

Sweden International Extradition Treaty with the United States

October 24, 1961, Date-Signed

December 3, 1963, Date-In-Force

STATUS:

Convention and protocol signed at Washington on October 24, 1961. Ratification advised by the Senate of the United States of America on October 22, 1963. It was Ratified by the President of the United States of America on October 29, 1963. It was Ratified by Sweden on April 27, 1962. Ratifications were exchanged at Stockholm on December 3, 1963. It was Proclaimed by the President of the United States of America on December 20, 1963. It Entered into force on December 3, 1963.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention on extradition between the United States of America and Sweden, together with a related protocol, was signed at Washington on October 24, 1961, the originals of which convention and protocol, being in the English and Swedish languages, are word for word as follows:

CONVENTION ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND SWEDEN

The United States of America and the Kingdom of Sweden desiring to make more effective the cooperation of the two countries in the repression of crime, have resolved to conclude a Convention on Extradition and for this purpose have appointed the following Plenipotentiaries:

The President of the United States of America:

Dean Rusk, Secretary of State of the United States of America, and His Majesty the King of Sweden:

Gunnar Jarring, Ambassador Extraordinary and Plenipotentiary of Sweden to the United States of America,

who, having communicated to each other their respective full powers, found to be in good and due form, agree as follows:

ARTICLE I

Each Contracting State undertakes to surrender to the other, subject to the provisions and conditions laid down in this Convention, those persons found in its territory who have been charged with or convicted of any of the offenses specified in Article II of this Convention committed within the territorial jurisdiction of the other, or outside thereof under the conditions specified in Article IV of this Convention; provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the person sought shall be found, would justify his commitment for trial if the offense had been there committed.

ARTICLE II

Extradition shall be granted, subject to the provisions of this Convention, for the following offenses:

1. Murder, including infanticide; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter.
2. Malicious wounding; mayhem; willful assault resulting in grievous bodily harm.
3. Kidnapping; abduction.
4. Rape; abortion; carnal knowledge of a girl under the age specified by law in such cases in both the requesting and requested State.
5. Procuration, defined as the procuring or transporting of a woman or girl under age, even with her consent, for immoral purposes, or of a woman or girl over age, by fraud, threats, or compulsion, for such purposes with a view in either case to gratifying the passions of another person; profiting from the prostitution of another.
6. Bigamy.
7. Robbery; burglary, defined to be the breaking into or entering either in day or night time, a house, office, or other building of a government, corporation, or private person, with intent to commit a felony therein.
8. Arson.
9. The malicious and unlawful damaging of railways, trains, vessels, aircraft, bridges, vehicles, and other means of travel or of public or

private buildings, or other structures, when the act committed shall endanger human life.

10. Piracy; mutiny on board a vessel or an aircraft for the purpose of rebelling against the authority of the Captain or Commander of such vessel or aircraft; or by fraud or violence taking possession of such vessel or aircraft.

11. Blackmail or extortion.

12. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

13. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

14. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or by threats of injury; receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained.

15. Making use of the mails or other means of communication in connection with schemes devised or intended to deceive or defraud the public or for the purpose of obtaining money under false pretenses.

16. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company.

17. Soliciting, receiving, or offering bribes.

18. Perjury; subornation of perjury.

19. Offenses against the laws for the suppression of slavery and slave trading.

20. Offenses against the bankruptcy laws.

21. Smuggling, defined to be the act of willfully and knowingly violating the customs laws with intent to defraud the revenue by international traffic in merchandise subject to duty.

22. Offenses against the laws relating to the traffic in, use of, or production or manufacture of, narcotic drugs or cannabis.
23. Offenses against the laws relating to the illicit manufacture of or traffic in poisonous chemicals or substances injurious to health.
24. The attempt to commit any of the above offenses when such attempt is made a separate offense by the laws of the Contracting States.
25. Participation in any of the above offenses.

ARTICLE III

1. The requested State shall, subject to the provisions of this Convention, extradite a person charged with or convicted of any offense enumerated in Article II only when both of the following conditions exist:

(a) The law of the requesting State, in force when the offense was committed, provides a possible penalty of deprivation of liberty for a period of more than one year; and

(b) The law in force in the requested State generally provides a possible penalty of deprivation of liberty for a period of more than one year which would be applicable if the offense were committed in the territory of the requested State.

