

104TH CONGRESS }
1st Session }

SENATE

{ TREATY DOC.
104-9 }

EXTRADITION TREATY WITH SWITZERLAND

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SWISS CONFEDERATION, SIGNED AT WASHINGTON ON NOVEMBER 14, 1990



JUNE 12, 1995.—Treaty was read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE

99-118

WASHINGTON : 1995

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *June 9, 1995.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Swiss Confederation, signed at Washington on November 14, 1990. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Treaty.

The Treaty is designed to update and standardize the conditions and procedures for extradition between the United States and Switzerland. Most significantly, it substitutes a dual-criminality clause for a current list of extraditable offenses, so that the new Treaty will cover numerous offenses not now covered by our extradition treaty with Switzerland, including certain narcotics offenses, important forms of white collar crime, and parental child abduction. The Treaty also provides a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the Requesting State.

The Treaty further represents an important step in combating terrorism by excluding from the scope of the political offense exception offenses typically committed by terrorists for which both the United States and Switzerland have an obligation under a multilateral international agreement to extradite or submit to their authorities for the purpose of prosecution. These offenses include aircraft hijacking, aircraft sabotage, crimes against internationally protected persons (including diplomats), and hostage-taking.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States. Upon entry into force, it will supersede the Extradition Treaty of May 14, 1900, and the Supplementary Extradition Treaties of January 10, 1935, and January 31, 1940, Between the United States of America and the Swiss Confederation.

This Treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, May 1, 1995.

THE PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Extradition Treaty between the Government of the United States of America and the Government of the Swiss Confederation signed at Washington on November 14, 1990. I recommend that this Treaty be transmitted to the Senate for its advice and consent to ratification.

The Treaty follows generally the form and content of extradition treaties recently concluded by the United States.

It represents a concerted effort by the Department of State and the Department of Justice to modernize the legal tools available for the extradition of serious offenders such as narcotics traffickers and terrorists.

Upon entry into force, this Treaty will supersede the Extradition Treaty between the United States of America and Switzerland, signed at Washington on May 14, 1900, and the Supplementary Extradition Treaties, signed at Washington on January 10, 1935, and at Bern on January 31, 1940.

Article 1 obligates each State to extradite to the other, in accordance with the provisions of the Treaty, any persons who are charged with, or have been found guilty of, an extraditable offense, or persons who are wanted for the carrying out of a detention order. This obligation extends to extraterritorial offenses so long as the law of the Requested State would provide for extraterritorial jurisdiction under similar circumstances, or either the fugitive or the victim is a national of the Requesting State. Explicit reference to jurisdiction based on the nationality of the victim is not typically included in United States extradition treaties, but has been determined to be acceptable in this case and will be discussed in the technical analysis of the treaty submitted to the Senate Foreign Relations Committee.

Article 2 provides that an offense is extraditable if it is punishable by both parties by deprivation of liberty for more than one year. Extradition shall be granted only if the duration of the penalty or detention order, or their aggregate, still to be served, amounts to at least six months. The Article also provides that attempts and conspiracies to commit these offenses, and participation in the commission of the offenses, are also extraditable when the underlying criminal act is also a violation of Swiss federal law. In-

clusion of a dual-criminality clause rather than a list of offenses covered by the Treaty obviates the need to renegotiate or supplement the Treaty as offenses become punishable under the laws of both parties. The Article further provides that in determining whether an offense is covered under the Treaty, it shall be considered an extraditable offense whether or not the laws in the Contracting Parties place the offenses within the same category of offenses or describe the offense by the same terminology.

Article 3 incorporates several exceptions to the obligation to extradite. Article 3(1) states generally that extradition shall not be granted for political offenses or if the request appears to be politically motivated. Article 3(2) states that an offense for which both Parties are obliged pursuant to a multilateral international agreement either to extradite or submit the case for prosecution shall not be considered a political offense and shall be dealt with in accordance with the terms of the relevant multilateral international agreement. For the United States and Switzerland, the offenses currently include aircraft hijacking, pursuant to The Hague Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague December 16, 1970, and entered into force October 14, 1971 (22 U.S.T. 1641; T.I.A.S. No. 7192); aircraft sabotage, pursuant to the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal September 23, 1971, and entered into force January 26, 1973, (24 U.S.T. 564; T.I.A.S. 7570) and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Montreal Convention, done at Montreal February 24, 1988, and entered into force August 6, 1989, and for the United States November 18, 1994; crimes against internationally protected persons, including diplomats, under the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, done at New York December 14, 1973, and entered into force February 20, 1977 (28 U.S.T. 1975; T.I.A.S. No. 8532); and hostage-taking, pursuant to the International Convention against the Taking of Hostages, done at New York on December 17, 1979, and entered into force June 3, 1983, and for the United States January 6, 1985 (T.I.A.S. No. 11081). This limitation will also extend to crimes similarly defined in other multilateral treaties to which both the United States and Switzerland become Parties in the future.

