

N° 1497.

---

**BELGIQUE ET LETTONIE**

Convention d'extradition et d'assistance judiciaire en matière criminelle. Signée à Bruxelles, le 11 octobre 1926.

---

**BELGIUM AND LATVIA**

Convention relating to Extradition and Judicial Assistance in Criminal Matters. Signed at Brussels, October 11, 1926.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1497. — CONVENTION<sup>2</sup> BETWEEN BELGIUM AND LATVIA  
RELATING TO EXTRADITION AND JUDICIAL ASSISTANCE IN  
CRIMINAL MATTERS. SIGNED AT BRUSSELS, OCTOBER 11, 1926.

---

*French official text communicated by the Latvian Minister for Foreign Affairs. The registration of this Convention took place July 4, 1927.*

---

HIS EXCELLENCY THE PRESIDENT OF THE LATVIAN REPUBLIC and HIS MAJESTY THE KING OF THE BELGIANS, having resolved to conclude a Convention relating to extradition and judicial assistance in criminal matters, have for this purpose appointed as their Plenipotentiaries :

HIS EXCELLENCY THE PRESIDENT OF THE LATVIAN REPUBLIC :

M. J. LASDIN, Latvian Consul-General at Brussels ;

HIS MAJESTY THE KING OF THE BELGIANS :

His Excellency M. Emile VANDERVELDE, His Minister for Foreign Affairs ;

Who, having respectively communicated their full powers, found in good and due form, have agreed upon the following Articles :

*Article 1.*

The Latvian and Belgian Governments undertake, in the circumstances and under the conditions established by the present Treaty, to surrender to each other Latvians seeking refuge in Belgium, or Belgians seeking refuge in Latvia, but excluding their own nationals, who are being proceeded against or have been convicted for a crime or misdemeanour committed on the territory of the applicant party, provided that such persons have reached the age of seventeen at the time when the crime or misdemeanour was committed. If, however, the crime or misdemeanour for which extradition is requested was committed outside the territory of the applicant country, the requisition may be granted, provided that the laws of the country applied to permit the prosecution of the same offences when committed outside its territory.

*Article 2.*

The crimes and misdemeanours for which extradition may be granted are as follows :

- (1) Assassination, poisoning, parricide, infanticide, murder ;

---

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations. <sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> The exchange of ratifications took place at Brussels, June 2, 1927.

(2) Malicious striking or wounding resulting in an apparently incurable disease, permanent disability for work, the loss of the full use of an organ, serious mutilation or unintended death ;

(3) The voluntary or culpable administering of substances which may cause death or grievous injury to health, but without the intention of causing death ;

(4) Abortion ;

(5) Rape : indecent assault with violence ; indecent assault without violence or threats on the person or with the aid of a minor of either sex under sixteen ; indecent assault without violence or threats committed by an ascendant relative upon the person or with the aid of the person of a minor of either sex, even if over sixteen, but not emancipated by marriage ; offences against morals by instigating, facilitating or encouraging the debauchery, corruption or prostitution of a minor of either sex in order to satisfy another's passion ; enticing, seducing or abducting a woman or girl who has reached her majority for the purpose of debauchery, when the act is committed by fraud or with the aid of violence ; threats, the abuse of authority or any other means of compulsion employed to satisfy another's passion ; the retention of a person in a brothel against his or her will, or constraint put upon an adult person for the purpose of debauchery ;

(6) Bigamy ;

(7) Abduction of minors ;

(8) Kidnapping, concealment, removal, replacement or substitution of children ;

(9) Exposure or desertion of children ;

(10) Association with criminals ;

(11) Theft, extortion, swindling, abuse of confidence, fraud ;

(12) Threatened attacks upon persons or property when punishable by death, hard labour or solitary confinement ;

(13) Offers or proposals to commit a crime or to be a party to it, or the acceptance of such offers or proposals ;

(14) Attempts by private persons against the liberty of the individual and the inviolability of the domicile ;

