RELATIONS IN TUNIS

Treaty signed for the United States and France at Washington March 15, 1904
Senate advice and consent to ratification March 24, 1904
Ratified by France April 3, 1904
Ratified by the President of the United States May 6, 1904
Entered into force May 7, 1904
Proclaimed by the President of the United States May 9, 1904 [1]

[For text, see TS 434, *ante*, vol. 7, p. 862, FRANCE.]

[1] A general convention between France and Tunisia signed June 3, 1955, provided, *inter alia,* (1) for recognition of the primacy of international conventions and treaties over internal law (art. 3) and (2) that Tunisia would take, within the framework of its internal autonomy, measures necessary for rendering applicable treaties concerning Tunisia and for assuring their execution (art. 8). In a protocol between France and Tunisia signed Mar. 20, 1956, France recognized the independence of Tunisia.

Turkey[1]

EXTRADITION

Treaty signed at Lausanne August 6, 1923
Senate advice and consent to ratification February 5, 1934
Ratified by the President of the United States February 21, 1934
Ratified by Turkey May 8, 1934
Ratifications exchanged at Ankara June 18, 1934
Entered into force August 18, 1934
Proclaimed by the President of the United States August 18, 1934

49 Stat. 2692; Treaty Series 872

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND TURKEY

THE UNITED STATES OF AMERICA and TURKEY

having deemed it advantageous, with a view to assuring a better administration of justice, to surrender, reciprocally, under certain specified circumstances, persons sentenced or prosecuted for the crimes and offenses indicated hereinafter, have resolved to conclude a new Extradition Treaty and to that end have appointed as their Plenipotentiaries, to wit:

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

JOSEPH C. GREW, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Swiss Confederation;

THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY,

ISMET PASHA, Minister of Foreign Affairs of the Government of the Grand National Assembly of Turkey, Deputy of Adrianople in the said Assembly;

---

[1] See also agreements between the United States and the Ottoman Empire, *ante*, vol. 10, p. 619, OTTOMAN EMPIRE.

DOCTOR RIZA NOUR BEY, Minister of Sanitary Affairs and of Social Welfare of the Government of the Grand National Assembly of Turkey, Deputy of Sinope in the said Assembly; and

HASSAN BEY, former Minister of National Economy of the Government of the Grand National Assembly of Turkey, Deputy of Trebizond in the said Assembly;

WHO, after having exhibited their full powers, found to be in good and due form, have agreed upon the following provisions:

ARTICLE I

The Government of the United States of America and the Government of the Grand National Assembly of Turkey agree upon requisition to deliver reciprocally persons who, being prosecuted or condemned by the judicial authorities of one of the High Contracting Parties for any of the crimes or offenses enumerated in Article II, committed in territory subject to the jurisdiction of such Party, may seek asylum or be found in the territory of the other Party. Nevertheless, the extradition shall take place only if the evidence of culpability is such that, according to the laws of the place where the fugitive or accused is found, it would justify his apprehension and warrant penal proceedings had the act been committed there.

ARTICLE II

Extradition shall be granted for the following crimes and offenses, provided they are punishable both under the laws of the place of refuge and under those of the State making the requisition, to wit:

1.—Wilful homicide, including parricide, assassination, poisoning and infanticide.

2.—Arson.

3.—Piracy; mutiny on board a vessel when the crew or a part thereof or other persons on board shall have taken possession of the vessel, by means of fraud or violence against the captain.

4.—The act of breaking into and entering a dwelling house in the night time with intent to commit therein a crime, the character of which shall be specified in the documents referred to in Article VI. (Crime of burglary.)

5.—The forgery or falsification of public or private documents; fraudulent use of forged or falsified documents.

6.—Counterfeiting, forgery or alteration of money (either coin or paper), public bonds and their coupons, bank-notes, debentures, or other documents or instruments of credit; the issuance, circulation or use thereof with fraudulent intent; forgery or counterfeiting of public seals, dies, stamps, or marks, as well as the fraudulent use of such forged or counterfeited objects.

7.—Embezzlement of public funds by the depositaries of such funds or by public officers, when the funds embezzled exceed 200 dollars or the equivalent in Turkish money.

8.—Embezzlement by a person or persons employed or salaried, to the detriment of their employers, provided that such crime or offense is punishable by imprisonment or more severe penalty under the laws of both countries, and that the funds embezzled exceed 200 dollars or the equivalent in Turkish money.

9.—Wilful and unlawful destruction or obstruction of railroads, which endangers human life.

10.—Abortion; rape; violation; kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, for the purpose of exacting money from them or their families, or for any other unlawful end.

11.—Robbery; house-breaking or shop-breaking.

12.—Larceny, if the money or the value of the objects stolen exceeds 25 dollars or the equivalent in Turkish money.