Article 3(3) provides that the executive authority of the Requested State may refuse extradition for acts which (a) violated provisions of law relating exclusively to currency policy, trade policy or economic policy, (b) are intended exclusively to reduce taxes or duties, or (c) constitute an offense only under military law. The provisions in subsections (a) and (b) were included in the Treaty because Swiss law for the most part prohibits extradition for purely fiscal or tax offenses. This provision would not be used to shield from extradition underlying criminal conduct, such as fraud, embezzlement, or falsification of public documents, if that conduct is otherwise extraditable.

Article 4 bars extradition when the person sought has been convicted or acquitted in the Requested State for the same offense, but does not bar extradition if the competent authorities in the Re-

requested State have declined to prosecute or have decided to discontinue criminal proceedings.

Extradition may be denied if the offense for which extradition is sought is subject to the jurisdiction of the Requested State and that State will prosecute the offense.

Article 5 mandates the denial of extradition if prosecution is barred by the lapse of time under the law of the Requesting State.

Under Article 6, when an offense for which extradition is requested is punishable by death under the laws of the Requesting State and is not so punishable under the laws of the Requested State, the Requested State may refuse extradition unless the Requesting State provides such assurances as the Requested State considers sufficient that the death penalty will not be carried out.

Article 7 provides a discretionary basis for the Requested State to deny extradition of a person who has been convicted *in absentia* unless the Requesting State gives such assurances as the Requested State considers sufficient to safeguard the rights of defense of the person sought.

Article 8 provides that the Requested State shall not decline to extradite its nationals unless it has jurisdiction to prosecute them for the acts for which extradition is sought. If extradition is refused because the fugitive is a national of the Requested State, that State shall submit the case for prosecution at the request of the Requesting State.

Articles 9–12 address the procedures by which extradition is to be accomplished. Article 9 describes the documents that are required to support a request for extradition. Article 10 provides for the submission of additional information whenever the Requested State considers the information provided with the request to be insufficient. Article 11 requires that all requests to the United States be submitted in English and all requests to Switzerland be submitted in an official language specified by the Swiss authorities in each case. Article 12 establishes the procedures under which documents submitted pursuant to Article 9 shall be received and admitted into evidence in the Requested Party.

Article 13 provides for the provisional arrest and detention of a fugitive for no more than forty days (extendable to sixty days) pending receipt by the executive authority of the Requested State of a fully documented extradition request in conformity with Article 9. The discharge of a fugitive from custody pursuant to this Article explicitly does not prejudice subsequent rearrest and extradition upon later delivery of the extradition request and supporting documents.

Article 14 specifies the procedures to govern the surrender and return of persons sought. The Requested State is required promptly to notify the Requesting State of its decision on extradition and, if denied in whole or in part, to provide an explanation. If granted, the fugitive must be removed from the territory of the Requested State within the time prescribed by the law of the Requested State.

Article 15 provides that if a person is being prosecuted or is serving a sentence in the Requested State for a different offense, that State may (a) defer surrender until the proceedings are concluded or the punishment fully executed, or (b) temporarily surrender the

person to the Requesting State solely for the purpose of prosecution.

Article 16 is the rule of speciality for this treaty. It provides, subject to specific exceptions, that a person extradited under the Treaty may not be detained, tried, or punished for an offense other than that for which extradition has been granted, unless a waiver of the rule is granted by the authorities of the Requested State or unless the person extradited fails to leave the Requesting State within 45 days of being free to do so or, having left the Requesting State, returns to it. Provision is made for preventing any lapse of time resulting from the application of the rule of speciality, for modifying charges that were the basis for extradition, and for obtaining consent to prosecution by the individual concerned.

