

N° 4302.

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**BELGIQUE  
ET LIECHTENSTEIN**

Traité d'extradition. Signé à Bruxelles, le 5 août 1936.

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**BELGIUM  
AND LIECHTENSTEIN**

Extradition Treaty. Signed at Brussels, August 5th, 1936.

TEXTE ALLEMAND. — GERMAN TEXT.

N<sup>o</sup> 4302. — AUSLIEFERUNGSVERTRAG<sup>1</sup> ZWISCHEN BELGIEN UND DEM FÜRSTENTUM LIECHTENSTEIN. GEZEICHNET IN BRÜSSEL, AM 5. AUGUST 1936.

*French and German official texts communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place March 14th, 1938.*

SEINE MAJESTÄT DER KÖNIG DER BELGIER

und

SEINE DURCHLAUCHT DER REGIERENDE FÜRST VON UND ZU LIECHTENSTEIN,

In der Absicht, einen Vertrag über die gegenseitige Auslieferung von Verbrechern abzuschliessen, haben zu diesem Zwecke zu Bevollmächtigten ernannt :

SEINE MAJESTÄT DER KÖNIG DER BELGIER :

Herrn Paul-Henri SPAAK, Seinen Minister der Auswärtigen Angelegenheiten und des Aussenhandels ;  
und

SEINE DURCHLAUCHT DER REGIERENDE FÜRST VON UND ZU LIECHTENSTEIN :

Seine Exzellenz Herrn Frederic William BARBEY, Ausserordentlichen Gesandten und Bevollmächtigten Minister der Schweizerischen Eidgenossenschaft in Brüssel ;

Die, nach gegenseitiger Mitteilung ihrer in guter und gehöriger Form befundenen Vollmachten, folgende Bestimmungen vereinbart haben :

*Artikel I.*

Die Regierungen Seiner Majestät des Königs der Belgier und Seiner Durchlaucht des Regierenden Fürsten von Liechtenstein verpflichten sich, sich gegenseitig nach den Umständen und Bedingungen dieses Vertrages diejenigen Personen, mit Ausnahme eigener Staatsangehöriger auszuliefern, die von Belgien nach Liechtenstein oder von Liechtenstein nach Belgien geflüchtet sind und die wegen eines auf dem Gebiete des ersuchenden Staates begangenen Verbrechens oder Vergehens verfolgt werden oder verurteilt worden sind, sofern sie im Augenblicke der Begehung des Verbrechens oder Vergehens das sechzehnte Altersjahr vollendet hatten.

Wenn aber das der Auslieferung zu Grunde liegende Verbrechen oder Vergehen ausser dem Gebiete des ersuchenden Staates begangen wurde, kann dem Auslieferungsbegehren dennoch Folge gegeben werden, sofern die Gesetzgebung des ersuchten Staates die Verfolgung gleicher ausser dessen Gebiet begangener Zuwiderhandlungen zulässt.

<sup>1</sup> The exchange of ratifications took place at Brussels, December 18th, 1937.  
Came into force February 11th, 1938.

31. Sklavenhandel ;

32. Widerstand des Kapitäns oder der Besatzung gegenüber den Befehlen von Offizieren, die gemäss Art. 42 ff. der Generalakte<sup>1</sup> der Konferenz von Brüssel vom 2. Juli 1890 handeln ;

33. Zuwiderhandlungen gegen die Verbote betr. Feuerwaffen und Munition der Art. 8 und 9 der erwähnten Generalakte.

In den vorstehenden Tatbeständen sind inbegriffen die Teilnahme und der Versuch, wenn sie von der Gesetzgebung der beiden Staaten bestraft werden.

In allen Fällen, bei Verbrechen und Vergehen, erfolgt die Auslieferung nur, wenn der entsprechende Tatbestand nach der Gesetzgebung des ersuchten Staates strafbar ist.

#### Artikel 3.

Die Auslieferung erfolgt nicht :

1. Wenn seit der begangenen strafbaren Handlung oder der letzten Handlung des Strafrichters, oder der erfolgten Verurteilung nach den Gesetzen desjenigen Staates, in welchem der Verfolgte zur Zeit, in der die Auslieferung erfolgen könnte, sich aufhält, Verjährung der strafgerichtlichen Verfolgung oder der erkannten Strafe eingetreten ist ;

2. Wenn das Auslieferungsbegehren auf Tatsachen beruht, wegen welcher die zur Auslieferung begehrte Person im ersuchten Staate verfolgt und ausser Verfolgung gesetzt wurde, oder dort noch verfolgt wird oder schon abgeurteilt wurde.

#### Artikel 4.

Ist die zur Auslieferung begehrte Person im ersuchten Staate wegen eines anderen Deliktes als des dem Auslieferungsbegehren zu Grunde liegenden verfolgt oder verurteilt, so kann ihre Auslieferung bis zum Abschlusse der Untersuchung verschoben werden, oder im Falle der Verurteilung bis nach Verbüßung der Strafe.

