

N° 1720.

---

**BELGIQUE  
ET TCHÉCOSLOVAQUIE**

Convention d'extradition et d'assistance judiciaire en matière pénale.  
Signée à Bruxelles, le 19 juillet  
1927.

---

**BELGIUM  
AND CZECHOSLOVAKIA**

Convention regarding Extradition  
and Legal Assistance in Criminal  
Matters. Signed at Brussels,  
July 19, 1927.

## TEXTE TCHÈQUE. — CZECK TEXT.

N<sup>o</sup> 1720. — CONVENTION <sup>1</sup> D'EX-  
TRADITION ET D'ASSISTANCE  
JUDICIAIRE EN MATIÈRE PÉ-  
NALE ENTRE LE ROYAUME DE  
BELGIQUE ET LA RÉPUBLIQUE  
TCHÉCOSLOVAQUE. SIGNÉE A  
BRUXELLES, LE 19 JUILLET  
1927.

N<sup>o</sup> 1720. — ÚMLUVA <sup>1</sup> O VYDÁ-  
VÁNÍ ZLOČINCŮ A PRÁVNÍ PO-  
MOCI VE VĚCECH TRESTNÍCH,  
UŽAVŘENÁ MEZI REPUBLIKOU  
ČESKOSLOVENSKOU A KRÁ-  
LOVSTVÍM BELGICKÝM. PO-  
DEPSÁNA V BRUSELU DNE 19.  
ČERVENCE 1927.

*Textes officiels français et tchécoslovaque communi-  
qués par le ministre des Affaires étrangères  
de Belgique et le délégué permanent de la  
République tchécoslovaque à la Société des  
Nations. L'enregistrement de cette convention  
a eu lieu le 24 mai 1928.*

*French and czechoslovak official texts communi-  
cated by the Belgian Minister for Foreign  
Affairs and the Permanent Delegate of the  
Czechoslovak Republic accredited to the League  
of Nations. The registration of this Convention  
took place May 24, 1928.*

SA MAJESTÉ LE ROI DES BELGES et LE  
PRÉSIDENT DE LA RÉPUBLIQUE TCHÉCO-  
SLOVAQUE, désirant régler les rapports juridiques  
entre les deux Etats en ce qui concerne l'extra-  
dition et le transit des criminels, ainsi que  
l'assistance judiciaire en matière pénale, ont  
décidé de conclure à cet effet une convention  
et ont nommé comme plénipotentiaires :

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ, a  
JEHO VELIČENSTVO KRÁL BELGIČANŮ, přejíce  
si upraviti první styky mezi oběma státy  
pokud se týče vydávání a provozu zločinců,  
jakož i proní pomoci ve věcech trestních,  
rozhodli se, že sjednají k tomu účelu Umluvu a  
jmenovali zmocněnci :

SA MAJESTÉ LE ROI DES BELGES :

M. Maurice COSTERMANS, officier de l'ordre  
de Léopold, directeur général au Ministère  
des Affaires étrangères ;

M. Emile MEYERS, officier de l'ordre de  
Léopold, directeur général au Ministère  
de la Justice ;

LE PRÉSIDENT DE LA RÉPUBLIQUE TCHÉCO-  
SLOVAQUE :

M. Emil SPIRA, chef de Département au  
Ministère de la Justice ;

M. Karel HALFAR, chef du Département  
des traités internationaux au Ministère  
des Affaires étrangères ;

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ :

pana Emila SPIRU, odborového přednostu  
v ministerstvu spravedlnosti,

pana Karla HALFARA, přednostu odboru  
mezinárodních smluv v ministerstvu  
zahraničních věcí,

JEHO VELIČENSTVO KRÁL BELGIČANŮ :

pana Mořice COSTERMANSA, důstojníka  
řádu Leopoldova, generálního ředitele  
v ministerstvu zahraničních věcí,

pana Emila MEYERSA, důstojníka řádu  
Leopoldova, generálního ředitele v mini-  
sterstvu spravedlnosti,

<sup>1</sup> L'échange des ratifications a eu lieu à Prague,  
le 23 avril 1928.

<sup>1</sup> The exchange of ratifications took place at  
Prague, April 23, 1928.

Elle sera exécutoire un mois après l'échange des ratifications.

Elle demeurera en vigueur jusqu'à l'expiration d'un délai de six mois à compter du jour où l'une des Parties contractantes aura déclaré vouloir en faire cesser les effets.

En foi de quoi les plénipotentiaires respectifs ont signé la présente convention et y ont apposé leur cachet.

Fait en double exemplaire à Bruxelles, le 19 juillet 1927.

(L. S.) Emil SPIRA.  
(L. S.) Karel HALFAR.  
(L. S.) Maurice COSTERMANS.  
(L. S.) Emile MEYERS.

Nabude účinnosti měsíc po výměně ratifikačních listin.

Zůstane v platnosti šest měsíců ode dne, kdy jedna ze smluvních stran prohlásí, že si přeje, aby její účinky přestaly.

Tomu na svědomí podepsali zmocněnci tuto Úmluvu a opatřili ji svými pečeti.

Dáno ve dvojím vyhotovení v Bruselu dne 19. července 1927.

(L. S.) Dr. Emil SPIRA, v. r.  
(L. S.) Dr. Karel HALFAR, v. r.  
(L. S.) Maurice COSTERMANS.  
(L. S.) Emile MEYERS.

Copie certifiée conforme :

Praha, le 12 juin 1928.

*Directeur des Archives* a. i.

Dr Karel Kazbunda.

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

No. 1720. — CONVENTION BETWEEN THE KINGDOM OF BELGIUM AND THE CZECHOSLOVAK REPUBLIC REGARDING EXTRADITION AND LEGAL ASSISTANCE IN CRIMINAL MATTERS. SIGNED AT BRUSSELS, JULY 19, 1927.

HIS MAJESTY THE KING OF THE BELGIANS and THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, being desirous of regulating the legal relations between the two countries in regard to the extradition and conveyance of criminals, and also legal assistance in criminal matters, have decided to conclude a Convention for this purpose, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. Maurice COSTERMANS, Officer of the Order of Leopold, Director-General at the Ministry of Foreign Affairs ;

M. Emile MEYERS, Officer of the Order of Leopold, Director-General at the Ministry of Justice ;

<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.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Emil SPIRA, Head of Department at the Ministry of Justice ;

M. Karel HALFAR, Head of the International Treaties Department at the Ministry of Foreign Affairs ;

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

## CHAPTER I.

### *Article 1.*

#### EXTRADITION OF CRIMINALS.

The Contracting Parties undertake to deliver up to each other, in the circumstances and under the conditions established by the present Convention, persons in the territory of the one Party who are being proceeded against or have been convicted by the judicial authorities of the other Party for any of the offences enumerated below (Article 2), in respect of which extradition may be authorised under the laws of the Party applied to if such offence, according to the laws of the two countries, constitutes a crime or misdemeanour.

Extradition shall also be granted in respect of attempts to commit offences covered by the present Convention or for complicity therein, when these are punishable according to the laws of the two Contracting Parties.

### *Article 2.*

#### OFFENCES IN RESPECT OF WHICH EXTRADITION MAY BE GRANTED.

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

- (1) Assassination, poisoning, parricide, infanticide, murder ;
- (2) Deliberate and premeditated assault, or deliberate 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 and culpable administering of substances capable of causing death or of seriously injuring health, but without intent to cause death ;
- (4) Abortion ;
- (5) Rape ; indecent assault with violence ; indecent assault, without violence or threats, on or with the aid of the person of a minor of either sex who has not completed his or her sixteenth year ; indecent assault, without violence or threats, by a relative in the ascending line on or with the aid of the person of a minor of either sex, even if he or she is over sixteen, but without marriage ; offences committed against morals by encouraging, aiding or abetting, in order to gratify the passions of another, the debauching, corruption or prostitution of a minor of either sex ; procuring, enticing or leading away for immoral purposes, a woman or girl of full age, when the act was committed by fraud or by violence, threats, abuse of authority or any other means of compulsion, in order to gratify the passions of another ; detention of a person in a disorderly house against her will, or coercion for immoral purposes of a person of full age ;
- (6) Bigamy ;
- (7) The abduction of minors ;
- (8) The abduction, receiving, removal, replacement or substitution of a child ;
- (9) The exposing or abandoning of a child ;