Article 17 sets forth a non-exhaustive list of factors to be considered by the Requested State in determining to which State to surrender a person sought by more than one State.

Article 18 permits extradition without further proceedings if the fugitive gives his consent. It further provides that extradition from Switzerland pursuant to this Article shall be subject to the rule of speciality.

Article 19 provides for the surrender to the Requesting State of property related to the offense for which extradition is requested, even if the person sought cannot be extradited. The Requested State may, however, require the return of the property as soon as practicable.

Article 20 governs the transit through the territory of one of the Contracting States of a person being surrendered to the other Contracting State by a third State.

Article 21 provides that the Requested State shall represent the Requesting State in any proceedings in the Requested State arising from a request for extradition and bear all costs other than those arising from the translation of documents and transportation of the person sought.

Article 22, like the parallel provision in almost all recent United States extradition treaties, states that the Treaty is retroactive, in that it shall apply to offenses committed before as well as after the date the Treaty enters into force. Article 23 provides that this Treaty's procedures should be used if they would facilitate the extradition provided for under any other convention or under the law of the Requested State. It also provides that this Treaty does not impede extradition available under other international agreement or arrangement between the Parties.

Article 24 requires consultation between the Parties to facilitate implementation generally or with respect to a specific case.

Article 25 provides that the Treaty will enter into force 180 days after the exchange of instruments of ratification. Upon entry into force, this Treaty will supersede the Extradition Treaty signed on May 14, 1900, and the supplementary extradition treaties signed on January 10, 1935, and January 31, 1940, between the United States of America and the Swiss Confederation. The article also provides for denunciation of the Treaty by either Party any time after five years from the date of its entry into force and upon six months written notice to the other Party.

A Technical Analysis explaining in detail the provisions of the Treaty has been prepared by representatives from the Departments of Justice and State, and will be submitted separately to the Senate Committee on Foreign Relations.

The Department of Justice joins the Department of State in favoring approval of this Treaty by the Senate at an early date.

Respectfully submitted,

WARREN CHRISTOPHER.

EXTRADITION TREATY
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE SWISS CONFEDERATION

The Government of the United States of America and the
Government of the Swiss Confederation, desiring to provide for
more effective cooperation between the two States in the
repression of crime and to facilitate the relations between the
two States in the area of extradition,

Have agreed as follows:

TABLE OF CONTENTS

1. Obligation to Extradite
2. Extraditable Offenses
3. Political, Fiscal, and Military Offenses
4. Non bis in idem
5. Lapse of Time
6. Capital Punishment
7. Conviction in Absentia
8. Extradition of Nationals
9. Request for Extradition
10. Supplementing the Request
11. Translation
12. Admissibility of Documents
13. Provisional Arrest
14. Decision and Surrender
15. Deferred or Temporary Surrender
16. Rule of Speciality
17. Requests for Extradition Made by Several States
18. Simplified Extradition
19. Surrender of Property
20. Transit
21. Expenses
22. Application
23. Effect on Other Treaties and Laws
24. Consultation
25. Entry into Force and Termination

Article 1

Obligation to Extradite

1. The Contracting Parties agree to extradite to each other, subject to the provisions of this Treaty, persons whom the competent authorities of the Requesting State have charged with or found guilty of an extraditable offense or persons who are wanted for the carrying out of a detention order.
2. With respect to an offense committed outside the territory of the Requesting State, the Requested State shall grant extradition if:
 - (a) its law would provide for the punishment of such an offense in similar circumstances; or
 - (b) the person sought is a national of the Requesting State or is wanted for an offense against a national of the Requesting State.

Article 2

Extraditable Offenses

1. An offense shall be an extraditable offense only if it is punishable under the laws of both Contracting Parties by

deprivation of liberty for a period exceeding one year. When the request for extradition relates to a person who has been convicted, extradition shall be granted only if the duration of the penalty or detention order, or their aggregate, still to be served amounts to at least six months.

2. For the purpose of this Article, it shall not matter:
 - (a) whether the laws of the Contracting Parties define the criminal act as the same offense; or
 - (b) whether 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, extradition shall also be granted for attempting or participating in the commission of an offense and for conspiring to commit an offense when the underlying criminal act is also a violation of Swiss federal law.