2. When the person sought has been sentenced in the requesting State, the punishment awarded must have been for a period of at least four months.

ARTICLE IV

1. Extradition need not be granted for an offense which has been committed within the territorial jurisdiction of the requested State, but if the offense has been committed in the requested State by an officer or employee of the requesting State, who is a national of the requesting State, the executive authority of the requested State shall, subject to its laws, have the power to surrender the person sought if, in its discretion, it be deemed proper to do so.

2. When the offense has been committed outside the territorial jurisdiction of the requesting State, the request for extradition need not be honored unless the laws of the requesting State and those of the requested State authorize prosecution of such offense under corresponding circumstances.

3. The words "territorial jurisdiction" as used in this Article and in Article I of this Convention mean: territory, including territorial waters, and the airspace thereover, belonging to or under the control of one of the Contracting States; and vessels and aircraft belonging to one of the Contracting States or to a citizen or corporation thereof when such vessel is on the high seas or such aircraft is over the high seas.

ARTICLE V

Extradition shall not be granted in any of the following circumstances:

1. When the person sought has already been or is at the time of the request being proceeded against in the requested State in accordance with the criminal laws of that State for the offense for which his extradition is requested.
2. When the legal proceedings or the enforcement of the penalty for the offense has become barred by limitation according to the laws of either the requesting State or the requested State.
3. When the person sought has been or will be tried in the requesting State by an extraordinary tribunal or court.
4. When the offense is purely military.
5. If the offense is regarded by the requested State as a political offense or as an offense connected with a political offense.
6. If in the specific case it is found to be obviously incompatible with the requirements of humane treatment, because of, for example, the youth or health of the person sought, taking into account also the nature of the offense and the interests of the requesting State.

ARTICLE VI

When the person sought is being proceeded against in accordance with the criminal laws of the requested State or is serving a sentence in that State for an offense other than that for which extradition has been requested, his surrender may be deferred until such proceedings have been terminated or he is entitled to be set at liberty.

ARTICLE VII

There is no obligation upon the requested State to grant the extradition of a person who is a national of the requested State, but the executive authority of the requested State shall, subject to the appropriate laws of

that State, have the power to surrender a national of that State if, in its discretion, it be deemed proper to do so.

ARTICLE VIII

If the offense for which extradition is requested is punishable by death under the law of the requesting State and the law of the requested State does not permit this punishment, extradition may be refused unless the requesting State gives such assurance as the requested State considers sufficient that the death penalty will not be carried out.

ARTICLE IX

A person extradited by virtue of this Convention may not be tried or punished by the requesting State for any offense committed prior to his extradition, other than that which gave rise to the request, nor may he be re-extradited by the requesting State to a third country which claims him, unless the surrendering State so agrees or unless the person extradited, having been set at liberty within the requesting State, remains voluntarily in the requesting State for more than 45 days from the date on which he was released. Upon such release, he shall be informed of the consequences to which his stay in the territory of the requesting State might subject him.

ARTICLE X

To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall be surrendered.

ARTICLE XI

1. The request for extradition shall be made through the diplomatic channel and shall be supported by the following documents:

(a) In the case of a person who has been convicted of the offense: a duly certified or authenticated copy of the final sentence of the competent court. However, in exceptional cases, the requested State may request additional documentation.

(b) In the case of a person who is merely charged with the offense: a duly certified or authenticated copy of the warrant of arrest or other order of detention issued by the competent authorities of the requesting State, together with the depositions, record of investigation or other evidence upon which such warrant or order may have been issued and such other

evidence or proof as may be deemed competent in the case.

2. The documents specified in this Article must include a precise statement of the criminal act with which the person sought is charged or of which he has been convicted, and the place and date of the commission of the criminal act. The said documents must be accompanied by an authenticated copy of the texts of the applicable laws of the requesting State including the laws relating to the limitation of the legal proceedings or the enforcement of the penalty for the offense for which the extradition of the person is sought, and data or records which will prove the identity of the person sought as well as information as to his nationality and residence.