- (10) Conspiracy ;
- (11) Larceny, extortion, obtaining money or goods by false pretences, breach of trust, fraud ;
- (12) Threats to commit offences against persons or property, when such offences are punishable by death, hard labour or solitary confinement ;
- (13) Offers or proposals to commit or be a party to a crime, or the acceptance of such offers or proposals ;
- (14) Offences by private persons against personal liberty or inviolability of domicile ;
- (15) Counterfeiting, including the counterfeiting and altering of currency, the uttering and putting into circulation of counterfeit or altered currency, and fraud in the choice of samples for assaying the standard and weight of coins ;
- (16) The counterfeiting or falsification of public bonds or banknotes or public or private securities ; the issuing or putting into circulation of such counterfeit or forged bonds, banknotes or securities ; falsification of documents or telegrams and the use of such counterfeit, forged or falsified telegrams, bonds, notes or securities ;
- (17) The counterfeiting or falsification of seals, dies, stamps, marks, tickets for the conveyance of persons or things, postage or other adhesive stamps ; use of such counterfeit or forged articles ; improper use of genuine seals, stamps, dies and marks ; the malicious or fraudulent placing upon a work of art or 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, possession in shops, and introduction 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) Embezzlement and malversation by public officials, bribery of public officials ;
- (21) Fraudulent bankruptcy and fraud committed in bankruptcy ;
- (22) Deliberate obstruction of railway traffic by placing 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 ; 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 master, except in cases provided for by the laws of the two countries ;
- (29) Stranding, loss or destruction by the master or officers and crew ; appropriation of any ship or merchant or fishing vessel by the captain ; unnecessary jettisoning and 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 sale of merchandise or food and the insertion of fictitious damage or expenditure in the accounts ; 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 the admixture of noxious substances ; attack upon or resistance to the master by more than one-third of the crew, accompanied by violence or assault ; the refusal to obey orders issued by the master or officer in command in the interests or the safety of the vessel or cargo, when accompanied by assault ; conspiracy against the safety, liberty or authority of the master ; seizure of the vessel by the crew or passengers by the use of fraud or violence against the master ;

(30) Receiving of articles obtained by means of one of the crimes or misdemeanours covered by the present Convention ;

(31) Dealing in slaves.

*Article 3.*

NON-EXTRADITION OF NATIONALS.

The Contracting Parties shall not surrender their own nationals.

*Article 4.*

NON-EXTRADITABLE OFFENCES.

Extradition shall not take place :

(1) When the crime or misdemeanour has been committed in the territory of the State applied to, or if, under the laws of the State, the prosecution in respect of the offence is within the jurisdiction of its Courts, or when the offence was committed outside the territory of the applicant State and the legislation of the State applied to does not authorise prosecution in respect of the same offences committed outside its territory ;

(2) If, at the time when the surrender of the accused person might take place, exemption from prosecution or punishment has been acquired by lapse of time under the laws of one of the Contracting Parties ;

(3) If the person claimed is being prosecuted for the same offence in the country applied to, or if he has already been finally discharged, sentenced or acquitted in respect of that offence ;

(4) For a political crime or offence or act connected therewith.

The State applied to shall alone be competent to decide whether an offence is of this nature.

An attack made or attempted upon the person of the head of a State or the members of his family shall not be regarded as a political offence, or as an act connected with a political offence, when it constitutes murder, assassination, or poisoning.

*Article 5.*

REQUEST FOR EXTRADITION.

The request for extradition shall be made through the diplomatic channel.

It shall be accompanied by the warrant of arrest or other equivalent judicial instrument, or the judgment pronounced against the person claimed.

The originals of these documents or certified copies must be produced ; they should indicate briefly the offence alleged, its particular character and denomination, and should be accompanied by the text of the penal law, applicable to the offence, of the State making the request, with a statement of the penalty which it involves.

Whenever possible, the said documents should be accompanied by a description of the person claimed, and his photograph or other particulars which might help to establish his identity.

In the case of offences against property, the amount of the damage actually caused, or, if possible, of the damage which the offender purposed to cause, shall be indicated.

#### Article 6.

##### ADDITIONAL EXPLANATIONS.

If there is any doubt whether the offence in respect of which extradition is claimed comes within the provisions of the present Convention, the applicant State shall be asked to furnish additional explanations, and extradition shall only be granted if the explanations furnished are of a nature to dispel such doubt.

The State applied to may in every case fix a date for the presentation of the additional information; this date may, however, be postponed upon request, if sufficient cause is shown

#### Article 7.

##### REQUESTS SUBMITTED BY MORE THAN ONE STATE.

Should requests for extradition be received from more than one State, the State applied to shall decide to which country the person is to be surrendered, taking into account, first, the nationality of the person claimed, secondly, the territory in which the offence was committed, thirdly, the gravity of the offence, and lastly, the date of the request.

