

II

Treaties and international agreements

filed and recorded

from 31 March 1983 to 26 July 1983

No. 917

Traités et accords internationaux

classés et inscrits au répertoire

du 31 mars 1983 au 26 juillet 1983

N° 917

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**FRANCE
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

Treaty on extradition. Signed at Paris on 14 August 1876
Convention amending articles VII and IX of the above-mentioned Treaty. Signed at Paris on 13 February 1896
Agreement amending article II of the above-mentioned Treaty. Signed at Paris on 17 October 1908
Exchange of letters constituting an agreement supplementing article III of the above-mentioned Treaty, as amended. Paris, 16 February 1978

Authentic texts: French and English.

Filed and recorded at the request of France on 19 July 1983.

**FRANCE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

Traité d'extradition. Signé à Paris le 14 août 1876
Convention portant modification des articles VII et IX du Traité susmentionné. Signée à Paris le 13 février 1896
Accord portant modification de l'article II du Traité susmentionné. Signé à Paris le 17 octobre 1908
Échange de lettres constituant un accord complétant l'article III du Traité susmentionné, tel que modifié. Paris, 16 février 1978

Textes authentiques : français et anglais.

Classés et inscrits au répertoire à la demande de la France le 19 juillet 1983.

TREATY¹ ON EXTRADITION

The President of the French Republic, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,

Having recognized the insufficiency of the provisions of the Treaty concluded on the 13th of February 1843, between France and Great Britain for the reciprocal extradition of criminals, have resolved, by common accord, to replace it by another and more complete Treaty, and have named as their respective Plenipotentiaries for this purpose, that is to say:

The President of the French Republic, M. le Duc Decazes, member of the Chamber of Deputies, Minister for Foreign Affairs, Grand Officer of the National Order of the Legion of Honor, etc., etc., etc.;

and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell Lord Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the most Honourable Order of the Bath, one of Her Britannic Majesty's, most honourable Privy Council, Her Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, etc., etc., etc.;

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

Article 1. The High Contracting Parties engage to deliver up to each other those persons who are being proceeded against or who have been convicted of a crime committed in the territory of the one Party, and who shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

Article 2. Native-born or naturalized subjects of either country are excepted from extradition. In the case, however, of a person who, since the commission of the crime or offence of which he is accused, or for which he has been convicted, has become naturalized in the country whence the surrender is sought, such naturalization shall not prevent the pursuit, arrest and extradition of such person, in conformity with the stipulations of the present Treaty.

Article 3. The crimes for which the extradition is to be granted are the following:

1. Counterfeiting or altering money, and uttering counterfeit or altered money.
2. Forgery, counterfeiting or altering and uttering what is forged counterfeited or altered.
3. Murder (including assassination, parricide, infanticide and poisoning) or attempt to murder.
4. Manslaughter.
5. Abortion.

¹ Came into force on 8 April 1878, i.e., 10 days after its publication in conformity with the laws of the respective countries, in accordance with article 17.

6. Rape.
7. Indecent assault, acts of indecency even without violence upon the person of a girl under 12 years of age.
8. Child stealing including abandoning, exposing or unlawfully detaining.
9. Abduction.
10. Kidnapping and false imprisonment.
11. Bigamy.
12. Wounding or inflicting grievous bodily harm.
13. Assaulting a magistrate or peace or public officer.
14. Threats by letter or otherwise with intent to extort.
15. Perjury or subornation of perjury.
16. Arson.
17. Burglary or housebreaking, robbery with violence.
18. Fraud by a bailee, banker, agent, factor, trustee or director, or member or public officer of any company made criminal by any act for the time being in force.
19. Obtaining money, valuable security, or goods by false pretences, including receiving any chattel, money, valuable security or other property knowing the same to have been unlawfully obtained.
20. Embezzlement or larceny, including receiving any chattel, money, valuable security, or other property knowing the same to have been embezzled or stolen.
21. Crimes against bankruptcy law.
22. Any malicious act done with intent to endanger persons in a railway train.
23. Malicious injury to property, if the offence is indictable.
24. Crimes committed at sea:
 - (A) Any act of depredation or violence by the crew of a British or French vessel, against another British or French vessel, or by the crew of a foreign vessel not provided with a regular commission, against British or French vessels, their crews or their cargoes;
 - (B) The fact by any person being or not one of the crew of a vessel of giving her over to pirates;
 - (C) The fact by any person being or not one of the crew of a vessel of taking possession of such vessel by fraud or violence;
 - (D) Sinking or destroying a vessel at sea, or attempting or conspiring to do so;
 - (E) Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.
25. Dealing in slaves in such manner as to constitute an offence against the laws of both countries.

The extradition is also to take place for participation either as principals or accessories, in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

Article 4. The present Treaty shall apply to crimes and offences committed prior to the signature of the Treaty; but a person surrendered shall not be tried for any crime or offence committed in the other country before the extradition, other than the crime for which his surrender has been granted.

Article 5. No accused or convicted person shall be surrendered, if the offence in respect of which his surrender is demanded shall be denied by the Party upon which it is made to be a political offence, or to be an act committed with (*connexe à*) such an offence, or if he prove to the satisfaction of the police magistrate, or of the Court before which he is brought on *habeas corpus*, or of the Secretary of State, that the requisition for his surrender has, in fact, been made with a view to try or to punish him for an offence of a political character.

Article 6. On the part of the French Government, the extradition shall take place in the following manner in France:

The Ambassador or other Diplomatic Agent of Her Britannic Majesty in France shall send to the Minister for Foreign Affairs, in support of each demand for extradition, an authenticated and duly legalized copy either of a certificate of conviction or of a warrant of arrest against a person accused, clearly setting forth the nature of the crime or offence on account of which the fugitive is being proceeded against. The judicial document thus produced shall be accompanied by a description of the person claimed, and by any other information which may serve to identify him.

These documents shall be communicated by the Minister for Foreign Affairs to the Keeper of the Seals, Minister of Justice, who, after examining the claim for surrender, and the documents in support thereof, shall report thereon immediately to the President of the Republic; and, if there is reason for it, a Decree of the President will grant the extradition of the person claimed, and will order him to be arrested and delivered to the British Authorities.

In consequence of this Decree, the Minister of the Interior shall give orders that search be made for the fugitive criminal, and in case of his arrest, that he be conducted to the French frontier, to be delivered to the person authorized by Her Britannic Majesty's Government to receive him.

Should it so happen that the documents furnished by the British Government, with the view of establishing the identity of the fugitive criminal, and that the particulars collected by the agents of the French Police with the same view, be considered insufficient, notice shall be immediately given to the Ambassador or other Diplomatic Agent of Her Britannic Majesty in France, and the fugitive person, if he has been arrested, shall remain in custody until the British Government has been able to furnish further evidence in order to establish his identity or to throw light on other difficulties in the examination.

Article 7. In the Dominions of Her Britannic Majesty, other than the Colonies or Foreign Possessions of Her Majesty, the manner of proceeding shall be as follows:

(A) In the case of a person accused: The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign