the offence can be appraised with reference to the law of extradition.

In respect of Article 21

Switzerland reserves the right not to authorise transit in cases where the offence alleged against the person claimed comes within the provisions of Article 5 of the Convention or constitutes an infringement of commodity trade, restrictions of market regulations.

In respect of Article 23

Switzerland asks that requests in connection with extradition addressed to its authorities, and documents annexed thereto, be accompanied by a translation into French, German or Italian if they are not written in one of these languages.

SWITZERLAND
(Page 5)

List of extraditable offences under Swiss law (*)

(Annex to the reservation on Article 2, paragraph 1,
of the European Convention on Extraditiion)

Section 3 of the Federal Act of 22 January 1892 on extradition to foreign States provides that persons who have committed, attempted to commit or been accomplices to any of the acts mentioned below, may be extradited, provided that the act in question is an offence under general criminal law and is punishable both under the law of the place of refuge and under the law of the requesting State

I. Offences (1) against persons

1. Voluntary homicide with premeditation, voluntary culpable homicide without premeditation, involuntary homicide;
2. Infanticide and abortion;
3. Exposure or abandonment of children or defenceless persons;
4. Injuries which have resulted in death or lasting infirmity or inability to work for more than 20 days; participation in an affray which had consequences of this nature;
5. Ill-treatment of parents by their children; habitual ill-treatment of children by their parents or by the persons under whose authority they have been placed.

II. Offences (1) against the freedom of persons and family rights

6. Abduction of adults or children by force, menace or fraud;
7. Unlawful restraint of persons;
8. Kidnapping of minors;
9. Violation of domicile with aggravating circumstances;
10. Threats to attack persons or property;
11. Falsification or destruction of documents showing a person's civil status.

III. Offences (1) against morals

12. Rape, indecent assault committed with use of force or on a defenceless person or on a person suffering from mental incapacity;
13. Indecent acts committed on children, or an anyone by a person in whose care he or she has been placed;
14. Corruption of minors by their parents, guardian or any other person entrusted with their supervision;
15. Professional procuring; traffic in women and children;
16. Acts of indecency causing a public scandal;
17. Incest;
18. Bigamy.

(*) List which no longer applies following the withdrawal of the reservation relating to Article 2, paragraph 1 (cf. Page 1).

(1) The term "offences" here means both serious offences and correctional offences under criminal law.

IV. Offences (1) against property

19. Brigandage (piracy), extortion, theft, receiving of stolen goods;
20. Fraudulent conversion (misappropriation) and breach of trust;
21. Wilful damage to property;
22. False pretences, fraudulent bankruptcy, and fraud in connection with bankruptcy or seizure.

V. Offences (1) against faith (foi publique)

23. Counterfeiting or forging of coins or paper money or official stamps representing a value (postage stamps, etc.), banknotes, bonds, shares and other securities issued by the government or by corporations, companies or individuals; introduction, issue or placing in circulation of such counterfeit or forged objects with fraudulent intent;
24. Counterfeiting or forging of seals, dies, stamps or plates; fraudulent use or misuse of counterfeit or genuine seals, stamps, dies or plates;
25. Forging or counterfeiting of documents; uttering of forged instruments (fraudulent use of counterfeit or forged documents), abstraction of documents, misuse of a paper signed in blank;
26. Moving of boundary-marks.

VI. Offences (1) constituting a public danger

27. Causing of fire, misuse of explosives, causing of flooding intentionally or through lack of care or imprudence;
28. Destroying or damaging, wilfully or through lack of care or imprudence, of railways, steamboats, postal installations, or electrical equipment and lines (telegraph, telephone) and endangering of their use;
29. Acts committed wilfully or through lack of care or imprudence liable to cause the destruction, grounding or loss of a ship;
30. Spreading of contagious diseases, epidemics or epizootics, wilfully or through lack of care or imprudence; impairing of springs, wells or other water through harmful substances constituting a public danger;

31. Intentional imitation or adulteration of foodstuffs constituting a danger to human health or the health of animals; offering for sale or placing in circulation of such unhealthy or tainted foodstuffs, with concealment of their harmfulness;
31bis. Wilful infringement of the regulations on narcotics, insofar as such infringement is punishable by imprisonment.

VII. Offences (1) against the administration of justice

32. False accusation;
33. Perjury or misrepresentation under a solemn promise;
34. False evidence, false report by an expert, false declaration by an interpreter; subornation of witnesses, experts or interpreters.

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(1) The term "offences" here means both serious offences and correctional offences under criminal law.

VIII. Offences (1) relating to the exercise of official duties

35. Bribery of public officials, jurors, arbitrators or experts;
36. Misappropriation and extortion by public officials; a buse of authority as a result of bribery or with fraudulent intent;
37. Destruction of letters or telegrams, violation of the secrecy of letters or telegrams by post office employees.

Section 154 of the Federal Act of 23 September 1953 on shipping under the Swiss flag provides that offences punishable under the Act by imprisonment for one year or by a more severe sentence are extraditable within the meaning of Swiss legislation on extradition to foreign States. The offences in question are:

- intentional or negligent endangering of vessel (Section 128);
- intentional or negligent endangering of shipping (Section 129);
- putting to sea of an unseaworthy vessel (Section 131);
- failure to give assistance (Section 133(1));
- abandonment of ship in peril (Section 134);
- failure to exercise command (Section 135(1));
- abuse of authority and unauthorised assumption of authority (Section 136(1));
- drunkness (Section 139(1));
- disobedience (Section 140(3));
- unauthorised taking on board of persons and objects (Section 141(1));
- endangering of shipowner or master through smuggling (Section 142(1) and (3));
- misuse of flag (Section 143(1));
- fraud in registration (Section 144(1));
- unlawful removal of a vessel held by the authorities, infringement of a regulation of the authorities (Section 145);
- improper transfer (Section 146).

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(1) The term "offences" here means both serious offences and correctional offences under criminal law.

TURKEY

Reservation contained in a letter from the Ministry of Foreign Affairs, dated 30 November 1957, handed to the Secretary General at the time of signature, on 13 December 1957 - Or. Fr.

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.

TURQUIE

Réserve consignée dans une lettre du Ministère des Affaires Etrangères, en date du 30 novembre 1957, remise au Secrétaire Général lors de la signature, le 13 décembre 1957 - Or. fr.

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.

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

ETS/STE No 24

EUROPEAN CONVENTION ON EXTRADITION

opened for signature, in Strasbourg, on 13 December 1957

CONVENTION EUROPEENNE D'EXTRADITION

ouverte à la signature, à Strasbourg, le 13 décembre 1957

Reservations and Declarations
Réserves et Déclarations

United Kingdom

Reservations and declarations contained in a letter dated 13 February 1991, handed over to the Secretary General at the time of deposit of the instrument of ratification on 13 February 1990 - Or. Eng.

Article 1

The United Kingdom reserves the right to refuse to grant extradition which is requested pursuant to or for the purpose of executing a conviction or sentence pronounced against the person concerned in his absence from proceedings in respect of which the conviction or sentence was pronounced.

Article 2

(1) The United Kingdom may decide to grant extradition in respect of any offences which under the law of the requesting State and the law of the United Kingdom are punishable by a sentence of imprisonment for a term of 12 months or any greater punishment, whether or not such a sentence has in fact been imposed.

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(2) The United Kingdom reserves the right to refuse extradition if it appears, in relation to the offence or each of the offences in respect of which a person's return is sought that by reason of its trivial nature, or because the accusation is not made in good faith in the interests of justice, it would in all the circumstances be unjust or oppressive to return him.

Article 3

The United Kingdom reserves the right to apply the provisions of Article 3 paragraph 3 only in respect of States parties to the European Convention on the Suppression of Terrorism.

Article 8

The United Kingdom may refuse to extradite a person if the authorities in any part of the United Kingdom, the Channel Islands or the Isle of Man have instituted or are about to institute criminal or other proceedings against that person, whether or not those proceedings are in respect of the offence or offences for which extradition is requested.

Article 9

The United Kingdom reserves the right to refuse to grant extradition of a person accused of an offence, if it appears that that person would if charged with that offence in the United Kingdom be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

Article 10

The United Kingdom reserves the right to refuse extradition if it appears, in relation to the offence, or each of the offences, in respect of which the person's return is sought, that 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, it would, having regard to all the circumstances, be unjust or oppressive to return him.

Article 12

(1) In addition to the request and any supporting documents, the United Kingdom will require a statement indicating whether or not a conviction in respect of which extradition is requested was obtained in the presence of the person whose return is sought.

(2) The request must be supported by the original of the conviction and sentence or detention order, or of the warrant of arrest or other order having the same effect.

(3) The statement of the offences for which extradition is requested must contain a description of the conduct which it is alleged constitutes the offence or offences for which extradition is requested.

(4) For the purposes of proceedings in the United Kingdom, foreign documents shall be deemed duly authenticated

(a) if they purport to be signed by a judge, magistrate or officer of the State where they were issued; and

(b) if they purport to be certified by being sealed with the official seal of the Minister of Justice, or some other Minister of State, of that State.

Article 14, paragraph 1, sub-paragraph (a)

The United Kingdom reserves the right in any case to refuse to consent to a person who has been extradited being proceeded against, sentenced or detained with a view to carrying out the sentence or detention order for any offence committed prior to his surrender other than that for which he was extradited or to his being for any other reason restricted in his personal freedom.

Article 21

The United Kingdom cannot accept the application of Article 21.

Article 23

The documents to be produced shall be in English or accompanied by a translation into English.

