

N° 4294.

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## BELGIQUE ET CUBA

Convention additionnelle étendant au Congo belge et aux territoires du Ruanda-Urundi le Traité d'extradition entre la Belgique et la République de Cuba du 29 octobre 1904. Signée à La Havane, le 23 février 1933.

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## BELGIUM AND CUBA

Additional Convention regarding the Application to the Belgian Congo and to the Territories of Ruanda-Urundi of the Extradition Treaty between Belgium and the Republic of Cuba of October 29th, 1904. Signed at Havana, February 23rd, 1933.

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 4294. — CONVENIO<sup>1</sup> ADICIONAL PARA APLICAR AL CONGO BELGA Y A LOS TERRITORIOS DE RUANDA-URUNDI EL TRATADO DE EXTRADICION ENTRE BELGICA Y LA REPUBLICA DE CUBA DEL 29 DE OCTUBRE DE 1904. FIRMADO EN LA HABANA, EL 23 DE FEBRERO DE 1933.

*French and Spanish official texts communicated by the Under-Secretary of State for Foreign Affairs of the Republic of Cuba and by the Belgian Minister for Foreign Affairs. The registration of this Convention took place March 1st, 1938.*

SU MAJESTAD EL REY DE LOS BELGAS,

y

SU EXCELENCIA EL PRESIDENTE DE LA REPÚBLICA DE CUBA,

Estimando necesario aplicar al Congo belga y a los territorios de Ruanda-Urundi, sobre los cuales Bélgica ejerce un mandato en nombre de la Sociedad de las Naciones, el Tratado<sup>2</sup> de Extradición entre Bélgica y la República de Cuba de 29 de octubre de 1904, han nombrado a este efecto sus Plenipotenciarios, a saber :

SU MAJESTAD EL REY DE LOS BELGAS, a

Su Excelencia el Señor Georges STADLER, Su Enviado Extraordinario y Ministro Plenipotenciario en la República de Cuba ;

SU EXCELENCIA EL PRESIDENTE DE LA REPÚBLICA DE CUBA, a

Su Excelencia el Señor D<sup>e</sup> Orestes FERRARA Y MARINO, Secretario de Estado de la República de Cuba ;

Los cuales, han acordado lo siguiente :

*Artículo 1º.*

Las disposiciones del Tratado de Extradición entre Bélgica y la República de Cuba de 29 de octubre de 1904, se aplicarán al Congo belga y a los territorios de Ruanda-Urundi, con las modificaciones siguientes.

*Artículo 2.*

La solicitud de extradición de un individuo que se haya refugiado en el Congo belga o en Ruanda-Urundi, será hecha por la vía diplomática o consular.

Esta se seguirá en todos los casos en que ella sea requerida por el Tratado de Extradición de 29 de octubre de 1904.

<sup>1</sup> The exchange of ratifications took place at Havana, October 21st, 1937.

<sup>2</sup> *British and Foreign State Papers*, Vol. 97, page 675.

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

No. 4294. — ADDITIONAL CONVENTION REGARDING THE APPLICATION TO THE BELGIAN CONGO AND TO THE TERRITORIES OF RUANDA-URUNDI OF THE EXTRADITION TREATY BETWEEN BELGIUM AND THE REPUBLIC OF CUBA OF OCTOBER 29TH, 1904. SIGNED AT HAVANA, FEBRUARY 23RD, 1933.

HIS MAJESTY THE KING OF THE BELGIANS  
and

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF CUBA,

Deeming it necessary to apply to the Belgian Congo and to the territories of Ruanda-Urundi, in respect of which Belgium exercises a mandate on behalf of the League of Nations, the Extradition Treaty between Belgium and the Republic of Cuba of October 29th, 1904, have for that purpose appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

His Excellency M. Georges STADLER, His Envoy Extraordinary and Minister Plenipotentiary accredited to the Republic of Cuba ;

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF CUBA :

His Excellency Dr. Orestes FERRARA Y MARINO, Minister for Foreign Affairs of the Republic of Cuba ;

Who have agreed as follows :

*Article 1.*

The provisions of the Extradition Treaty between Belgium and the Republic of Cuba of October 29th, 1904, shall apply to the Belgian Congo and to the territories of Ruanda-Urundi, with the following modifications.

*Article 2.*

Requisitions for the extradition of persons who have taken refuge in the Belgian Congo or in Ruanda-Urundi shall be transmitted through the diplomatic or consular channel. This procedure shall be followed in every case in which it is prescribed by the Extradition Treaty of October 29th, 1904. Nevertheless, in the urgent cases referred to in Article 8 of that Treaty, the accused person shall also be provisionally arrested on notice being given to the Ministry of Foreign Affairs of the Republic of Cuba by the Governor-General of the Belgian Congo, or *vice versa*, of the existence of a warrant of arrest.

<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.

*Article 3.*

For the purposes of the Treaty of October 29th, 1904, and of the present Convention :

(1) The term " Belgian nationals or subjects " shall be held to mean Belgian citizens and nationals (*ressortissants*) of the Belgian Congo ; the nationals (*ressortissants*) of Ruanda-Urundi shall be assimilated thereto ;

(2) Offences against the laws of the Belgian Congo or of Ruanda-Urundi punishable with more than five years' penal servitude shall be deemed to be crimes, and those punishable with more than two months' penal servitude shall be deemed to be delicts.

(3) Penal servitude under the laws of the Belgian Congo and Ruanda-Urundi shall be assimilated to imprisonment.

*Article 4.*

The present Convention shall be ratified and the ratifications shall be exchanged at Havana as soon as possible. It shall come into force ten days after its publication in the forms prescribed by the laws of the High Contracting Parties and shall remain in force for the same period as the Extradition Treaty of October 29th, 1904, between Belgium and the Republic of Cuba.

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

Done in duplicate at Havana, the twenty-third day of February, one thousand nine hundred and thirty-three.

(L. S.) (*Signed*) G. STADLER.      (L. S.) (*Signed*) Dr. Orestes FERRARA Y MARINO.

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