

N° 2825.

FRANCE
ET GRAND-DUCHÉ DE
LUXEMBOURG

Déclaration concernant la modification des articles 5, 6, 7 et 8 de la Convention conclue entre les deux pays le 12 septembre 1875 pour l'extradition des malfaiteurs étrangers. Signée à Luxembourg, le 21 février 1929.

FRANCE
AND GRAND DUCHY OF
LUXEMBURG

Declaration concerning the Amendment of Articles 5, 6, 7 and 8 of the Convention concluded on September 12, 1875, between the two Countries for the Extradition of Foreign Offenders. Signed at Luxemburg, February, 21, 1929,

¹ TRADUCTION. — TRANSLATION.

No. 2825. — DECLARATION ² BETWEEN FRANCE AND THE GRAND DUCHY OF LUXEMBURG CONCERNING THE AMENDMENT OF ARTICLES 5, 6, 7 AND 8 OF THE CONVENTION CONCLUDED ON SEPTEMBER 12, 1875, BETWEEN THE TWO COUNTRIES FOR THE EXTRADITION OF FOREIGN OFFENDERS. SIGNED AT LUXEMBURG, FEBRUARY 21, 1929.

French official text communicated by the Minister for Foreign Affairs of the French Republic. The registration of the Declaration took place September 24, 1931.

THE GOVERNMENT OF THE FRENCH REPUBLIC and THE GOVERNMENT OF THE GRAND DUCHY OF LUXEMBURG, having considered it necessary to amend Articles 5, 6, 7 and 8 of the Convention ³ of September 12, 1875, on the extradition of offenders, the undersigned, duly authorised for this purpose, have agreed on the following provisions.

Article 1.

Article 5 of the Convention of September 12, 1875, relating to the extradition of offenders shall be replaced by the following provisions :

Extradition shall be granted on the production of the judgment or sentence, or the decree of the *Chambre du Conseil*, the order of the *Chambre des mises en accusation* or the writ issued by the competent judge or authority, expressly ordering or effecting as of full right the bringing of the accused person before the competent court.

Extradition shall also be granted on the production of a 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, together with the date of that act.

These documents shall be produced either in the original or in a certified copy, and shall be accompanied by a copy of the text of the applicable law and, whenever possible, by a description of the person claimed or any other indications calculated to establish his identity.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² This Declaration was published by the Government of the French Republic on August 21, 1931, and by the Government of the Grand Duchy of Luxemburg on April 8, 1930.

³ *British and Foreign State Papers*, Vol. 66, page 609.

Article 2.

Article 7 of the same Convention shall be amended as follows :

In urgent cases provisional arrest shall also be effected on notification, by post or telephone of the existence of a warrant of arrest, provided that such notification is duly made through the diplomatic channel to the Government of the country in which the accused person has taken refuge.

Arrest shall be optional, if the request for provisional arrest has been made direct to a judicial or administrative authority in one of the two countries. This authority must, however, immediately proceed to make the necessary interrogations and investigations with a view to establishing identity or proofs of guilt, and in the event of difficulty shall inform the Minister for Foreign Affairs of the reasons why the arrest has not been made.

Provisional arrest shall take place in the form and in accordance with the regulations established by the laws of the Government applied to.

Nevertheless in such cases the foreigner shall only be kept under arrest, provided the Government has received one of the documents referred to in Article 5 within twenty days from the date of his arrest.

Article 3.

Articles 6 and 8 of the said Convention are abrogated.

Article 4.

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

In faith whereof the undersigned have drawn up the present document and have affixed their seals thereto.

Done at Luxemburg, in duplicate, February 21, 1929.

(Signed) CARBONNEL.

(Signed) BECH.