

*Extradition Treaty with Czechoslovakia.*

Police Department,  
Wellington, 27th January, 1927.

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.

(P. 24/1312.)

## DESPATCH.

New Zealand.  
Dominions No. 562.

Downing Street, 10th December, 1926.

SIR,—With reference to my despatch Dominions No. 533 of the 24th November, I have the honour to transmit to Your Excellency for the information of your Ministers copies of the Czechoslovakia (Extradition) Order in Council, 1926, dated the 20th November.

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 Sandringham, the 20th day of November, 1926.

Present :

The KING'S Most Excellent Majesty.  
His Royal Highness Prince Henry.  
Earl of Sefton.  
Hon. William Watson.

WHEREAS by the Extradition Acts, 1870 (a) to 1906 (b), 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 Treaty was concluded on the eleventh day of November, one thousand nine hundred and twenty-four, between His Majesty and the President of the Czechoslovak Republic for the mutual extradition of fugitive criminals, which Treaty 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 President of the Czechoslovak Republic, having determined, by common consent, to conclude a treaty 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:—

Sir William George Tyrrell, K.C.M.G., K.C.V.O., C.B.,  
Assistant Under-Secretary of State for Foreign Affairs;  
And the President of the Czechoslovak Republic:

Dr. Emil Spira, Head of Department in the Ministry of Justice;

who having exhibited to each other their respective full powers, and found them 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 treaty, those persons who, being charged with 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 such crimes or offences be indictable and be punishable in accordance with the laws of that part of the territories of the High Contracting Parties in which the person claimed is found:—

1. Murder (including assassination, parricide, infanticide, poisoning), and attempt 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. False imprisonment.

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

8. Abduction of a female with intent to have carnal knowledge.

9. Procuration.

10. Bigamy.

11. Maliciously wounding or inflicting grievous bodily harm.

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

13. Perjury, or subornation of perjury.

14. Arson.

15. Burglary or housebreaking, robbery with violence, and larceny.

16. Fraud by a bailee, banker, agent, factor, trustee, director, member or officer of any company, embezzlement, and fraudulent conversion.

17. 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 unlawfully obtained.

18. (a.) Counterfeiting or altering money and bringing into circulation counterfeited or altered money.

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

19. Forgery, or uttering what is forged.

20. Crimes or offences against bankruptcy law.

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

22. Malicious injury to property.

23. Dealing in slaves.

Extradition shall also be reciprocally granted for piracy and other crimes or offences committed anywhere at sea which, according to the laws of the High Contracting Parties, are extradition crimes or offences.

Extradition is also to be granted for participation in any of the aforesaid crimes or offences, provided that such participation be punishable by the laws of both 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 Contracting Parties, the grant can be made.

## ARTICLE 3.

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

## ARTICLE 4.

The extradition shall not take place if the person claimed has already been tried and discharged or convicted, or is still awaiting 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 or, in case of his conviction, until the full execution of any punishment imposed on him.

## ARTICLE 5.

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

## 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 been made with a view to try or to punish him for a crime or offence of a political character.

The State applied to or the Courts of that State shall decide whether the crime or offence is of a political character or not.

## 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 set at liberty and 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.