

Sweden Extradition Treaty-Supplementary with the United States

March 14, 1983, Date-Signed

September 24, 1984, Date-In-Force

STATUS:

Supplementary convention signed at Stockholm March 14, 1983. Transmitted by the President of the United States of America to the Senate May 25, 1983; Reported favorably by the Senate Committee on Foreign Relations June 20, 1984; Advice and consent to ratification given by the Senate on June 28, 1984; It was Ratified by the President on July 13, 1984; It was Ratified by Sweden on July 2, 1984; Ratifications were exchanged at Washington on September 24, 1984. It was Proclaimed by the President on October 31, 1984. It Entered into force on September 24, 1984.

SUPPLEMENTARY CONVENTION ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN

TILLAGGSKONVENTION OM UTLAMNING MELLAN AMERIKAS FORENTA STATER OCH KONUNGARIKET SVERIGE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA A PROCLAMATION CONSIDERING THAT:

The Supplementary Convention to the Extradition Convention of October 24, 1961 between the United States of America and the Kingdom of Sweden was signed at Stockholm on March 14, 1983, the text of which is hereto annexed; The Senate of the United States of America by its resolution of June 28, 1984, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Supplementary Convention; The Supplementary Convention was ratified by the President of the United States of America on July 13, 1984, in pursuance of the advice and consent of the Senate, and was ratified on the part of the Kingdom of Sweden; It is provided in Article XIII of the Supplementary Convention that the Supplementary Convention shall enter into force in accordance with the terms of Article XVI of the Convention on Extradition between the United States of America and Sweden signed at Washington on October 24, 1961; Article XVI of the Convention of October 24, 1961 provides for entry into force upon the exchange of instruments of ratification; The instruments of ratification of the Supplementary Convention were exchanged at Washington on September 24, 1984, and accordingly the Supplementary Convention entered into force on September 24, 1984;

NOW, THEREFORE, I, Ronald Reagan, President of the United States of America, proclaim and make public the Supplementary Convention to the end that it be observed and fulfilled with good faith on and after September 24, 1984, 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 signed this proclamation and caused the Seal of the United States of America to be affixed. DONE at the city of Washington this thirty-first day of October

in the year of our Lord one thousand nine hundred eighty-four and of the Independence of the United States of America the two hundred ninth. The Government of the United States of America and the Government of the Kingdom of Sweden, desiring to make more effective the Extradition Convention signed at Washington October 24, 1961, have agreed upon the following amendments and additions to the convention:

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 are sought for the purpose of prosecution, who have been found guilty of committing an offense, or who are wanted for the enforcement of a sentence, in respect of any offense made extraditable under 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.

Article II (1) An offense shall be an extraditable offense only if it is punishable under the laws of both Contracting States by deprivation of liberty for a period of at least two years. However, when the request for extradition relates to a person who has been convicted and sentenced, extradition shall be granted only if the duration of the penalty, or the aggregate of the penalties still to be served amounts to at least six months.

(2) For the purpose of this Article, it shall not matter;

(a) whether or not the laws of the Contracting States place the offense within the same category of offenses or denominate the offense by the same terminology; or

(b) whether or not the offense is one for which United States federal law requires proof of interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in a United States federal court.

(3) Subject to the conditions set out in paragraphs (1) and (2) of this Article, extradition shall also be granted for conspiring in, attempting, preparing for, or participating in, the commission of an offense.

(4) When extradition has been granted with respect to an extraditable offense, it shall also be granted with respect to any other offense specified in the extradition request that meets all other requirements for extradition except for periods of deprivation of liberty set forth in paragraph (1) of this Article.

Article III Deleted.

Article IV (1) Subject to the provisions of paragraph

(2) of this Article, extradition shall be granted in respect of an extraditable offense committed outside the territorial jurisdiction of the requesting State if:

(a) the courts of the requested State would be competent to exercise jurisdiction in similar circumstances; or

(b) the person sought is a national of the requesting State.

(2) Extradition may be refused for an offense which has been committed within the territorial jurisdiction of the requested State, when that State takes all possible measures in accordance with its own laws to prosecute the person claimed.