4. When extradition is granted, it shall also be granted for any other offense that is punishable under the laws of both Contracting Parties regardless of the time requirements of paragraph 1.

Article 3

Political, Fiscal and Military Offenses

1. The Requested State shall deny extradition if the acts for which extradition is requested constitute a political offense or if the request appears to be politically motivated.
2. For the purpose of this Treaty, an offense for which both Contracting Parties have the obligation pursuant to a multilateral international agreement to extradite the person sought or submit the case to their competent authorities for prosecution shall not be considered to be a political offense and shall be dealt with in accordance with the terms of the relevant multilateral international agreement.
3. The Requested State may deny extradition for acts which:
 - (a) violate provisions of law relating exclusively to currency policy, trade policy, or economic policy;

- (b) are intended exclusively to reduce taxes or duties; or
- (c) constitute an offense only under military law.

Article 4

Non bis in idem

1. Extradition shall not be granted when the person sought has been convicted or acquitted by the Requested State for the same acts for which extradition is requested.
2. Extradition may be denied by the Executive Authority of the United States or by the competent authorities of Switzerland if the offense for which extradition is requested is subject to the jurisdiction of the Requested State and that State will prosecute that offense.
3. Extradition shall not be precluded if the competent authorities of the Requested State have decided not to prosecute the person sought for the same acts for which extradition is requested or have decided to discontinue any criminal proceedings which have been initiated against the person sought.

Article 5

Lapse of Time

Extradition shall not be granted when the prosecution or the enforcement of the penalty or sanction has become barred by lapse of time according to the law of the Requesting State.

Article 6

Capital Punishment

If the offense for which extradition is requested is punishable by death under the law of the Requesting State and if in respect of such offense the death penalty is not provided for by the law of the Requested State, extradition may be refused unless the Requesting State gives such assurances as the Requested State considers sufficient that the death penalty will not be carried out.

Article 7

Conviction in Absentia

If the person sought has been convicted in absentia, the Executive Authority of the United States and the competent authorities of Switzerland may refuse extradition unless the

Requesting State gives such assurances as the Requested State considers sufficient to safeguard the rights of defense of the person sought.

Article 8

Extradition of Nationals

1. The Requested State shall not decline to extradite because the person sought is a national of the Requested State unless it has jurisdiction to prosecute that person for the acts for which extradition is sought.
2. If extradition is not granted pursuant to paragraph 1, the Requested State shall, at the request of the Requesting State, submit the case to its competent authorities for the purpose of prosecution. For this purpose, documents and evidence relating to the offense shall be submitted without charge to the Requested State. The Requesting State shall be informed of the result of its request.

Article 9

Request for Extradition

1. Requests for extradition shall be made through the diplomatic channel. They shall be accompanied by the translation required by Article 11.

2. All requests for extradition shall contain:
 - (a) information concerning the identity, nationality and probable location of the person to whom the documents required pursuant to either paragraphs 3 or 4 refer, with, if available, a physical description, photographs and fingerprints;
 - (b) a brief statement of the facts of the case, including the time and location of the offense; and
 - (c) the texts of the laws describing the essential elements and the designation of the offense for which extradition is requested, the punishment for the offense, and the time limit on the prosecution or the execution of the punishment for the offense.
3. A request for extradition which relates to a person sought who has not yet been tried shall be accompanied by:
 - (a) a certified copy of the arrest warrant or any order having similar effect; and
 - (b) a summary of the facts of the case, of the relevant evidence, and of the conclusions reached, providing a reasonable basis to believe that the person sought

committed the offense for which extradition is requested; in the case of requests from Switzerland such a summary shall be written by a judicial authority and in the case of requests from the United States it shall be written by the prosecutor and shall include a copy of the charge.

4. A request for extradition which relates to a person sought who has been found guilty or convicted shall be accompanied by:
 - (a) a certified copy of the judgment of conviction or, if the person sought has been found guilty but not yet sentenced, a statement by a judicial authority to that effect;
 - (b) a copy of the charge upon which the person sought has been found guilty;
 - (c) a certified copy of the arrest warrant or a statement that the person sought is subject to detention on the basis of the judgment of conviction; and
 - (d) if the sentence has been pronounced, a certified copy of it and a statement as to the remainder to be served.

