

No. 30627

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**FRANCE
and
MONACO**

**Treaty concerning extradition. Signed at Monaco on 11 May
1992**

Authentic text: French.

Registered by France on 11 January 1994.

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**FRANCE
et
MONACO**

Convention d'extradition. Signée à Monaco le 11 mai 1992

Texte authentique : français.

Enregistrée par la France le 11 janvier 1994.

[TRANSLATION — TRADUCTION]

TREATY¹ CONCERNING EXTRADITION BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF HIS SERENE HIGHNESS THE PRINCE OF MONACO

The Government of the French Republic and the Government of His Serene Highness the Prince of Monaco,

Desiring to strengthen cooperation between their two States with a view to the suppression of crime and wishing to that end to regulate by common agreement their relations in the area of extradition, have agreed as follows:

Article 1

Each State agrees to extradite to the other, in accordance with the provisions of this Treaty, any person found within its territory who is charged with an offence or sought for the purpose of execution of a sentence by the authorities of the other State.

Article 2

Extradition shall be granted:

1. For conduct which, under the laws of the two States, constitutes an offence punishable under those laws by a term of imprisonment of at least two years;
2. Where a sentence of imprisonment of at least four months has been imposed by the courts of the requesting State, provided that one of the offences committed is punishable under the laws of the requested State by a term of imprisonment of at least one year.

Article 3

If the request for extradition relates to a number of offences, each of which is punishable under the laws of both States, but some of which do not meet the requirements of article 2, the requested State may also grant extradition for such offences.

Article 4

Where offences relating to taxes or duties are concerned, extradition may be granted under the terms of this Treaty if it is so decided, by a simple exchange of letters, between the two Governments in each specific case.

Article 5

Extradition shall not be granted:

1. When the offence for which extradition is requested is considered by the requested State to be a political offence or conduct connected with such an offence. The attempted taking of the life of a Head of State or of a member of his family shall

¹ Came into force on 1 October 1993, i.e., the first day of the second month following the date of receipt of the last of the notifications (of 14 July and 3 August 1993) by which the Parties had informed each other of the completion of the required constitutional formalities, in accordance with article 22.

not be considered to be a political offence or conduct connected with such an offence;

2. When the requested State has serious reason to believe that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, or political opinions or that the situation of that person may be prejudiced for any of those reasons;

3. When the offence for which extradition is requested consists solely of the violation of a military obligation;

4. When the person sought has been finally convicted or acquitted in the requested State of the offence for which extradition is requested;

5. When the prosecution or punishment is barred by prescription according to the law of the requesting or requested State;

6. When the offence has been pardoned either in the requesting State or in the requested State, provided that, in the latter case, the requested State had the jurisdiction to institute criminal proceedings under its internal legislation.

Article 6

Extradition shall also be refused when the person sought has the nationality of the requested State. Nationality shall be determined as of the time when the decision concerning extradition is taken.

If the request for extradition is refused solely because the person sought is a national of the requested State, that State shall, at the request of the requesting State, submit the case to its competent authorities for criminal prosecution.

Article 7

Extradition may be refused:

1. If the offence has been committed outside the territory of the requesting State by a non-national of that State and the legislation of the requested State does not authorize prosecution of the same offence committed outside its territory by a foreigner;

2. If the person sought is being prosecuted by the requested State for the offence for which extradition is requested or if the judicial authorities of the requested State have decided, in accordance with the procedures provided by the law of that State, to terminate the prosecution they have instituted for the same offence;

3. If the person sought was finally convicted or acquitted in a third State of the offence or offences for which extradition is requested;

4. If the offence for which the person is sought was committed in whole or in part in the territory of the requested State or in any other place subject to the jurisdiction of that State;

5. On humanitarian grounds if the surrender may have grave consequences for the person sought, in particular because of the age or state of health of that person.

Article 8

The request for extradition and all subsequent correspondence shall be sent through the diplomatic channel.