(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 VI If the extradition request is granted in the case of a person who is being prosecuted or is serving a sentence in the territory of the requested State for a different offense, the requested State may: (a) defer the surrender of the person sought until the conclusion of the proceedings against that person, or the full execution of any punishment that may be or may have been imposed; or (b) temporarily surrender the person sought to the requesting State for the purpose of prosecution. The person so surrendered shall be kept in custody while in the requesting State and shall be returned to the requested State after the conclusion of the proceedings against that person in accordance with conditions to be determined by mutual agreement of the Contracting States.

Article VII (1) 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.

(2) If the request for extradition is denied solely on the basis that the person claimed is a national of the requested State, that State shall, if asked to do so by the requesting State, take all possible measures in accordance with its own laws to prosecute the person claimed. If the requested State requires additional documents or evidence, such documents or evidence shall be submitted without charge to that State. The requesting State shall be informed of the result of its request.

Article XI (1) The request for extradition shall be made through the diplomatic channel.

(2) The request for extradition shall be accompanied by:

- (a) a statement as to the identity and probable location of the person sought;
- (b) a statement of the facts of the case, including, if possible, the time and location of the crime;
- (c) the provisions of the law describing the essential elements and the designation of the offense for which extradition is requested;
- (d) the provisions of the law describing the punishment for the offense; and
- (e) the provisions of the law describing any time limit on the prosecution or the execution of punishment for the offense.

(3) A request for extradition relating to a person who is sought for prosecution also shall be accompanied by:

- (a) evidence providing probable cause to believe that the person sought is the person to whom the warrant or decision of arrest refers;

(b) a certified copy of the warrant of arrest, issued by a judge or other competent judicial officer with respect to a request emanating from the United States, or a certified copy of the decision of arrest (haktningsbeslut) issued by a judge or other competent judicial officer with respect to a request emanating from Sweden, and such supplementary documentation as provides probable cause to believe that the person sought committed the offense for which extradition is requested. Such a warrant or decision of arrest and supplementary documentation shall be recognized as sufficient grounds for extradition, unless, in a specific case, it appears that the warrant or decision of arrest is manifestly ill-founded.

(4) In the case of a person who has been convicted of the offense, a request for extradition shall be accompanied by a duly certified or authenticated copy of the final sentence of the competent court. If the person was found guilty but not sentenced, the request shall be accompanied by a statement to that effect by the competent court. However, in exceptional cases, the requested State may request additional documentation.

(5) Documents transmitted through the diplomatic channel shall be admissible in extradition proceedings in the requested State without further certification, authentication or other legalization.

(6) 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) In case of urgency, either Contracting State may request the provisional arrest of any accused or convicted person. Application for provisional arrest shall be made through the diplomatic channel or directly between the United States Department of Justice and the Ministry for Foreign Affairs in Sweden, in which case the facilities of Interpol may be used.

(2) The application shall contain: a description of the person sought; the location of that person, if known; a brief statement of the facts of the case including, if possible, the time and location of the offense; a statement of the existence of a warrant or decision of arrest or a judgment of conviction against that person, as referred to in Article XI; and a statement that a request for extradition of the person sought will follow.

(3) On receipt of such an application, the requested State shall take the appropriate steps to secure the arrest of the person sought. The requesting State shall be promptly notified of the result of its application.

(4) Provisional arrest shall be terminated if, within a period of 40 days after the apprehension of the person sought, the Executive Authority of the requested State has not received the formal request for extradition and the supporting documents required by Article XI.

(5) The termination of provisional arrest pursuant to paragraph (4) of this Article shall not prejudice the extradition of the person sought if the extradition request and the supporting [*11] documents mentioned in Article XI are delivered at a later date.

Article XIII (1) The requested State shall provide review of documentation in support of an extradition request for its legal sufficiency prior to presentation to the judicial authorities and shall provide for representation of the interests of the requesting State before the competent authorities of the requested State.

(2) Expenses related to the translation of documents and to the transportation of the person sought shall be paid by the requesting State. No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Convention or arising out of the representation of the interests of the requesting State before the competent authorities of the requested State, shall be made by the requested State against the requesting State.

This supplementary Convention shall apply to offenses encompassed by Article II committed before as well as after its entry into force.

Article XVI of the Convention of October 24, 1961, shall also apply to the entry into force and the termination of this supplementary Convention. IN WITNESS WHEREOF, the respective plenipotentiaries have signed this supplementary Convention and have affixed hereunto their seals.

DONE at Stockholm in duplicate, in the English and Swedish languages, both versions being equally authentic, this March 14 1983.