5. If the person sought has been convicted in absentia, the Requesting State shall submit such documents as are described in paragraphs 2 and 4.

Article 10

Supplementing the Request

If the Executive Authority of the United States or the competent authorities of Switzerland consider that the documents furnished in support of a request do not contain sufficient information, they shall request the submission of necessary additional information. Consideration of a request shall continue on the basis of the supplemented information.

Article 11

Translation

The request for extradition and all documents submitted by Switzerland in support of the request shall be written in or translated into English. The request for extradition and all documents submitted by the United States in support of the request shall be written in or translated into an official language of Switzerland, to be specified in each case by the competent authorities of Switzerland.

Article 12

Admissibility of Documents

The documents which accompany an extradition request shall be admissible into evidence when:

- (a) in the case of a request from the United States, they are certified by a judge, magistrate or other United States official and are sealed by the Secretary of State;
- (b) in the case of a request from Switzerland, they are signed by a judicial authority or other competent Swiss authority and are certified by the principal diplomatic or consular officer of the United States in Switzerland; or
- (c) they are certified or authenticated in any other manner accepted by the law of the Requested State.

Article 13

Provisional Arrest

1. In case of urgency, a Contracting Party may apply for provisional arrest of the person sought. An application for provisional arrest or an extension thereof shall be made

either through the diplomatic channel or directly between the United States Department of Justice and the Federal Department of Justice and Police.

2. The application shall state:
 - (a) that a request for extradition will follow;
 - (b) that an arrest warrant, an order having similar effect, or a judgment of conviction exists, with the date and issuing authority;
 - (c) the offense and the maximum penalty upon conviction, and, if appropriate, the sentence still to be served;
 - (d) briefly, the facts of the case, including the time and location of the offense; and
 - (e) information concerning the identity, nationality and probable location of the person sought.
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 United States or the competent authorities of Switzerland have not received the formal request for extradition and the supporting documents.

Upon application, this period may be extended as an exception for a maximum of 20 days.

5. The termination of provisional arrest pursuant to paragraph 4 shall not prejudice re-arrest and extradition if the request and supporting documents are received subsequently.

Article 14

Decision and Surrender

1. The Requested State shall promptly communicate through the diplomatic channel to the Requesting State its decision on the request for extradition. It shall provide reasons for any partial or complete rejection. It shall also inform the Requesting State of the time for which the person sought was detained solely for the purpose of extradition.
2. If the extradition has been granted, surrender of the person sought shall take place within such time as may be prescribed by the law of the Requested State. The competent authorities of the Contracting Parties shall agree on the time and place of the surrender of the person sought. If, however, that person is not removed from the territory of the Requested State within the prescribed time, that person may be set at liberty and the Requested State may subsequently refuse extradition for the same offense.

Article 15

Deferred or Temporary Surrender

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 Parties.

Article 16

Rule of Speciality

1. A person who has been extradited shall not be detained, proceeded against, or sentenced for any offense committed

prior to surrender other than that for which extradition has been granted, nor be extradited to a third State, unless:

- (a) the Executive Authority of the United States or the competent authorities of Switzerland consent. For purposes of this subparagraph, the Requested State may require the submission of supporting documents and the written views of the extradited person with respect to the offense concerned; or
 - (b) that person, after being free to do so, does not leave the territory of the Requesting State within 45 days or, after leaving, voluntarily returns to it; or that person, not being free to do so, leaves the territory of the Requesting State and returns to it.
2. The Requesting State may, however, take any measures necessary under its law, including proceedings in absentia, to prevent any legal effects of lapse of time.
 3. If the description of the offense for which the person was extradited is altered in the course of proceedings, that person may be prosecuted or sentenced provided:

(a) the offense under its new legal description is an extraditable offense and is based on the same set of facts contained in the extradition request and its supporting documents; and

(b) any sentence imposed does not exceed that provided for the offense for which that person was extradited.

4. A person who has been extradited may be detained, proceeded against, or sentenced for all offenses committed prior to his surrender if:

(a) in the case of extradition from Switzerland, after having been advised by a competent judicial authority regarding the rule of speciality and the legal consequences of his declaration, he declares on the record his agreement to prosecution and punishment for all such offenses; or

(b) in the case of extradition from the United States, the Executive Authority of the United States, upon application from the competent authorities of Switzerland, consents to a waiver of the rule of speciality with respect to all such offenses.