(15) Counterfeit currency, including the counterfeiting or altering of currency, the manufacture or uttering of counterfeit or altered currency, and fraud in the choice of specimens for testing the standard and weight of currency ;

(16) The counterfeiting or falsification of public bonds or bank notes, and public or private securities ; the manufacture or uttering of these counterfeited or forged bonds, notes or securities ; forgeries in writing or in telegrams and the use of such counterfeited, forged or falsified telegrams, bonds, notes or securities ;

(17) The counterfeiting or falsification of seals, stamps, dies, marks, coupons for the conveyance of persons or things, postage or other adhesive stamps ; use of these counterfeited or forged articles ; abuse of genuine seals, stamps, dies and marks ; the malicious or fraudulent insertion upon a work of art, or in a book or musical composition, of the name of an author or of any distinctive sign adopted by him to indicate his work ; the sale, offering for sale, possession in shops and introduction into the country for sale, of such objects ;

(18) Perjury and false statements by experts or interpreters ; subornation of witnesses, experts or interpreters ;

(19) False swearing ;

(20) Embezzlement and malversation by public officials, bribery of public officials ;

- (21) Fraudulent bankruptcy and fraud committed in bankruptcy ;
- (22) Deliberate obstruction of railway trains by the placing of objects of any kind on the line, by interfering with the rails or their supports, by removing bolts or pins, or by the use of any other means calculated to stop the train or cause it to leave the rails ;
- (23) Arson ;
- (24) Destruction of buildings, steam engines or telegraphic apparatus ; the destruction or defacement of tombs, monuments, works of art, or public or private title-deeds ; destruction of or injury to movable property by means of violence or threats, wilful or fraudulent destruction of or damage to goods or materials used in manufacture ;
- (25) Destruction or devastation of crops, plants, trees or shoots ;
- (26) Destruction of agricultural implements, destruction or poisoning of cattle or other animals ;
- (27) Opposition to the execution of public works ;
- (28) Abandonment of a merchant or fishing vessel by the captain, except in cases provided for by the laws of the two countries ;
- (29) Stranding, loss or destruction by the captain or officers and crews ; seizure of a merchant or fishing vessel by the captain ; unnecessary jettisoning or destruction of all or part of the cargo, provisions or effects on board ; altering the course, the unnecessary raising of money on the ship or on the ship's provisions or stores, the pledging or offering for sale of merchandise or food, or the insertion in the account of fictitious damage or expenditure ; the sale of the ship without special authority except in the event of unseaworthiness ; pilferage ; the adulteration of food or the alteration of merchandise effected on board by admixture of noxious substances ; attack upon, or resistance to the captain by more than a third of the crew, accompanied by violence and assault ; refusal to obey orders issued by the captain or officer on board in the interests of the safety of the vessel or cargo, when accompanied by assault ; conspiracy against the safety, liberty or authority of the captain ; seizure of the vessel by crews or passengers by the use of fraud or violence against the captain ;
- (30) Receiving of articles obtained by means of one of the crimes or misdemeanours covered by the present Convention ;
- (31) Traffic in slaves ;
- (32) Resistance by captains or crews to the orders of officers acting in virtue of Articles 42 *et seq* of the General Act<sup>1</sup> of the Conference of Brussels, dated July 2, 1890 ;
- (33) Offences against the regulations prohibiting the use of fire-arms and ammunition contained in Articles 8 and 9 of the said General Act.

The foregoing classes of offence shall include complicity in and attempts to commit such offences when punishable under the laws of both countries.

In all cases and for all crimes and misdemeanours extradition may not take place unless the corresponding act is punishable, under the laws of the country applied to, with imprisonment for a maximum period of a year or more.

The extradition of an accused person shall be granted if the offence of which he is accused satisfies this condition.

The extradition of a convicted person shall be granted even when the penalty imposed is less than one year's imprisonment, provided that the offence of which he is accused is punishable in the country applied to with imprisonment for a maximum period of a year or more.