Article 27

This Convention shall apply to the United Kingdom of Great Britain and Norther Ireland, to the Channel Islands and to the Isle of Man. The United Kingdom reserves the right to notify the Secretary General of the application of the Convention to any territory for the international relations of which the United Kingdom is responsible.

Article 28

The Convention supersedes the provisions of bilateral treaties between the United Kingdom and other Conracting Parties only to the extent that the Convention applies, by or under Article 27, to the United Kingdom, the Contracting Parties, and any territories for whose international relations the United Kingdom or Contracting Parties are responsible.

*

* *

Notification

The Convention shall not apply between the United Kingdom and any Contracting Party when laws are in force in the United Kingdom and in that Contracting Party providing for the execution in the territory of each of them of warrants issued in the territory of the other.

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* *

The United Kingdom, in giving effect to this Convention, will have regard to its human rights obligations under the European Convention on Human Rights.

Declarations and reservations contained in the instrument of accession, deposited on 27 September 1967 - Or. Engl.

Declarations

Declaration concerning Article 21

Israel will only grant transit of a person if, were the receiving State requesting the extradition of the wanted person from Israel, there would be no legal bar to declaring him subject to extradition and extraditing him.

Declaration concerning Article 22

The evidence in writing, or the declarations given on oath or not, or certified copies of such evidence or declarations, and the warrant of arrest and the other legal documents establishing the fact of the conviction, shall be admitted as valid evidence in examining the request for extradition, if they have been signed by a judge or official of the requesting State or if they are accompanied by a certificate issued by such a judge or official or if they have been authenticated by the seal of the Ministry of Justice.

Reservations

Reservation to Article 2 and Article 4

Israel will not grant extradition of any person unless he is accused or has been convicted in the requesting State of an offence which, had it been committed in Israel, would be one of the following offences:

a. Any offence for which the death penalty or imprisonment for a period exceeding three years may be imposed (even if the penalty is lighter where the sentence is passed by a magistrate's court), except:

1. an offence with which a person can only be charged if at the time of committing it he is a soldier within the meaning of the Military Justice Law, 5715-1955;

2. offences under Section 85 of the Criminal Code Ordinance, 1936

(preventing by force or obstructing notification or presence of a competent police officer in the event of a riotous assembly or riot) or under the Penal Law Amendment (Bigamy) Law, 5719-1959 (bigamy);

3. offences under the Penal Law Amendment (Assault on Police Officers) Law, 5712-1952, or under any of the laws specified in the Schedule to the Prevention of Profiteering and Speculation (Jurisdiction) Law, 5711-1951 (various laws, regulations and bye-laws regulating subleasing and accommodation of guests, and the distribution, prices and control of the sale of foodstuffs).

b. An offence the penalty for which is lighter than above specified and which is an offence under the Penal Law Amendment (Bribery) Law, 5712-1952, or under any of the following sections of the Criminal Code Ordinance, 1936 : 88 (riotously preventing the sailing of a ship), 109B, 110-115 (various offences relating to abuse of office by public servants), 120-122, 124 (false swearing, deceiving witnesses, destroying evidence, conspiracy to defeat justice and interference with witnesses), 140 (fraud by public officers), 146 (insult to religion), 156, 158, 159 (intercourse by husband with girl under 15 years, indecency without force and indecent act upon person under 16 years), 161 d. (sodomy), 185, 186 (neglect in the supply of food etc. to, and desertion of children), 195 (spread of dangerous infection or disease), 218 (homicide by carelessness), 242, 250 (assault causing bodily harm), 261, 262 (compulsory labour and false imprisonment), 270 (theft), 304 b. and c. (defrauding of creditors), 305 (conspiracy to defraud the public), 310 (receiving property fraudulently obtained), 350 (imitation of bank-notes), 359, 360, 363-366 (counterfeiting), or under the Penal Law Amendment (Deceit, Blackmail and Extortion) Law, 5723-1963 (deceit and forgery).

Reservation to Article 2

Israel will not grant extradition of a person charged with an offence unless it is proved in a court in Israel that there is evidence which would be sufficient for committing him to trial for such an offence in Israel.

Reservation to Article 9

Israel will not accede to a request for extradition if the wanted person has been pardoned, or has had his punishment remitted, in the requesting State in respect of the criminal act in question.

Reservation to Article 14

Israel will not grant extradition in departure from the rule of speciality except:

a. if the wanted person has in his absence been declared subject to extradition also in respect of the other offence after he was given an opportunity to be represented in the proceedings aimed at such declaration;

b. upon condition that the wanted person will not be proceeded against, sentenced or detained with a view to carrying out sentence unless, having left the requesting State after his extradition, he voluntarily returned to it, or unless he failed to leave the requesting State within 60 days after being given an opportunity to do so.

Reservation to Article 15

Article 15 shall be read as if the words "60 days" replaced the words "45 days" in Article 14, paragraph 1 b.