If the State of which the person in question is a national is not one of the applicant States, the State applied to may inform it of the requests for extradition received from other States, granting it a period of fifteen days within which it must announce whether it also intends to apply for extradition.

The above provisions shall not affect any undertakings entered into previously by one of the contracting States with other States.

#### Article 8.

##### MEASURES TO ENSURE EXTRADITION.

On receipt of the request for extradition, together with the documents mentioned in Article 5, the State applied to shall take all necessary steps to arrest the person claimed and prevent his escape, unless extradition should appear to be *a priori* inadmissible.

#### Article 9.

##### PROVISIONAL ARREST.

In urgent cases, provisional arrest may be effected on notification, transmitted direct by post or telegraph, of the existence of one of the documents mentioned in Article 5. Notification by telegraph must, however, be confirmed within eight days by the applicant authority.

An announcement in the Police Bulletin of one of the two States shall be regarded as equivalent to notification in the above form, provided that it mentions the existence of one of the documents referred to in Article 5, and that the authorities of the State applied to have been informed that extradition will be requested if the person wanted is discovered.

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

The authority which has effected the arrest in conformity with the provisions of the present Article shall at once inform the authority applying for this arrest, at the same time stating where the person is being kept in custody.

*Article 10.*

DEFINITIVE ARREST.

The arrest shall become definitive : in Belgium if, within three weeks after his provisional arrest, the alien has received one of the documents mentioned in Article 5 ; in Czechoslovakia, if the request for extradition made through the diplomatic channel and accompanied by one of those documents has been received by that State within the same period.

Should these conditions not be complied with, the alien in Belgium shall be set at liberty ; in Czechoslovakia, he shall be dealt with in accordance with the laws of that State.

*Article 11.*

POSTPONEMENT OF EXTRADITION.

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, or if he is being kept there in custody for other reasons, his extradition may be deferred until the conclusion of the proceedings, or until he has served his sentence or the sentence has been remitted or he ceases to be kept in custody for other reasons.

The decision in regard to the request for extradition shall, however, be taken without delay, unless there are special reasons, which must be brought immediately to the knowledge of the applicant State, for its postponement.

*Article 12.*

PERIOD ALLOWED FOR EXTRADITION.

If, within three months from the date on which the applicant State is informed that extradition has been granted, it fails to notify the State applied to that the intermediate States will allow the person to be extradited to be conveyed through their territory, that person shall be set at liberty and may not be re-arrested for the offence in question.

*Article 13.*

EXTENSION OF THE EFFECTS OF EXTRADITION.

An extradited person may be proceeded against or punished for an offence committed before his extradition other than that for which the extradition was granted :

(a) If he has asked to be brought to trial or to serve his sentence. In this case, his statement to that effect shall be drawn up and countersigned by his counsel, if any, this statement shall be communicated to the Government by which he was surrendered ;

(b) If the State granting extradition consents to this course. Such consent may not be refused if the offence is an extraditable one under the present Convention. The State which has surrendered the offender may require that such consent be requested in the manner laid down for requests for extradition, with the documents in support mentioned in Article 5. The State which has obtained consent shall notify the other of the final result of the proceedings and shall transmit to it a copy of the judgment ;



(c) If, having been at liberty to do so, he did not leave the territory of the State to which he was surrendered within one month after his final release, or if he subsequently returned to that territory.

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

*Article 14.*

CONVEYANCE IN TRANSIT.

The conveyance in transit, over the respective territories of the Contracting States, of an extradited person not belonging to the State through which he is so conveyed shall be authorised on the production, either in the original or in a certified copy, of one of the documents mentioned in Article 5.

The provisions relating to extradition shall also apply to this conveyance in transit.

The conveyance shall be effected by the agents of the Party applied to, under such conditions and by such means as it may determine.

CHAPTER II.

JUDICIAL COOPERATION IN CRIMINAL MATTERS.

*Article 15.*

The Contracting Parties shall afford each other judicial cooperation. They shall provide for the service of writs in connection with penal proceedings upon persons within their territory; they shall institute judicial investigations, such as the examination of witnesses and experts, the taking of affidavits, the conducting of searches and the seizure of objects; they shall transmit to each other legal documents and articles serving as proof of the crime.