3. The documents in support of the request for extradition shall be accompanied by a duly certified translation thereof into the language of the requested State.

ARTICLE XII

1. The Contracting States may request, through the diplomatic channel, the provisional arrest of a person, provided that the offense for which he is sought is one for which extradition shall be granted under this Convention. The request shall contain:

- (a) A statement of the offense with which the person sought is charged or of which he has been convicted;
- (b) A description of the person sought for the purpose of identification;
- (c) A statement of his whereabouts, if known; and
- (d) A declaration that there exist and will be forthcoming the relevant documents required by Article XI of this Convention.

2. If, within a maximum period of 40 days from the date of the provisional arrest of the person in accordance with this Article, the requesting State does not present the formal request for his extradition, duly supported, the person detained will be set at liberty and a new request for his extradition will be accepted only when accompanied by the relevant documents required by Article XI of this Convention.

ARTICLE XIII

1. Expenses related to the transportation of the person extradited shall be paid by the requesting State. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means

within their power, assist the officers of the requesting State before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of fugitives under the terms of this Convention, shall be made by the requested State against the requesting State other than as specified in the second paragraph of this Article and other than for the lodging, maintenance, and board of the person being extradited prior to his surrender.

2. The legal officers, other officers of the requested State, and court stenographers in the requested State who shall, in the usual course of their duty, give assistance and who receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the requesting State the usual payment for such acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV

1. Transit through the territory of one of the Contracting States of a person in the custody of an agent of the other Contracting State, and surrendered to the latter by a third State, and who is not of the nationality of the country of transit, shall, subject to the provisions of the second paragraph of this Article, be permitted, independently of any judicial formalities, when requested through diplomatic channels and accompanied by the presentation in original or in authenticated copy of the document by which the State of refuge has granted the extradition. In the United States of America, the authority of the Secretary of State of the United States of America shall be first obtained.

2. The permission provided for in this Article may nevertheless be refused if the criminal act which has given rise to the extradition does not constitute an offense enumerated in Article II of this Convention, or when grave reasons of public order are opposed to the transit.

ARTICLE XV

To the extent consistent with the stipulations of this Convention and with respect to matters not covered herein, extradition shall be governed by the laws and regulations of the requested State.

ARTICLE XVI

1. This Convention shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible.

2. This Convention shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting State giving notice of termination to the other Contracting State at any time, the termination to be effective six months after the date of such notice.

KONVENTION OM UTLAMNING MELLAN AMERIKAS FORENTA STATER OCH SVERIGE

Amerikas Forenta Stater och Konungariket Sverige, vilka onska vidga de tva staternas samarbete i fraga om brottslighetens bekampande, ha beslutat att avsluta en konvention om utlamning och ha for detta andamal utsett foljande befullmaktigade ombud:

Amerikas Forenta Staters President:

Dean Rusk, Amerikas Forenta Staters Secretary of State, och Hans Majestat Konungen av Sverige:

Gunnar Jarring, Sveriges utomordentlige och befullmaktigade ambassador i Amerikas Forenta Stater,

vilka efter att ha delgivit varandra sina respektive fullmakter, som befunnits i god och behorig form, overenskomma om foljande.

ARTIKEL I

Vardera avtalsslutande staten atager sig att i enlighet med de bestammelser och villkor som faststallts i denna konvention, till den andra staten utlamna personer, som patraffats a dess territorium och vilka aro misstankta eller domda for nagot av de brott, som angivas i artikel II i denna konvention och vilka begatts inom den andra statens territoriella jurisdiktionsomrade eller utanfor detta under de i artikel IV av denna konvention angivna villkoren. Sadan utlamning skall dock aga rum endast pa grundval av sadan bevisning om brottslighet, som enligt lagstiftningen pa den ort, dar den eftersokte patraffats, skulle rattfardiga hans stallande infor ratta, om brottet begatts dar.

ARTIKEL II

Utlamning skall, i enlighet med bestammelserna i denna konvention, beviljas for foljande brott:

1. Mord, inbegripet barnamord; dodande av annan, da sadan garning ar straffbar i Sverige sasom drap och i Forenta Staterna sasom drap av vilja.
2. Avsiktligt tillfogande av skada a person och uppsatlig misshandel,

foranledande allvarlig kroppsskada.

