

Extradition Treaty with Estonia.

Police Department,
Wellington, 21st August, 1926.

THE following despatch and enclosure received from His Majesty's Secretary of State for Dominion Affairs are published for general information.

F. J. ROLLESTON, Minister of Justice.

DESPATCH.

New Zealand,
Dominions No. 317. Downing Street, 9th July, 1926.

SIR,—With reference to my despatch Dominions No. 244 of the 2nd of June, I have the honour to transmit to Your Excellency for the information of your Ministers copies of an extract from the *London Gazette* of the 2nd of July containing the Estonia (Extradition) Order in Council, 1926, dated the 28th of June.

I have, &c.,
L. S. AMERY.

Governor-General His Excellency
General Sir C. Fergusson, Bart.,
LL.D., G.C.M.G., K.C.B., D.S.O., M.V.O., &c.

At the Court at Buckingham Palace, the 28th day of June, 1926.

Present :

The KING's Most Excellent Majesty.

Lord President.

Lord Steward.

Secretary Sir W. Joynson-Hicks.

Colonel G. Lane-Fox.

WHEREAS by the Extradition Acts, 1870, 33 and 34 Vict., c. 52 to 1906, 6 Edw. VII, c. 15, it was amongst other things enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, His Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that His Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of His Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Convention was concluded on the 18th day of November, 1925, between His Majesty and the Estonian Republic for the mutual extradition of fugitive criminals, which Convention is in the terms following:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the Estonian Republic, having determined, by common consent, to conclude a convention for the extradition of criminals, have accordingly named as their plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:—

The Right Honourable Joseph Austen Chamberlain, M.P.,
His Majesty's Principal Secretary of State for Foreign Affairs; and

The Estonian Republic:—

Dr. Oskar Kallas, Envoy Extraordinary and Minister Plenipotentiary of the Estonian Republic at London;
Who, after having exhibited 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, under certain circumstances and conditions stated in the present convention, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article 2, committed within the jurisdiction of the one Party, shall be found within the territory of the other Party.

ARTICLE 2.

Extradition shall be reciprocally granted for the following crimes or offences, provided that they are punishable under the law of both States by imprisonment with or without hard labour or some greater punishment:—

1. Murder (including assassination, parricide, infanticide, poisoning), or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.

5. Carnal knowledge, or any attempt to have carnal knowledge, of a girl under fourteen years of age.

6. Indecent assault.

7. Kidnapping and false imprisonment.

8. Child-stealing, including abandoning, exposing, or unlawfully detaining.

9. Abduction.

10. Procuration.

11. Bigamy.

12. Maliciously wounding or inflicting grievous bodily harm.

13. Assault occasioning actual bodily harm.

14. Threats, by letter or otherwise, with intent to extort money or other things of value.

15. Perjury, or subornation of perjury.

16. Arson.

17. Burglary or house-breaking, robbery with violence, larceny, or embezzlement.

18. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company or fraudulent conversion.

19. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or feloniously obtained.

20. (a.) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.

(b.) Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of the coin of the realm.

21. Forgery, or uttering what is forged.

22. Crimes against bankruptcy law.

23. Any malicious act done with intent to endanger the safety of any persons travelling or being upon a railway.

24. Malicious injury to property, if such offence be indictable.

25. Piracy and other crimes or offences committed at sea against persons or things which, according to the laws of the High Contracting Parties, are extradition crimes or offences.

26. Dealing in slaves in such manner as to constitute a crime or offence against the laws of both States.

The extradition is also to be granted for participation in any of the aforesaid crimes or offences, provided such participation be punishable by the laws of both High Contracting Parties.

Extradition may also be granted at the discretion of the State applied to in respect of any other crime or offence for which, according to the law of both the High Contracting Parties for the time being in force, the grant can be made.

ARTICLE 3.

Each Party reserves the right to refuse or grant the surrender of its own subjects or citizens to the other Party.

ARTICLE 4.

The extradition shall not take place if the person claimed has already been tried and discharged or punished, or is still under trial in the State applied to, for the crime or offence for which his extradition is demanded.

If the person claimed should be under examination or under punishment in the State applied to for any other crime or offence, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

ARTICLE 5.

The extradition shall not take place if, subsequently to the commission of the crime or offence or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applying or applied to.

ARTICLE 6.

A fugitive criminal shall not be surrendered if the crime or offence in respect of which his surrender is demanded is one of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for a crime or offence of a political character.

ARTICLE 7.

A person surrendered can in no case be kept in custody or be brought to trial in the State to which the surrender has been made for any other crime or offence, or on account of any other matters, than those for which the extradition shall have taken place, until he has been restored, or has had an opportunity of returning, to the State by which he has been surrendered.

This stipulation does not apply to crimes or offences committed after the extradition.