The action to be taken on a request for legal assistance shall be subject to the laws of the State in whose territory the required judicial investigation is to take place. The record of proceedings shall not be translated into the official language of the applicant State.

All communications concerning legal assistance shall be exchanged direct between the Belgian Ministry of Justice and the Czechoslovak Ministry of Justice or the Ministry of National Defence as the case may be.

Legal assistance may be given within the limits stipulated by the laws of each State even when extradition is not compulsory under the present Convention.

*Article 16.*

SUMMONING AND ATTENDANCE IN COURT OF WITNESSES AND EXPERTS.

Should it be considered necessary or desirable, in a penal case pending before the Courts of one Contracting State, to secure the attendance in court of a witness or expert who is in the territory of the other, the authorities of the latter State shall transmit to him the summons to attend that Court.

The expenses arising out of the attendance in court of a witness or expert shall be borne by the applicant State, and the summons shall indicate the sum to be assigned to the witness or expert by way of travelling expenses and subsistence allowance; it shall also indicate the sum which may be advanced to him by the State applied to, such sum to be repaid by the applicant State.

No witness or expert, whatever his nationality, who is in the territory of one of the Contracting Parties and who, when summoned by the other Party, voluntarily attends in the Courts of the latter, may be prosecuted or detained in the territory of that Party for previous offences or on the ground of complicity in the acts forming the subject of the case in which he is appearing.

Such persons shall, however, forfeit this privilege if they fail of their own free will to leave the territory of the applicant State within three days from the date on which their attendance in Court has ceased to be necessary.

*Article 17.*

STANDING OVER OF ARTICLES SERVING AS PROOF OF THE CRIME.

In extradition cases, all the articles having reference to 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, so far as the laws of the State applied to permit, be seized and delivered up to the applicant State.

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

Nevertheless, the rights which the State applied to or third parties may have acquired over these articles shall be reserved, and such articles shall, if necessary, be returned to them free of charge after the trial.

The State applied to may provisionally retain the articles seized, if it requires them in connection with penal proceedings. It may also, when handing them over, reserve its right to have them restored for the same purpose, undertaking in turn to restore them as soon as possible.

CHAPTER III.

*Article 18.*

COMMUNICATION OF CONVICTIONS AND EXTRACTS FROM CRIMINAL RECORDS.

The Contracting Parties shall communicate to each other every quarter extracts from final judgments, including conditional sentences, pronounced by their judicial authorities against nationals of the other Party.

They shall also communicate to each other any further decisions and measures concerning the said judgments.

The authorities of either of the Contracting Parties responsible for keeping the records of previous convictions or the records of the Courts shall furnish without charge to the authorities of the other Party, upon their request, information from the records of previous convictions or the records of the Courts concerning particular cases.

The communications in question shall be exchanged direct between the Belgian Ministry of Justice and the Czechoslovak Ministry of Justice or the Ministry of National Defence as the case may be.

CHAPTER IV.

GENERAL PROVISIONS.

*Article 19.*

LANGUAGE TO BE EMPLOYED.

The documents attached to the request for extradition under Article 5 of the present Convention, as also documents in support of the application for transit under Article 14, requests for legal

assistance under Article 15 and for information based on the records of previous convictions or the records of the Courts in particular cases as mentioned in Article 18, shall be drawn up in the official language of the applicant State, in the form required by its laws, and shall bear its official seal.

It shall be for the State applied to, to have them translated into its official language if necessary.

*Article 20.*

COSTS OF LEGAL ASSISTANCE IN CRIMINAL MATTERS.

Expenses occasioned by requests for extradition or any other form of judicial assistance in criminal matters shall be borne by the Party in whose territory they were incurred.

Nevertheless, fees paid for expert opinions of any kind and the cost of conveyance in transit shall be borne by the applicant State.

CHAPTER V.

FINAL PROVISIONS.

*Article 21.*

The present Convention shall not apply to the Colony of the Congo.

*Article 22.*

The present Convention, drawn up in the Czechoslovak and French languages, both texts being equally authentic, shall be ratified, and the instruments of ratification shall be exchanged at Prague as soon as possible.

It shall come into force one month after the exchange of ratifications, and shall remain in force until six months after one of the Contracting Parties has notified the other of its intention to terminate the Convention.

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

Done in duplicate at Brussels on July 19, 1927.

(L. S.) Emil SPIRA.

(L. S.) Karel HALFAR.

(L. S.) Maurice COSTERMANS.

(L. S.) Emile MEYERS.