13.—Swindling; receiving money, securities or other property, knowing the same to have been embezzled, stolen or fraudulently obtained; when the amount of money or the value of the property exceeds 200 dollars or the equivalent in Turkish money.

14.—Fraud or breach of trust by any person; notably, by a depositary, agent, banker, or trustee, or by the president, a member or any officer of a company or association, if the loss suffered exceeds 200 dollars or the equivalent in Turkish money.

15.—Perjury or subornation of perjury.

16.—Crimes or offenses against the laws of both countries relative to the suppression of slavery and the slave trade.

17.—Fraudulent bankruptcy.

18.—Bribery.

19.—Serious woundings the minimum punishment of which is not less than one year of imprisonment.

20.—Attempt to commit offenses mentioned above, when such attempt is punishable as a crime.

21.—Complicity in any of the above mentioned crimes or offenses provided such complicity is punishable by imprisonment or a more severe penalty by the laws of both the Contracting Parties.

Article III

Extradition shall not take place for political crimes or offenses nor for acts connected with such crimes or offenses.

The attack upon the life of the Head of a State or the members of his family shall not be deemed a political crime or offense.

No person surrendered by one of the High Contracting Parties to the other Party shall be prosecuted or punished for an offense committed before the demand of extradition other than that for which the extradition has been granted, unless such person expressly consents in writing, which shall be communicated to the Government of the Party which effected the extradition; or unless, having had during 30 days since his definitive release the opportunity of leaving the territory of the State which demanded his extradition, he has not availed himself of this opportunity; or finally, unless he returns to such territory after having left it.

Article IV

When the person whose extradition is demanded is under prosecution, whether in custody or out on bail, for another offense committed in the country in which he has sought asylum, or when he has been convicted of such offense, his extradition may be deferred until the penal proceedings be determined and until he shall have been definitively set at liberty in due course of law.

Article V

The High Contracting Parties shall not be bound to accord the extradition of their respective nationals.

Article VI

Demands for extradition shall be made through diplomatic channels.

When the person whose extradition is demanded shall have been sentenced for the offense which occasioned the demand for extradition, the demand must be accompanied by an authentic copy of the sentence pronounced. If the person claimed is merely charged with an offense, the demand must be accompanied by a duly certified copy of the warrant of arrest issued by the competent magistrate of the Party demanding the extradition, as well as by duly authenticated copies of the depositions or other evidence upon the basis of which the warrant was issued. These documents must contain the precise indication of the offense charged and of the place where and the time when it was committed. They must be accompanied by a duly certified copy of the provisions of law applicable to the offense charged as well as by the elements necessary to establish the identity of the person claimed.

The documents above indicated shall be drawn up in the form prescribed by the laws of the Party demanding the extradition and shall be accompanied by a translation, in the language of the Party from which the extradition is demanded or in French, certified to be in conformity with the original.

It is understood that the extradition procedure shall be governed by the regulations in force at the time of the demand in the State upon which the demand is made.

ARTICLE VII

When provisional arrest of a person is requested before the demand for extradition has been presented, the demand relating thereto shall be made through the diplomatic channel or addressed directly to the competent authorities of the Party on which it is made by the competent Consul of the Party making the demand or by another person duly authorized by such Party. The procedure to be followed for the arrest shall be governed by the regulations in force in the State on which the demand is made.

The provisional detention must cease and the person arrested must be set at liberty unless within three months, dating from the arrest, not including the day of the arrest, a formal demand for extradition, accompanied by the necessary documents, is presented in the manner prescribed in Article VI.

ARTICLE VIII

Extradition shall not be accorded when under the law of the Party on which demand is made or under that of the Party making the requisition the prosecution or the penalty imposed is barred by limitation.

ARTICLE IX

All articles seized which are in the possession of the person demanded, at the time of his arrest, shall, at the time of the extradition, be delivered up with his person to the Party making the demand; such delivery shall extend not only to articles acquired by means of the offense with which the accused is charged but also to all other articles that may serve to prove the offense. The rights of third parties with regard to the articles in question shall, however, be duly respected.

ARTICLE X

The expenses of the arrest, detention and transportation of the persons extradited shall be paid by the Party making the requisition.

ARTICLE XI

The present Treaty shall come into force two months after the date of the exchange of ratifications and shall remain in force for five years.

If this Treaty is not denounced by one of the High Contracting Parties at least six months before the expiration of the said period of five years, it shall remain in force until it is denounced, such denunciation becoming effective only after the expiration of a period of six months.

ARTICLE XII

The present Treaty, in French, English and Turkish, shall be ratified. In case of divergence the French text shall prevail.

The ratifications shall be exchanged at Constantinople as soon as possible.

308-582—73——71

IN WITNESS WHEREOF the above mentioned Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

DONE AT LAUSANNE, August 6, 1923.

JOSEPH C. GREW	[SEAL]
M. ISMET	[SEAL]
DR. RIZA NOUR	[SEAL]
HASSAN	[SEAL]