

BELGIQUE ET SUISSE

Echange de notes comportant un accord en vue de l'application au Congo belge et aux territoires du Ruanda-Urundi du Traité d'extradition du 13 mai 1874 entre les deux pays et de la Convention additionnelle à ce traité, du 11 septembre 1882. Bruxelles, les 13 et 14 mai 1938.

BELGIUM AND SWITZERLAND

Exchange of Notes constituting an Agreement for the Application to the Belgian Congo and to the Territories of Ruanda-Urundi of the Extradition Treaty of May 13th, 1874, between the Two Countries and of the Additional Convention to that Treaty of September 11th, 1882. Brussels, May 13th and 14th, 1938.

¹ TRADUCTION. — TRANSLATION.

No. 4420. — EXCHANGE OF NOTES ² BETWEEN THE BELGIAN AND SWISS GOVERNMENTS CONSTITUTING AN AGREEMENT FOR THE APPLICATION TO THE BELGIAN CONGO AND TO THE TERRITORIES OF RUANDA-URUNDI OF THE EXTRADITION TREATY OF MAY 13TH, 1874, BETWEEN THE TWO COUNTRIES AND OF THE ADDITIONAL CONVENTION TO THAT TREATY OF SEPTEMBER 11TH, 1882. BRUSSELS, MAY 13TH AND 14TH, 1938.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Exchange of Notes took place August 20th, 1938.

I.

MINISTRY
OF FOREIGN AFFAIRS
AND FOREIGN TRADE.
GENERAL DIRECTORATE C.
3rd Bureau.
No. 1578/IV/II.

BRUSSELS, *May 13th*, 1938.

YOUR EXCELLENCY,

I have the honour to inform Your Excellency that the Government of His Majesty the King of the Belgians is of opinion that it would be desirable to extend the application of the Extradition Treaty ³ between Belgium and Switzerland of May 13th, 1874, and the Additional Convention ⁴ relating thereto of September 11th, 1882, to the Belgian Congo and to the Ruanda-Urundi territories, in respect of which Belgium exercises a mandate on behalf of the League of Nations.

The Federal Council being of the same opinion in regard to the desirability of the extension of the said Treaty and Convention, the present letter and the prospective reply of the Swiss Legation in Brussels shall constitute the official embodiment of the Agreement reached between the two Governments on the following points :

(1) The provisions of the Extradition Treaty between Belgium and Switzerland of May 13th, 1874, and of the Additional Convention relating thereto of September 11th, 1882, shall apply to the Belgian Congo and to the Ruanda-Urundi territories.

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 Came into force July 25th, 1938.

³ *British and Foreign State Papers*, Vol. 65, page 280.

⁴ *British and Foreign State Papers*, Vol. 73, page 728.

(2) Application for extradition of persons who have taken refuge in the Belgian Congo or in Ruanda-Urundi shall be made through the diplomatic channel in all cases in which provision is made for application in this form in the Extradition Treaty of May 13th, 1874, and the Additional Convention relating thereto, with the exception of the urgent cases for which Article 6 of the said Treaty provides, where direct application for the arrest of fugitives may be made by the Governor-General of the Belgian Congo at Leopoldville to the Federal Department of Justice and Police at Berne, and *vice versa*.

(3) For the purposes of the application of the Treaty of May 13th, 1874, and of the Additional Convention relating thereto of September 11th, 1882, and of the present Agreement, (a) the term "Belgian nationals" shall be deemed to mean Belgian citizens and subjects of the Belgian Congo, subjects of Ruanda-Urundi ranking as Belgian nationals, and (b) the term "crimes" shall be deemed to mean offences against the penal law of the Belgian Congo or of Ruanda-Urundi punishable by more than five years' hard labour (*servitude pénale*), and the term "misdemeanours" shall be deemed to mean offences punishable by more than two months' hard labour (*servitude pénale*).

(4) The time-limit of three weeks for which Article 6 of the Extradition Treaty between Belgium and Switzerland provides shall be extended to three months.

(5) The present Agreement shall come into force ten days after publication, in the manner by law provided in the countries of the two High Contracting Parties, and shall remain in force for the same period as the Extradition Treaty between Belgium and the Swiss Confederation of May 13th, 1874.

I avail myself of this opportunity, etc.

(Signed) P. H. SPAAK.

His Excellency
Monsieur Maxime de Stoutz,
Swiss Minister,
Brussels.

II.

SWISS LEGATION
IN BELGIUM.

No. XIV.div.2.38-B/K.
ad.No.1578/IV/II.

BRUSSELS, May 14th, 1938.

YOUR EXCELLENCY,

I have had the honour to receive Your Excellency's letter informing me that the Government of His Majesty the King of the Belgians is of opinion that it would be desirable to extend the application of the Extradition Treaty between Switzerland and Belgium of May 13th, 1874, and the Additional Convention relating thereto of September 11th, 1882, to the Belgian Congo and to the Ruanda-Urundi territories, in respect of which Belgium exercises a mandate on behalf of the League of Nations.

The Federal Council being of the same opinion in regard to the desirability of the extension of the said Treaty and Convention, Your Excellency's letter of May 13th, 1938, and my reply of to-day's date shall constitute the official embodiment of the Agreement reached between the two Governments on the following points :

(1) The provisions of the Extradition Treaty between Switzerland and Belgium of May 13th, 1874, and of the Additional Convention relating thereto of September 11th, 1882, shall apply to the Belgian Congo and to the Ruanda-Urundi territories.

(2) Application for extradition of persons who have taken refuge in the Belgian Congo or in Ruanda-Urundi shall be made through the diplomatic channel in all cases in which provision is made for application in this form in the Extradition Treaty of May 13th, 1874, and the Additional Convention relating thereto, with the exception of the urgent cases for which Article 6 of the said Treaty provides, where direct application for the arrest of fugitives may be made by the Federal Department of Justice and Police at Berne to the Governor-General of the Belgian Congo at Leopoldville, and *vice versa*.

(3) For the purposes of the application of the Treaty of May 13th, 1874, and of the Additional Convention relating thereto of September 11th, 1882, and of the present Agreement, (a) the term "Belgian nationals" shall be deemed to mean Belgian citizens and subjects of the Belgian Congo, subjects of Ruanda-Urundi ranking as Belgian nationals, and (b) the term "crimes" shall be deemed to mean offences against the penal law of the Belgian Congo or of Ruanda-Urundi punishable by more than five years' hard labour (*servitude pénale*), and the term "misdemeanours" shall be deemed to mean offences punishable by more than two months' hard labour (*servitude pénale*).

(4) The time-limit of three weeks for which Article 6 of the Extradition Treaty between Belgium and Switzerland provides shall be extended to three months.

(5) The present Agreement shall come into force ten days after publication, in the manner by law provided in the countries of the two High Contracting Parties, and shall remain in force for the same period as the Extradition Treaty between the Swiss Confederation and Belgium of May 13th, 1874.

I avail myself of this opportunity, etc.

(Signed) M. DE STOUTZ,
Swiss Minister.

His Excellency
Monsieur Paul H. Spaak,
Minister for Foreign Affairs and Foreign Trade,
Brussels.