Ist die zur Auslieferung begehrte Person im ersuchten Staate wegen Verbindlichkeiten gegen Privatpersonen verfolgt oder verhaftet, dann soll ihre Auslieferung trotzdem erfolgen, unter Vorbehalt, dass die Berechtigten in der Folgezeit ihre Ansprüche vor der zuständigen Behörde geltend machen können.

#### Artikel 5.

Die Auslieferung wird nicht bewilligt, wenn die Zuwiderhandlung, für welche sie verlangt wird, vom ersuchten Staate als politisches Vergehen oder als mit einem solchen zusammenhängend angesehen wird.

Der ausgelieferte Ausländer darf für kein politisches oder mit einem solchen zusammenhängendes Delikt verfolgt oder bestraft werden, das vor der Auslieferung begangen wurde, noch für ein nicht in diesem Verträge vorgesehenes Verbrechen oder Vergehen.

Das Attentat gegen das Oberhaupt eines fremden Staates oder die Glieder seiner Familie, sofern es sich als Mord, Totschlag oder Vergiftung darstellt, soll nicht als politisches Vergehen oder als mit einem solchen zusammenhängendes gelten.

Der Ausgelieferte kann immerhin wegen einer anderen Zuwiderhandlung als um derentwillen er ausgeliefert wurde, im kontradiktorischen Verfahren verfolgt oder bestraft werden in folgenden Fällen :

1. Wenn er das Begehren stellt, beurteilt zu werden oder die Strafe zu verbüssen, wobei der ausliefernden Regierung dieses Begehren zur Kenntnis zu bringen ist ;

2. Wenn er nicht innert Monatsfrist nach endgiltiger Freilassung das Land verlassen hat, welchem er ausgeliefert wurde ;

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

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

No. 4302. — EXTRADITION TREATY BETWEEN BELGIUM AND THE PRINCIPALITY OF LIECHTENSTEIN. SIGNED AT BRUSSELS, AUGUST 5TH, 1936.

HIS MAJESTY THE KING OF THE BELGIANS

and

HIS SERENE HIGHNESS THE SOVEREIGN PRINCE OF LIECHTENSTEIN,

Having resolved to conclude a new Treaty for the reciprocal extradition of certain offenders, have for this purpose appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. Paul-Henri SPAAK, His Minister for Foreign Affairs and Foreign Trade ; and

HIS SERENE HIGHNESS THE SOVEREIGN PRINCE OF LIECHTENSTEIN :

His Excellency M. Frédéric William BARBEY, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at Brussels ;

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

*Article 1.*

The Governments of His Majesty the King of the Belgians and His Serene Highness the Sovereign Prince of Liechtenstein undertake to deliver up to each other, under the circumstances and conditions stated in the present Convention, persons other than their own nationals who have fled from Belgium to Liechtenstein or from Liechtenstein to Belgium and who are accused or have been convicted of a crime or misdemeanour committed in the territory of the Party making application, provided that such persons have reached the age of sixteen at the time the offence was committed.

Nevertheless, if the crime or misdemeanour giving rise to the requisition for extradition has been committed outside the territory of the country making application, the requisition may be granted provided that the laws of the country applied to permit the prosecution of the same offence if committed outside its territory.

*Article 2.*

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

- (1) Murder, poisoning, parricide, infanticide, manslaughter ;
- (2) Deliberate or premeditated assault or assault which has caused an apparently incurable disease, permanent incapacity for work, complete loss of the use of an organ, serious mutilation or unintended death ;
- (3) The deliberate or culpable administering of substances capable of causing death or of seriously injuring health, but without intent to cause death ;
- (4) Abortion ;

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

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

(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 a minor of either sex, even if over sixteen but not emancipated by marriage ; offences against morals by instigating, facilitating or encouraging the debauching, corruption or prostitution of a minor of either sex in order to satisfy another's passions ; enticing away, seducing or abducting a married woman or an unmarried woman of full age for immoral purposes when the act is committed by fraud or force, threats, the abuse of authority or any other means of compulsion employed to satisfy the passions of others ; the retaining of a person in a brothel against her will or constraint put upon an adult person for the purpose of debauchery ;

(6) Bigamy ;

(7) The abduction of minors ;

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

(9) The exposing or abandoning of children ;

(10) Conspiracy ;

(11) Larceny, extortion, swindling, breach of trust, fraud ;

(12) Threatened attacks upon persons or property, if 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) Attacks by private persons on the liberty of the individual and the inviolability of the dwelling ;

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

(16) The counterfeiting or falsification of public bonds or bank notes and public or private securities ; the issue or putting into circulation of such counterfeit or forged bonds or securities ; forgeries in writing or in telegrams, and the use of such counterfeit, forged or falsified telegrams, bonds, notes or securities ;

(17) The counterfeiting or falsification of seals, stamps, dies, tickets for the conveyance of persons or things, postage or other adhesive stamps, use of these counterfeit or forged articles, improper use of genuine seals, stamps, dies and marks ; the malicious or fraudulent placing upon a work of art or in a literary work 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, keeping in shops and introducing into the country for sale of the said objects ;

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

(19) False swearing ;