3. Bortförande av barn eller vuxen.

4. Valdtakt; fosterfordrivning; otukt med kvinna, vilken ej uppnatt den ålder som för sådant fall angivits av lagen i såväl den ansökande som den anmodade staten.

5. Koppleri, bestamt såsom tillhandahållande eller befordran i osedligt syfte av underårig kvinna, även med hennes medgivande, eller i samma syfte av annan kvinna genom brukande av svek, hot eller tvång, i båda fallen för att tillfredsställa annans begär; utnyttjande för egen vinning av annans otuktiga levnadssatt.

6. Tvegifte.

7. Ran; inbrott, bestamt såsom gärning, varigenom någon under dag eller natt bryter sig in i eller forskaffar sig tillträde till hus, kontor eller annan byggnad, tillhörande staten, juridisk person eller enskild, i avsikt att därifrån försvärva tillgrepp eller annan liknande gärning.

8. Mordbrand.

9. Avsiktlig olaglig skadegörelse på järnväg, tag, fartyg, luftfartyg, bro, fordon och annat fortskaffningsmedel eller på allmän eller enskild byggnad eller byggnadsverk, om gärningen innebär fara för människoliv.

10. Sjöroveri; myteri ombord på fartyg eller luftfartyg i avsikt att sätta sig upp mot fartygets eller luftfartygets befälhavare; besittningstagande av fartyg eller luftfartyg genom svikligt förfarande eller vald.

11. Utpressning.

12. Forfalskning eller brukande av falsk urkund; eftergörande eller forfalskning av regerings, offentlig myndighets eller domstols officiella handlingar eller brukande av det sålunda eftergjorda eller forfalskade.

13. Eftergörande, forfalskning eller förändrande av penningar, vare sig mynt eller sedlar, eller av skuldebrev, utgivna av federal, delstatlig, provinsial eller kommunal myndighet, eller av därtill hörande kuponger eller ock av banksedlar samt utgivande eller utprängning därav; eller eftergörande, forfalskning eller förändrande av offentliga sigill.

14. Forskingring av ämbets- eller tjänsteman; forskingring av anställd till förfång för arbetsgivaren; stöld; åtkomst av penningar, värdepapper eller annan egendom genom bedrägeri eller hot att tillfoga skada; mottagande

av penningar, värdepapper eller annan egendom med vetskap om att det mottagna atkommit genom förskingring, stöld eller bedrägeri.

15. Brukande av allmänna posten eller andra kommunikationsmedel i samband med förberedande åtgärder, syftande till att vilseleda allmänheten eller att utfa penningar under falska förespeglingar.

16. Bedrägeri eller trolshet av förvaltare eller syssloman, bankir, agent, kommissionar, förmyndare, god man eller annan som innehar förtroendeställning eller av direktor, styrelseledamot eller tjänsteman i bolag.

17. Begärande, mottagande eller erbjudande av muta.

18. Mened; anstiftan av mened.

19. Brotts enligt lagstiftning om undertryckande av slaveri och slavhandel.

20. Galdenarsbrott.

21. Smuggling, bestämt sasom garning varigenom nagon avsiktligt övertrader tulllagstiftning i syfte att undandra tullavgift pa internationell handel med tullbelagd vara.

22. Brotts enligt lagstiftning om handel med samt brukande, framställning eller tillverkning av narkotiska amnen eller hashish.

23. Brotts enligt lagstiftning om otillaten tillverkning av eller handel med giftiga kemikalier eller halsovadliga varor.

24. Forsök till nagot av ovannamnda brott, darest sadant forsök ar brottsligt enligt lagstiftningen i de avtalslutande staterna.