<sup>1</sup> *British and Foreign State Papers*, Vol. 82, pages 55 and 80.

*Article 3.*

Extradition shall not take place :

(1) If, subsequently to the acts alleged, to the last stage in the proceedings or to the sentence, exemption from prosecution or punishment has been acquired by lapse of time under the laws of the country in which the accused person has taken refuge, at the time when his surrender might take place ;

(2) When the requisition for extradition is based upon an offence in respect of which the person claimed has been prosecuted and discharged, or is being proceeded against or has already been tried, and, in the event of a conviction, if the penalty has been executed or pardon obtained in the country from which extradition is requested.

*Article 4.*

If the person claimed is being proceeded against or has been sentenced in the country applied to for an offence other than that for which extradition is requested, the extradition may be deferred until the conclusion of the proceedings and, in the event of a conviction, until he shall have undergone his sentence.

Should he be proceeded against or detained in the same country by reason of obligations contracted towards private persons, his extradition may nevertheless take place, subject to the right of such persons to present their claims before the competent authority.

*Article 5.*

Extradition shall not be granted if the offence for which it is requested is regarded by the party applied to as a political offence or an act connected with a political offence.

An offence committed or attempted against the person of the head of a foreign State or the members of his family shall not be considered a political offence or as an act connected with a political offence when it constitutes murder, assassination or poisoning.

The person surrendered may not be proceeded against or tried and punished for an offence committed prior to the extradition and other than that for which extradition was granted, except in the following cases :

(1) If he has failed to leave the country to which he was surrendered within the month following his final release ;

(2) If the offence is covered by the Convention and if the Government to which he has been surrendered has previously obtained the approval of the Government granting extradition. The latter may, if it deems fit, require the production of one of the documents mentioned in Article 7 of the present Convention.

Re-extradition to a third country shall be subject to the same regulations.

*Article 6.*

The requisition for extradition must always be made through the diplomatic channel.

*Article 7.*

Extradition shall be granted on the production, either in the original or in a certified copy, of the judgment or the sentence of condemnation or the act of criminal procedure issued by the competent judge and formally ordering or *ipso facto* effecting the bringing of the accused before

the Courts. Extradition shall also be granted on the production of the warrant of arrest or any other document having the same validity issued by the competent foreign authority, provided that these documents contain an exact description of the act in respect of which they have been issued.

These documents shall be legalised by the Minister for Foreign Affairs of the applicant State and, when necessary, by the diplomatic or consular agent of the said State. They shall be accompanied by a copy of the text of the law applicable to the subject of the charge and, if necessary, by a translation in French and, whenever possible, by a description of the person claimed or any other indications calculated to establish his identity.

#### *Article 8.*

In urgent cases provisional arrest may be effected on notification by post or telegraph of the existence of one of the documents mentioned in Article 7, provided, however, that such notification is regularly furnished to the Minister for Foreign Affairs of the country applied to.

This arrest shall be optional if the requisition has been made direct to a judicial or administrative authority in one of the two countries.

Provisional arrest shall take place in the forms and in accordance with the regulations established by the laws of the Government applied to. It shall be annulled if, within three weeks of his arrest, the accused has not received one of the documents mentioned in Article 7 of the present Convention.

#### *Article 9.*

In extraditable cases all articles connected with the crime or misdemeanour, or which may serve as proof, found in the possession of the person claimed at the time of his arrest or afterwards discovered, shall be seized and handed over to the applicant State, if the competent authority of the State applied to so decrees.

These articles may be handed over even if extradition cannot take place owing to the escape or death of the person claimed.

Nevertheless, any rights to the said articles which may have been acquired by third parties shall be reserved, such articles being, if necessary, restored to them free of charge at the conclusion of the proceedings.

#### *Article 10.*

The expenses occasioned by the arrest, maintenance and conveyance of the person whose extradition has been granted, together with the cost of consigning and transporting objects which have to be restored or surrendered under the preceding Article, shall be borne by the two States within the limits of their respective territories.