(20) Peculation and embezzlement by public officials, bribery of public officials ;

(21) Fraudulent bankruptcy and fraud committed in bankruptcy ;

(22) Deliberate obstruction of railway traffic 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 defacing of tombs, monuments, works of art, or public or private title deeds,

destruction of or injury to movable property by means of force 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 scions ;
- (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 crew ; appropriation of any ship or 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, or the pledging or sale of merchandise or food or the insertion in the accounts 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 one-third of the crew accompanied by violence or assault ; refusal to obey orders issued by the captain or officer in command 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) Slave trade ;
- (32) Resistance by captains or crews to the orders of officers acting in virtue of Article 42 *et seq.* of the General Act of the Conference of Brussels dated July 2nd, 1890 ;
- (33) Offences against the regulations prohibiting fire-arms and ammunition contained in Articles 8 and 9 of the said General Act.

The foregoing classes of offences 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 offence is punishable under the laws of the country to which the requisition is addressed.

#### Article 3.

Extradition shall not be granted :

- (1) If, subsequently to the acts alleged or 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 still being proceeded against or has already been tried in the country to which the requisition for surrender is made.

#### Article 4.

If the person claimed is being proceeded against or has been convicted 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 kept in custody in the same country by reason of obligations contracted towards private persons, his extradition shall nevertheless take place, subject to the right of such persons to present their claims before the competent authority later.

*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 alien whose extradition has been granted may not be proceeded against or punished for any political offence committed prior to the surrender, nor for any act connected with such an offence, nor for any of the crimes or misdemeanours not covered by the present Convention.

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

Nevertheless, a surrendered person may in the following cases be proceeded against or punished, provided he is given an opportunity of being heard, for an offence other than that for which extradition was granted :

- (1) If he has asked to be tried or to serve his sentence, in which case his request shall be communicated to the Government which surrendered him ;
- (2) If he has failed to leave the country to which he was surrendered within the month following his final release ;
- (3) 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 sentence, of the decree of the *Chambre du Conseil*, the order of the *Chambre des mises en accusation* or the writ issued by the competent judge, expressly ordering or authorising as of full right the bringing of the prisoner or accused person before the criminal 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 or in German and, whenever possible, by a description of the person claimed or of any other indications calculated to establish his identity.

*Article 8.*

In urgent cases, provisional arrest shall 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 legally 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 form 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 extradition cases all articles, obtained as a result of 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 discovered later, shall be seized and handed over to the applicant State if the competent authorities of the State applied to so decree.

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 a 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 in the territory of intermediate States shall be borne by the State applying for extradition.

*Article 11.*

The extradition by transit through the respective territories of the contracting States of a person not a national of the country of transit shall be granted simply on the production, either in the original or in a certified copy, of one of the documents mentioned in Article 8, provided that the act for which extradition is granted is covered by the present Convention and does not come under the provisions of Articles 3 and 5.

The cost of transit shall be borne by the applicant Party.

*Article 12.*

If in proceedings connected with a criminal case of a non-political nature the hearing of persons who happen to be in one of the two countries or any other act of judicial enquiry is deemed to be necessary, letters of request, accompanied if need be by a French or German translation, shall be addressed for this purpose through the official channel, without prejudice to the right to resort subsequently to the diplomatic or consular channel and, unless the Government applied to states that it is impossible, they shall be executed in accordance with the laws of the country in which the hearing or the act in question is to take place.

Nevertheless, letters of request for a domiciliary search or for the seizure of articles connected with or 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 paragraph of Article 9 above.

The respective Governments waive all claims to the refund of expenses resulting from the execution of letters of request 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 criminal cases of non-political nature the Government of one of the two countries deems it necessary that notification of a summons 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 the right to resort subsequently to the diplomatic or consular channel, accompanied if necessary by a French or German translation, and shall be served on the person concerned



at the request of the public prosecution authorities at the place in which he is residing, through a competent official ; the original document, certifying that notification has been made, shall be sent back through the same channel to the applicant Government, without refund of expenses.

*Article 14.*

If in a criminal 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 urge him to comply with the request made to him.

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

No witness, whatever his nationality may be, who, when subpoenaed in one of the two countries, voluntarily appears before the courts of the other country may be prosecuted or kept in custody in that country for previous criminal acts or 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 criminal 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 the right to resort subsequently to the diplomatic or consular channel, 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 waive all claims to the refund 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 States against the nationals of the other.

Such communications shall be made by the despatch through the diplomatic channel of a bulletin or extract from the final decision, accompanied if necessary by a French or German translation, to the Government of the country of which the convicted person is a national.

*Article 17.*

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

It shall enter into force ten days after its publication in the form 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.

From the date of entry into force of the present Treaty, the Extradition Convention between the two countries, dated December 20th, 1852, shall cease to apply ; but the present Treaty shall be applicable to all the crimes and misdemeanours mentioned in that Treaty, whether committed before or after the date of its entry into force.

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

Done in duplicate at Brussels, this 5th day of August, 1936.

(L. S.) (Signed) P. H. SPAAK. (L. S.) (Signed) Frédéric BARBEY.