25. Medverkan till nagot av ovannamnda brott.

ARTIKEL III

1. Den anmodade staten skall, i enlighet med bestämmelserna i denna konvention, utlamna den som ar misstankt eller domd for nagot av de i artikel II uppräknade brotten, allenast om foljande bada förutsättningar aro uppfyllda:

a) Enligt den ansökande statens lagstiftning, i dess lydelse vid tidpunkten for brottets begående, kan a brottet folja frihetsstraff under langre tid an ett ar; samt

b) enligt gällande lagstiftning i den anmodade staten kan ett brott i allmänhet följa frihetsstraff under längre tid än ett år, vilken påföljd skulle tillämpas, om brottet hade begåtts på den anmodade statens territorium.

2. Har den eftersökta dömts i den ansökande staten, måste det utmätta straffet avse frihetsberövande under en tid av högst fyra månader.

ARTIKEL IV

1. Utlamning behöver inte medgivas för brott, som begåtts inom den anmodade statens territoriella jurisdiktionsområde. Har brottet begåtts inom den anmodade staten av någon som är ambets- eller tjänsteman hos den ansökande staten och tillika medborgare där, skall den anmodade staten, med tillämpning av sin lagstiftning, åga rätt att överlämna den vars utlamning begärts, därest enligt dess bedömning det anses lämpligt att så förfara.

2. Har brottet begåtts utanför den ansökande statens territoriella jurisdiktionsområde, behöver framställning om utlamning inte bifallas med mindre lagstiftningen i den ansökande staten samt lagstiftningen i den anmodade staten under motsvarande förhållanden medger beivrande av sådant brott.

3. Med uttrycket "territoriellt jurisdiktionsområde" i denna artikel och artikel I i denna konvention förstås territorium, inbegripet territorialvatten och lufttrummet däröver, som tillhör endera avtalslutande staten eller står under dess kontroll, liksom fartyg och luftfartyg, tillhörande endera avtalslutande staten eller dess medborgare eller där hemmahörande juridisk person, när sådant fartyg befinner sig i öppna havet eller sådant luftfartyg befinner sig över öppna havet.

ARTIKEL V

Utlamning skall inte medgivas när någon av följande omständigheter föreligger:

1. Om den vars utlamning begärts redan lagförs eller vid tiden för framställningen lagförs i den anmodade staten i enlighet med gällande strafflag i denna stat för det brott, för vilket utlamningen begärts.

2. Om talan om brottet preskriberats eller straffet för brottet eljest förfallit enligt lagstiftningen i antingen den ansökande eller den anmodade staten.

3. Om den som begärts utlämnad åtalats eller kommer att åtalas inför extraordinär domstol i den ansökande staten.

4. Om garningen utgor brott enbart enligt militar lagstiftning.
5. Om brottet av den anmodade staten betraktas som politiskt eller forknippat med ett politiskt brott.
6. Om utlamning i sarskilt fall finnes uppenbart oforenlig med humanitetens krav pa grund av, exempelvis, den avsedda personens ungdom eller halsotillstand, med beaktande jamval av brottets beskaffenhet och den ansokande statens intressen.

ARTIKEL VI

Om den som begarts utlamnad ar foremal for atgarder enligt den anmodade statens strafflagstiftning med anledning av annat brott an det for vilket utlamning begarts eller denne for sadant brott avtjanar straff i den anmodade staten, ma med hans overlamnande ansta till dess att av brottet pakallade sadana atgarder slutforts eller han ar berättigad till frigivning.

ARTIKEL VII

Den anmodade staten ar icke forpliktad att medgiva utlamning av person, som ar medborgare i denna stat, men skall i enlighet med sin lagstiftning aga ratt att overlamna egen medborgare, om detta enligt dess bedomande anses bora ske.

ARTIKEL VIII

Om det brott for vilket utlamning begares enligt den ansokande statens lagstiftning forskyller dodsstraff men lagstiftningen i den anmodade staten icke medgiver att sadant straff utdomes, ma utlamning vagras, darest ej den ansokande staten avgiver sadan forsakran, som den anmodade staten finner tillfyllest, att dodsstraff icke kommer att verkställas.

ARTIKEL IX

Den som utlamnats enligt denna konvention ma icke lagforas eller straffas i den ansokande staten for annat fore utlamningen beganget brott an det, som foranlett utlamningen, och ej heller av namnda stat vidareutlamnas till tredje land som eftersoker honom, med mindre den stat, som overlamnat honom, samtycker dertil eller ock han sjalv, efter att ha frigivits i den ansokande staten frivilligt kvarstannat dar under langre tid an 45 dagar fran dagen for hans frigivande. Vid frigivande som nyss sagts skall han underrattas om den pafoljd hans uppehall a den

ansokande statens territorium må medföra för hans vidkommande.