The cost of conveyance or other expenses incurred on the territory of intermediate States shall be borne by the State applying for extradition.

The person to be surrendered shall, if necessary, be escorted to the port designated by the applicant Government and be placed on board at that Government's expense.

#### *Article 11.*

The extradition, by transit through the respective territories of the contracting States, of a person not belonging to the country of transit shall be granted on the production, either in the original or in a certified copy, of one of the documents mentioned in Article 7, provided that the act for which extradition is granted, is included in the present Convention and does not come under the provisions of Articles 3 and 5.

The expenses of transit shall be borne by the applicant party.

*Article 12.*

If the proceedings in connection with a penal case of a non-political nature require the attendance in court of persons in one of the two countries or if any other judicial enquiry is deemed necessary, letters rogatory, if necessary accompanied by a French translation, shall be addressed for this purpose through the official channel, without prejudice to later recourse to the diplomatic or consular channels and, unless the Government applied to states that it is impossible, they shall be executed in conformity with the laws of the country in which the witness is to appear or the judicial enquiry is to be made.

Nevertheless, letters rogatory for the purpose of effecting a domiciliary search or for the seizure of the *corpus delicti* or of articles serving as proof of the crime may only be executed for one of the acts mentioned in Article 2 and subject to the reservation expressed in the last three paragraphs of that Article and in the last paragraph of Article 9 above.

The respective Governments renounce all claims to the refund of expenses resulting from the execution of letters rogatory in penal matters, even in the case of expert enquiries, provided, however, that such enquiries have not occupied more than one sitting.

*Article 13.*

If in penal cases of a non-political nature the Government of one of the two countries deems it necessary that notification of a judicial act or of a judgment should be made to a person residing in the territory of the other country, the document shall be forwarded through the official channel, without prejudice to subsequent recourse to the diplomatic or consular channels, accompanied, if necessary, by a French translation, and shall be served on the person concerned at the request of the prosecuting authorities in the place where he is residing, through a competent official, and the original document recording this notification shall be sent back by the same channel to the applicant Government without refund of expenses.

*Article 14.*

If, in a penal case of a non-political nature, the personal attendance of a witness is required in court, the Government of the country in which the witness resides shall transmit to him the subpoena calling upon him to appear.

With regard to the allowance to be paid to the witness, an agreement shall be concluded in each particular case between the applicant Government and the Government applied to.

No witness, whatever his nationality, who, when subpoenaed in one of the two countries, voluntarily appears before the Courts of the other country, may be prosecuted or detained in that country for previous acts or criminal convictions or on the ground of complicity in the acts forming the subject of the case in which he is a witness.

*Article 15.*

If, in a penal case of a non-political nature which is being investigated in one of the two countries, it is deemed necessary or expedient to obtain articles serving as proof of the crime or documents which are in the hands of the authorities of the other country, application shall be made for them through the official channel, without prejudice to subsequent recourse to the diplomatic or consular channels, and the request shall be granted, unless there are special objections thereto, and subject to the obligation to return such articles and documents.

The contracting Governments renounce all claims to the fund of expenses resulting within the limits of their respective territories from the despatch and return of articles serving as proof of the crime and documents.

*Article 16.*

The two Governments undertake to communicate to each other, without refund of expenses, sentences for crimes or misdemeanours of all kinds pronounced by the Courts of either of the two States against nationals of the other State.

Such communication shall be made by the despatch to the Government to which the convicted person belongs, through the diplomatic channel, of a bulletin or extract of the final decision, accompanied, if necessary, by a French translation.

*Article 17.*

The present Treaty shall enter into force ten days after its publication in the forms prescribed by the laws of the two countries .

Each of the contracting Parties may denounce it at any time by giving the other Party six months notice of its intention.

The Treaty shall be ratified and the ratifications shall be exchanged as soon as possible.

In faith whereof, the respective Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Brussels on October 11, 1926.

(L. S.) (Signed) E. VANDERVELDE.

(L. S.) (Signed) J. LASDIN.