

Protocol between the United States of America and Greece with respect to the interpretation of Article I of the Treaty of Extradition of May 6, 1931. Signed September 2, 1937.

September 2, 1937
[E. A. S. No. 114]

PROTOCOL

Whereas a difference has arisen between the Government of the United States of America and the Government of Greece with respect to the proper interpretation of Article I of the Treaty of Extradition concluded on May 6, 1931, between the United States and Greece, and in particular, with respect to the final clause of such Article which reads as follows:

Protocol between the United States and Greece with respect to the interpretation of Article I of the Treaty of Extradition of May 6, 1931.
47 Stat. 2185.

“Provided That such surrender shall take place only upon such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.”

Surrender of persons charged with crime.

Whereas it is desirable that such differences should be resolved, it is agreed as follows:

Agreement.

The final clause of Article I of the Treaty of Extradition concluded on May 6, 1931, between the United States and Greece, shall, from and after this date, be understood to mean that the court or magistrate considering the request for extradition shall examine only into the question of the sufficiency of the evidence submitted by the demanding Government to justify the apprehension and commitment for trial of the person charged; or in other words, whether the evidence discloses probable cause for believing in the guilt of the person charged. It is further understood that the quoted treaty provisions do not signify that the court or magistrate is authorized to determine the question of the guilt or innocence of the person charged.

Examination of evidence; limitation.

In faith whereof the undersigned plenipotentiaries have signed the present protocol and affixed thereto their respective seals.

Signatures.

Done in duplicate at Athens, Greece, the 2^d day of September 1937.

[SEAL] HAROLD SHANTZ

[SEAL] N. MAVROUDIS

ΠΡΩΤΟΚΟΛΛΑΟΝ

Ἐπειδὴ ἠγέρθη διαφωνία μεταξύ τῆς Κυβερνήσεως τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς καὶ τῆς Ἑλληνικῆς Κυβερνήσεως ὅσον ἀφορᾷ τὴν ἀληθῆ ἐρμηνείαν τοῦ ἄρθρου 1 τῆς Συνθήκης Ἐκδόσεως τῆς συνομολογηθείσης τῇ 6ῃ Μαΐου 1931 μεταξύ τῶν Ἑνωμένων Πολιτειῶν καὶ τῆς Ἑλλάδος καὶ εἰδικώτερον ὅσον ἀφορᾷ τὴν τελευταίαν διάταξιν τοῦ ὡς ἄνω ἄρθρου ἣτις ἔχει ὡς ἑξῆς:

„Ἡ ἔκδοσις ἐν τούτοις δέν δύναται νά πραγματοποιηθῆ παρά ἐφ' ὅσον κατὰ τοὺς νόμους τῆς χώρας εἰς ἣν ἀνεκαλύφθη ὁ διωκόμενος ὑφίσταται ἀρκεταὶ ἀποδείξεις ἐνοχῆς δικαιολογοῦσαι τὴν σύλληψιν καὶ τὴν εἰς δίκην παραπομπὴν αὐτοῦ εἰς τὴν περίπτωσιν καθ' ἣν τό ἐγκλημα ἢ πλημμέλημα διεπράττετο ἐντός τῶν ὁρίων τῆς χώρας ταύτης.”

Ἐπειδὴ εἶναι εὐκταῖον ὅπως, τοιαῦται διαφωνίαι, διευθετῶνται, συμφωνοῦνται τὰ ἀκόλουθα:

Ἡ τελευταία διάταξις τοῦ ἄρθρου 1 τῆς συναφθείσης τῇ 6ῃ Μαΐου 1931 μεταξύ τῶν Ἑνωμένων Πολιτειῶν καὶ τῆς Ἑλλάδος Συνθήκης ἔκδόσεως, θά θεωρηθῆ ἀπὸ σήμερον καὶ ἐφεξῆς ὡς ἔχουσα τὴν ἔννοιαν ὅτι δικαστήριον ἢ δικαστικός ὑπάλληλος ἐξετάζων αἰτησίαν ἔκδόσεως θά κρίνῃ μόνον περὶ τοῦ ζητήματος τῆς ἐπαρκείας τῶν ἀποδείξεων κατηγορίας ὑποβληθεισῶν ὑπὸ τῆς ἐκζητούσης Κυβερνήσεως ὅπως δικαιολογήσωσι τὴν σύλληψιν καὶ παραπομπὴν εἰς δίκην τοῦ κατηγορουμένου, ἢ, ἐν ἄλλαις λέξεσι, κατὰ πόσον αἱ ὑποβληθεῖσαι ἀποδείξεις παρέχουσι πιθανότητα ἐνοχῆς τοῦ κατηγορουμένου. Ἐννοεῖται περαιτέρω ὅτι αἱ διατάξεις τῆς προμνησθείσης Συνθήκης δέν ἔχουσι τὴν ἔννοιαν ὅτι Δικαστήριον ἢ δικαστικός ὑπάλληλος δύναται νά λύσῃ τό ζήτημα τῆς ἐνοχῆς ἢ ἀβωότητος τοῦ κατηγορουμένου.

Εἰς πίστωσιν τούτων οἱ κάτωθι ὑπογεγραμμένοι πληρεξούσιοι ὑπέγραψαν τό παρὸν πρωτόκολλον καὶ ἐπέθεσαν τὰς ἑαυτῶν σφραγίδας.—

Ἐγένετο εἰς διπλοῦν ἐν Ἀθήναις τῇ 2ῃ Σεπτεμβρίου 1937.—

[SEAL] HAROLD SHANTZ

[SEAL] N. MAVROUDIS

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