ARTIKEL X

I den utsträckning lagstiftningen i den anmodade staten så medger och under vederborligt tillgodeende av tredje mans rättigheter skola alla föremål, som atkommits genom brottet eller erfordras såsom bevis, överlämnas.

ARTIKEL XI

1. Framställning om utlämning skall göras på diplomatisk väg och skall grundas på följande handlingar.

a) Beträffande den som är dömd för brottet: Vederborligen bestyrkt utskrift eller avskrift av den behöriga domstolens dom. I undantagsfall må dock den anmodade staten begära ytterligare handlingar.

b) Beträffande den som endast misstänkes för brottet: Vederborligen bestyrkt utskrift eller avskrift av häktningsbeslut eller annat beslut om frihetsberövande, meddelat av behörig myndighet i den ansökande staten, jämte vittnesutsagor, förundersökningsprotokoll eller annan bevisning, på grund varav sådant beslut må ha meddelats, liksom bevisning i övrigt, som må anses vara av betydelse i ärendet.

2. I denna artikel angivna handlingar skola innehålla en otvetydig beskrivning av den gärning, för vilken den eftersökte är misstänkt eller dömd samt uppgift om plats och dag för gärningens begående. Handlingarna skola åtföljas av bestyrkt avskrift av den ansökande statens tillämpliga lag, där inbegripet lagstiftningen om preskription av åtal eller om bortfall av straff för det brott, för vilket utlämning begäres, liksom uppgifter till styrkande av den eftersöktes identitet och till upplysning om hans medborgarskap och hemvist.

3. Handlingarna, vara framställningen om utlämning grundas, skola vara åtföljda av vederborligen bestyrkt översättning till den anmodade statens språk.

ARTIKEL XII

1. Avtalsslutande stat må på diplomatisk väg begära provisoriskt anhallande av en person, förutsatt att det brott, för vilket han eftersökes, är av det slag, för vilket utlämning skall medgivas enligt denna konvention. Framställningen skall innehålla:

a) Uppgift om det brott, för vilket den eftersökte är misstänkt eller dömd;

- b) Signalement till ledning for den eftersoktes identifiering;
- c) Uppgift om hans uppehallsplats, darest denna ar kand; samt
- d) Forklaring att de enligt artikel XI i denna konvention erforderliga handlingarna foreligga och komma att overlarnas.

2. Om den ansokande staten icke inom en tidrymd av hogst 40 dagar fran det att den eftersokte provisoriskt anhallits i enlighet med denna artikel foreter for hans utlarnande foreskriven framstallning jamte vederborlig dokumentation, skall den anhallne frigivas. Ny framstallning om hans utlarnande ma godtagas endast om den atfoljes av de enligt artikel XI i denna konvention erforderliga handlingarna.

ARTIKEL XIII

1. Kostnader for transport av den utlarnade skola baras av den ansokande staten. Vederborande judiciella tjansteman i det land, dar utlarningsforfarandet ager rum, skola med alla dem till buds staende rattsliga medel bitrada den ansokande statens tjansteman infor vederborande domstolar. Den anmodade staten skall icke aga fordra ersattning av den ansokande staten for kostnader, som uppkommit till foljd av den eftersoktes anhallande eller haktning, forhor med honom eller hans overlarnande i enlighet med bestämmelserna i denna konvention utom for sadana som angivas i andra stycket av denna artikel eller for sadana som ha avseende pa den utlarnades kost, logi och underhall i ovrigt fore hans overlarnande.

2. Domstolstjansteman, andra tjansteman samt domstolsstenografer i den anmodade staten, vilka i sin tjanst bitratt vid utlarningsforfarandet och vilka icke erhalla annan avloning eller ersattning an sarskilt, efter utfort arbete utgaende arvode, aro berättigade att av den ansokande staten erhalla vanligen utgaende betalning for sitt bitrade pa samma satt och med samma belopp, som om bitradet larnats i vanligt brottmalsforfarande enligt lagstiftningen i den stat vars tjansteman de aro.

ARTIKEL XIV

1. Transport genom den ena avtalsslutande statens territorium under overvakning av foretradare for den andra avtalsslutande staten av den som utlarnats till den senare staten fran tredje stat och vilken icke ar medborgare i den stat varigenom han fores skall, dar ej annat foljer av bestämmelserna i andra stycket i denna artikel, tillatas utan nagra rattsliga formaliteter, nar detta begares pa diplomatisk vag och framstallningen ar atfoljd av den handling, i original eller bestyrkt avskrift, medelst vilken

tillflyktsstaten medgivit utlamningen. I Amerikas Forenta Stater skall bemyndigande först inhamtas från Amerikas Forenta Staters Secretary of State.

2. Tillstånd varom formales i denna artikel må likväl vägras, om den gärning som föranlett utlamningen icke utgör något i artikel II i denna konvention uppräknat brott eller därest enligt allmänna rättsprinciper (ordre public) synnerliga skal tala emot genomtransporten.

ARTIKEL XV

I den utsträckning detta står i överensstämmelse med bestämmelserna i denna konvention och beträffande sådant som icke innefattas däri skall utlamning regleras av gällande lagar och föreskrifter i den anmodade staten.

ARTIKEL XVI

1. Denna konvention skall ratificeras och ratifikationsinstrumenten skola utväxlas i Stockholm snarast möjligt.

2. Konventionen skall trada i kraft i och med utväxlingen av ratifikationsinstrumenten. Den må när som helst uppsagas av avtalslutande stat genom meddelande härom till den andra avtalslutande staten och uppsägningen skall trada i kraft sex månader efter det sådant meddelande lämnats.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Convention and have affixed hereunto their seals.

DONE, in duplicate, in the English and Swedish languages, both versions being equally authentic, at Washington this twenty-fourth day of October 1961.

TILL BEKRAFTELSE HARAV ha de befullmäktigade ombuden undertecknat denna konvention och har nedan anbringat sina sigill.

SOM SKEDDE i två exemplar, på engelska och svenska språken, vilka äga lika vitsord, i Washington den tjugofjärde oktober 1961.

PROTOCOL

At the time of the signing of the Convention on Extradition this day concluded between the United States of America and Sweden, the undersigned Plenipotentiaries

Considering that the Swedish Penal Code provides for two general types of penalties of deprivation of liberty, namely, simple imprisonment ("fängelse") and imprisonment with hard labor ("straffarbete"), and that Article IV of the Swedish Extradition Act of December 6, 1957, provides that no person may be extradited unless the crime for which extradition is requested corresponds to an offense for which a sentence of imprisonment with hard labor ("straffarbete") may be imposed according to Swedish law, and

Realizing that it is the intention of the Government of Sweden to present to the Riksdag a bill to amend the Swedish Penal Code so as to eliminate those two types of deprivation of liberty, replacing them with only one type, namely, imprisonment ("fängelse"), and, also, as a consequence thereof to amend accordingly Article IV of the Swedish Extradition Act,

Agree upon the following provisions respecting the application of paragraph 1 of Article III of the Convention:

1. In the event of a request by the United States for extradition from Sweden, the offense for which extradition is requested must be punishable,
 - a. under United States law, by a possible deprivation of liberty for a period of more than one year and,
 - b. under Swedish law, had the offense been committed in Sweden, by a possible imprisonment with hard labor ("straffarbete") for a period of more than one year.
2. In the event of a request by Sweden for extradition from the United States, the offense for which extradition is requested must be punishable,
 - a. under Swedish law, by a possible imprisonment with hard labor ("straffarbete") for a period of more than one year and,
 - b. under United States law, had the offense been committed in the United States, by a possible deprivation of liberty for a period of more than one year.

This protocol shall enter into force upon entry into force of the Convention, and shall be considered an integral part thereof, if the aforescribed amendments to the Swedish Penal Code and the Swedish Extradition Act shall not then have taken place and become effective.

This protocol shall terminate on the date upon which the aforescribed amendments of the Swedish Penal Code and the Swedish Extradition Act

become effective. The Government of Sweden shall notify the Government of the United States in writing of such date.

PROTOKOLL

Vid undertecknandet av den innevarande dag mellan Amerikas Forenta Stater och Sverige avslutade konventionen om utlamning ha undertecknade befullmaktigade ombud

i betraktande av att den svenska strafflagen stadgar tva allmanna slag av frihetsstraff, namligen fangelse och straffarbete, och att 4 § i den svenska lagen den 6 december 1957 om utlamning for brott stadgar, att nagon ej ma utlarnnas, med mindre den garning for vilken utlamning begares motsvarar brott, vara straffarbete kan folja enligt svensk lag, och

med kannedom om svenska regeringens avsikt att for riksdagen framlagga forslag om andring av den svenska strafflagen for att avskaffa de tva namnda slagen frihetsberovande och ersatta dem med ett enda sadant, namligen fangelse, samt darav foranledd andring av 4 § i den svenska lagen om utlamning for brott,

overenskommit om foljande bestammelser rorande tillampningen av artikel III, punkt 1, i konventionen:

1. I handelse av framstallning fran Forenta Staterna om utlamning fran Sverige maste den garning for vilken utlamning begares kunna bestraffas
 - a. enligt lagstiftningen i Forenta Staterna med frihetsberovande under langre tid an ett ar, och,
 - b. enligt lagstiftningen i Sverige, om brottet skulle ha begatts dar, med straffarbete under langre tid an ett ar.
2. I handelse av framstallning fran Sverige om utlamning fran Forenta Staterna maste den garning for vilken utlamning begares kunna bestraffas
 - a. enligt lagstiftningen i Sverige med straffarbete under langre tid an ett ar, och,
 - b. enligt lagstiftningen i Forenta Staterna, om brottet skulle ha begatts dar, med frihetsberovande under langre tid an ett ar.

Forevarande protokoll trader i kraft vid konventionens ikrafttradande och skall anses utgora en integrerande del darav, forutsatt att forenamnda andringar i den svenska strafflagen och den svenska lagen om utlamning for brott icke da redan foretagits och tratt i kraft.

Forevarande protokoll skall upphöra att galla vid den tidpunkt, da namnda andringar i den svenska strafflagen och den svenska lagen om utlamning for brott trada i kraft. Sveriges regering skall skriftligen underratta Forenta Staternas regering om namnda tidpunkt.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this protocol and have affixed hereunto their seals.

DONE in duplicate, in the English and Swedish languages, both versions being equally authentic, at Washington this twenty-fourth day of October 1961.

TILL BEKRAFTELSE HARAV ha de befullmaktigade ombuden undertecknat forevarande protokoll och dara anbringat sina sigill.

SOM SKEDDE i tva exemplar, pa engelska och svenska spraken, vilka bada texter aga lika vitsord, i Washington den tjugufjarde oktober 1961.

WHEREAS the Senate of the United States of America by their resolution of October 22, 1963, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention, together with the said protocol;

WHEREAS the said convention and protocol were ratified by the President of the United States of America on October 29, 1963, in pursuance of the aforesaid advice and consent of the Senate, and were ratified on the part of Sweden on April 27, 1962;

WHEREAS the respective instruments of ratification of the said convention and protocol were duly exchanged at Stockholm on December 3, 1963;

AND WHEREAS, in accordance with their provisions, the said convention and protocol entered into force upon the exchange of ratifications;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said convention and protocol, to the end that the same and every article and clause thereof may be observed and fulfilled in good faith on and after December 3, 1963 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused

the Seal of the United States of America to be affixed.

DONE at the city of Washington this twentieth day of December in the year of our Lord one thousand nine hundred sixty-three and of the Independence of the United States of America the one hundred eighty-eighth.

SIGNATORIES:

FOR THE UNITED STATES OF AMERICA:

FOR AMERIKAS FORENTA STATER:

DEAN RUSK

FOR SWEDEN:

FOR SVERIGE:

GUNNAR JARRING

LYNDON B. JOHNSON

By the President:

DEAN RUSK

Secretary of State