

No. 5146

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**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.*

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

**Convention européenne d'extradition. Faite à Paris, le  
13 décembre 1957**

*Textes officiels anglais et français.*

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

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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.

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<sup>1</sup> See footnote 1 on p. 276.

(Footnote 1 of p. 274.)

<sup>1</sup> 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.