The Executive Authority of the United States shall include in its application a copy of the declaration. The Requested State shall promptly communicate its decision to the Requesting State.

Article 17

Requests for Extradition Made by Several States

The Executive Authority of the United States or the competent authorities of Switzerland, upon receiving requests from more than one State for extradition, either for the same offense or for different offenses, shall determine to which State to extradite that person. In making its decision the Requested State shall consider all relevant factors, including but not limited to the relative seriousness and place of commission of the offenses, the respective dates of receipt of the requests, the nationality of the person claimed and the possibility of subsequent extradition to another State.

Article 18

Simplified Extradition

If the person sought irrevocably agrees in writing to extradition after personally being advised by the competent judicial authority of the right to formal extradition

proceedings and the protection afforded by them, the Requested State may grant extradition without formal extradition proceedings. Extradition from Switzerland pursuant to this Article shall be subject to the rule of speciality.

Article 19

Surrender of Property

1. To the extent permitted under the law of the Requested State and subject to the rights of that State or of third parties, all objects which may serve as evidence, or which emanate from an offense, or have been obtained as compensation for such objects, and which are found in the possession of the person sought at the time of the arrest or discovered subsequently, shall be surrendered if extradition of the person sought is granted. Such objects shall be surrendered, if possible, at the same time that the person sought is surrendered, even without an express request. The objects shall be surrendered, even if the person sought, having been found extraditable, cannot be surrendered.
2. The Requested State may condition the surrender of the objects upon satisfactory assurances from the Requesting State that the objects will be returned to the Requested State as soon as practicable.

Article 20

Transit

1. Either Contracting Party may authorize transit through its territory of a person surrendered to the other by a third State. The Contracting Party requesting transit shall provide the transit State, through the diplomatic channel, with a request for transit which shall contain a description of the person being transited, a brief statement of the facts of the case, and whether an arrest warrant, an order having similar effect, or a judgment of conviction exists, with the date and issuing authority. No such authorization is required where air transportation is used and no landing is scheduled on the territory of the other Contracting Party.

2. If an unscheduled landing on the territory of the other Contracting Party occurs, transit shall be subject to the provisions of paragraph 1. That Contracting Party may detain the person to be transited for a period of 72 hours while awaiting the request for transit.

Article 21

Expenses

1. Expenses related to the translation of documents supporting the request for extradition and to the

transportation of the person sought from the place of surrender to the Requesting State shall be paid by the Requesting State. All other expenses related to the extradition request and proceedings shall be borne by the Requested State.

2. The Requested State shall also provide for the representation of the Requesting State in any proceedings arising out of a request for extradition.

Article 22

Application

This Treaty shall apply to offenses encompassed by Article 2 committed before as well as after the date this Treaty enters into force.

Article 23

Effect on Other Treaties and Laws

Whenever the procedures provided by this Treaty would facilitate the extradition provided for under any other convention or under the law of the Requested State, the procedure provided by this Treaty shall be used. This Treaty

shall be without prejudice to, and shall neither prevent nor restrict, extradition available under any other international agreement or arrangement or under the laws of the Contracting Parties.

Article 24

Consultation

The Contracting Parties shall consult, at the request of either, concerning the interpretation, application or operation of this Treaty generally or with respect to a specific case.

Article 25

Entry into Force and Termination

1. This Treaty shall be subject to ratification; the instruments of ratification shall be exchanged at Washington as soon as possible.
2. This Treaty shall enter into force 180 days after the exchange of the instruments of ratification.
3. Upon entry into force of this Treaty, the extradition treaty of 14 May 1900 and the supplementary extradition

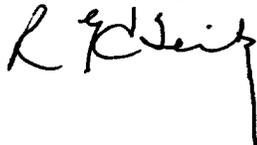
treaties of 10 January 1935 and 31 January 1940 between the United States of America and the Swiss Confederation shall cease to have effect, except with respect to extradition proceedings pending at that time.

4. This Treaty may be terminated by either Contracting Party at any time after five years from the date of entry into force, provided that at least six months prior notice of termination has been given in writing.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Treaty.

DONE at Washington, this fourteenth day of November, 1990, in duplicate, in the English and German languages, each version being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
SWISS CONFEDERATION:

