

N° 2701.

LETTONIE ET PAYS-BAS

Convention d'extradition et d'assistance judiciaire. Signée à La Haye, le 27 janvier 1930.

**LATVIA
AND THE NETHERLANDS**

Convention regarding Extradition and Legal Assistance. Signed at The Hague, January 27, 1930.

¹ TRADUCTION. — TRANSLATION.No. 2701. — CONVENTION ² REGARDING EXTRADITION AND LEGAL ASSISTANCE BETWEEN LATVIA AND THE NETHERLANDS. SIGNED AT THE HAGUE, JANUARY 27, 1930.

French official text communicated by the Netherlands Minister at Berne. The registration of this Convention took place May 12, 1931.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and THE PRESIDENT OF THE REPUBLIC OF LATVIA,

Having jointly resolved to conclude a Convention relating to extradition and legal co-operation;

Have appointed as their Plenipotentiaries for this purpose :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Jonkheer Frans BEELAERTS VAN BLOKLAND, Her Minister for Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF LATVIA :

M. Oskar WOIT, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Latvia accredited to Her Majesty the Queen of the Netherlands ;

Who, being duly empowered for the purpose, have agreed on the following Articles :

Article I.

The Government of the Netherlands and the Government of Latvia undertake to deliver up to each other in the manner specified in the following Articles all persons, with the exception of their own nationals and subjects of a third State, in so far as an exception in the case of the latter may be justified by international law, who have been convicted or are being proceeded against in respect of any of the offences enumerated in Article 2 committed outside the territory of the State from which extradition is requested, if under the laws of that State the offence committed is one of the punishable acts hereinafter enumerated and provided that in the case of convicted persons the sentence passed is one of at least six month's imprisonment, and that in the case of persons being proceeded against the offences with which they are charged are punishable under the laws of both countries with a sentence of at least one year's imprisonment.

Nevertheless, should the offence giving rise to the requisition for extradition have been committed outside the territory of the Government making application, extradition shall not be granted unless the laws of the country to which application is made authorise proceedings in respect of the same offences when committed outside its territory.

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 The exchange of ratifications took place at The Hague, January 5, 1931.

Article 2.

The punishable offences which may give rise to a requisition for extradition are as follows :

(1) (a) Attempts upon the life or liberty of the King, Queen Regnant, Regent or other Head of a friendly State, or acts intended to make them incapable of reigning ;

(b) Attempts against the life or liberty of the Queen Consort, Heir Presumptive to the throne or any other member of the royal family ;

(2) Manslaughter or murder, manslaughter or murder of a child ;

(3) Threats made in writing and subject to a stated condition, in so far as the laws of both countries permit extradition on this account ;

(4) Abortion, procured by a pregnant woman or by others ;

(5) Wilful and premeditated assault and wounding, resulting in an apparently incurable complaint, permanent incapacity for personal work, loss of the complete use of an organ, serious disablement or death without there having been intention to cause death ;

(6) Rape ; indecent assault ; carnal knowledge outside matrimony of a girl or married woman under sixteen years of age or of a woman over that age, when the offender is aware that such person has fainted or is unconscious ; acts of immorality when the offender is aware that the person with whom he commits them has fainted or is unconscious or when such person is under sixteen ; incitation of a person under sixteen to commit or submit to immoral acts or to have carnal knowledge of a third person outside matrimony ; immoral acts committed by a person of full age with a minor of the same sex ; immoral acts committed with persons placed under the care or authority of the offender in so far as such acts are punishable under the laws of both Parties ; traffic in women and minors of the male sex ;

(7) Incitation of minors to immorality and any act intended to promote the corruption of minors, punishable under the laws of both countries ;

(8) Bigamy ;

(9) Abduction, concealment, suppression or substitution of children or false attribution of maternity ;

(10) Abduction of minors ;

(11) Counterfeiting or falsification of coin, paper money or banknotes for the purpose of uttering such coin, paper money or banknotes as genuine or causing them so to be uttered or wilfully putting into circulation counterfeit or falsified coin, paper money or banknotes ; uttering, possessing or introducing from abroad, coin, paper money or banknotes for the purpose of putting them into circulation as genuine, when the persons guilty of such acts have themselves carried out the counterfeiting or falsification of such coin, paper money or banknotes or were aware when they received them that they were spurious or forged ;

(12) Counterfeiting or falsifying stamps or marks of the State or stamps which in this respect may be regarded as of like character, or workmen's marks required by law, in so far as the laws of both countries permit extradition on this account ;

(13) Forgery and deliberate use of a forged or falsified document, in so far as the laws of both countries permit extradition on this account ;

(14) False swearing.

(15) Bribery of public officials, in so far as the laws of both countries permit extradition on this account ; embezzlement, misappropriation by officials or by persons regarded as such ;

(16) Arson, when it may cause general danger to property or imperil the lives of others ; arson designed to procure either for the guilty person or another, illicit profit to the prejudice of the insurer or legal holder of a bottomry bond ;

(17) Illegal wilful destruction of an edifice belonging to another, either wholly or in part, or of an edifice or engineering work when this may cause general danger to property or imperil the lives of others ;

(18) Joint acts of violence against persons or property committed in public ;

(19) Illegally and wilfully sinking, grounding, destroying or damaging a ship, or making the same unfit for use, when such acts may cause danger to others ;

(20) Mutiny against or insubordination to the captain by the passengers on board a ship or by the members of the crew against their superior officers ;

(21) Wilfully causing danger to a railway train ;

(22) Theft ;

(23) Swindling ;

(24) Improper use of an incomplete signed instrument ;

(25) Misappropriation ;

(26) Fraudulent bankruptcy ;

The foregoing offences shall include, complicity in and attempts to commit such offences, when such complicity and attempts are punishable under the laws of the country from which extradition is requested.

Article 3.

Extradition shall not take place :

(1) When the offence has been committed in a third country, and the Government of that country is making application for extradition ;

(2) During such time as the person claimed is being proceeded against for the same offence in the country to which application is made, or if he has been finally convicted, discharged, pardoned or acquitted in respect of that offence ;

(3) If under the laws of the country to which application is made exemption from prosecution or punishment has been acquired by lapse of time ;

(4) If the person claimed is being proceeded against or has been convicted in respect of a political offence (see Article 6) ;

(5) If under the laws of the State making application proceedings cannot be instituted against the person claimed unless a charge is brought by a private person and if this has not been done by the required date ;

(6) If the person claimed is to be tried before a special court ;

(7) If the person claimed has been sentenced to death in the State to which application is made and if such sentence has not been commuted to some other penalty within the period fixed by law.

Article 4.

If the person claimed is being proceeded against or is serving a sentence for an offence other than that which has given rise to the requisition for extradition, his extradition shall not be granted

before the conclusion of the proceedings against him in the country to which application is made and, in the event of conviction, before he has served his sentence or been pardoned. A person claimed may nevertheless be temporarily delivered up for the purpose of appearing before the courts of the country making application, on condition that he shall be sent back as soon as the proceedings are concluded.

Article 5.

It is expressly laid down that a person surrendered may not be proceeded against or punished in the country to which extradition has been granted for any punishable offence not mentioned in the present Convention and committed prior to his extradition and that he may not, without the consent of the country which has granted extradition, be proceeded against or punished for any offence mentioned in the present Convention and committed prior to his extradition, other than that for which such extradition was granted, or be surrendered to a third State, unless for a period of one month following his trial and, in the event of conviction, following the expiry of his sentence or his pardon, he has in any case been completely free to leave the above-mentioned country.

Persons proceeded against or convicted in respect of offences which under the law of the State making application are punishable with death, shall only be surrendered on condition that the said penalty shall neither be pronounced nor applied in their case.

Article 6.

The provisions of the present Treaty shall not apply to political offences. In no case therefore may a person surrendered in respect of one of the offences against ordinary law mentioned in Article 2 be proceeded against and punished in the State to which extradition has been granted, for a political offence committed by him prior to extradition, or for any act connected with such a political offence.

Article 7.

The request for extradition shall be made through the diplomatic channel and shall only be granted on production of the original or a certified copy either of a conviction or of an order for prosecution or for trial before the criminal courts together with a warrant of arrest issued in the manner prescribed by the laws of the State making application, and setting forth the nature of the offence in question with sufficient clarity to enable the State to which application is made to decide whether, under its own laws, such act constitute a case coming under the present Convention, and also the text of the criminal law applicable thereto. Such documents as are not drawn up in French shall be accompanied by a translation in French.

Article 8.

Articles seized in possession of the person claimed shall be handed over to the State making application if the competent authority of the State to which application is made orders this to be done.

Article 9.

Pending the despatch of a requisition for extradition through the diplomatic channel, the provisional arrest of a person whose extradition may be required under the present Convention may be requested :

On behalf of the Netherlands ; by any law officer or examining magistrate (*rechter-commissaris*) ;

On behalf of Latvia, by any judicial authority.

Provisional arrest shall be effected in the manner and according to the rules laid down by the laws of the country to which application is made.

Article 10.

Unless it is necessary that he be held in custody for some other reason, an alien arrested provisionally under the terms of the previous Article shall be set at liberty if, within twenty days of the date of issue of the warrant of provisional arrest, the Ministry of Foreign Affairs of the State to which application is made has not received the requisition for extradition through the diplomatic channel, together with the documents required under the present Convention.

Article 11.

If in the course of a non-political criminal case either Government deems it necessary to hear witnesses who are in the other State, a *Commission rogatoire* shall be sent for this purpose through the diplomatic channel and shall be executed in accordance with the laws of the country in which the witnesses are to be asked to appear. In urgent cases, however, a *Commission rogatoire* may be addressed direct by the judicial authorities of the one State to the judicial authorities of the other.

All *Commissions rogatoires*, the object of which is to apply for the taking of evidence from witnesses, shall be accompanied by a French translation.

Article 12.

If in a non-political criminal case the personal attendance of a witness in the other country is necessary or desired, his Government shall urge him to comply with the request which is made to him and, should he consent, shall make him a travelling and subsistence allowance based on the rates and regulations in force in the country in which his evidence is to be taken, unless the Government making application thinks fit to make him a more generous allowance.

No witness, whatever his nationality, who after being subpoenaed in either country voluntarily attends before the Courts of the other country, may be proceeded against or detained in the territory of the latter for previous criminal offences or convictions or on the ground of complicity in the offence forming the subject of the case in which he gives evidence.

Article 13.

If in a non-political criminal case the confrontation of criminals in custody in the other State or the transmission of articles serving as proof of the crime or documents in the possession of the authorities of the other country is deemed desirable or necessary, an application to this effect shall be sent through the diplomatic channel and, unless special considerations make such a course inadvisable, it shall be complied with on condition that the criminals and articles are returned as soon as possible.

Article 14.

The transit through the territory of either contracting State of a person, not being a national of the country of transit, delivered up by a third Power to the other Party shall be granted merely on production of the original or a certified copy of one of the legal documents mentioned in Article 7, provided that the offence for which extradition has been granted is included in the present Convention and is not covered by the provisions of Articles 3 and 6 and that officials of the country which has authorised transit through its territory assist in escorting the person surrendered.

Costs of transit shall be borne by the State making application.

Article 15.

Each of the two Governments shall refrain from applying for the repayment of costs of maintenance, transport, etc. arising, within the limits of their respective territories, out of the extradition of charged, accused or convicted persons or of expenses arising out of the execution of *Commissions rogatoires* or of the transport and return of criminals required for purposes of confrontation and of the despatch and return of articles serving as proof of the crime, or of documents.

Should transport by sea be deemed preferable, the person to be surrendered shall be taken to the port selected by the diplomatic or consular agent of the Government making application and shall be placed on board at the cost of that Government.

Article 16.

The two Governments undertake to communicate to each other, without refund of expenses, all sentences that have acquired the force of *res judicata* and relate to punishable offences of all kinds, with the exception of minor offences, passed by the Courts of either State upon the nationals of the other State.

Such communications shall be effected by the despatch through the diplomatic channel to the Government of the country of which the convicted person is a national of a certified copy of the final decision or of an extract therefrom or of an extract from the criminal records, together with a French translation if the text of the said document is in any other language.

Article 17.

The stipulations of the present Convention shall also apply to the Dutch Indies, Surinam and Curaçao, subject to such conditions as shall hereafter be laid down in notes exchanged between the two States and as may be necessary in virtue of the laws in force in the above-mentioned oversea territories.

The procedure relating to applications under the present Treaty emanating from or addressed to the authorities of the aforesaid territories, shall also be laid down in the above-mentioned notes. Notwithstanding the provisions of Article 10, release from custody shall take place at the end of a period of three months.

Article 18.

The present Convention shall not come into force until the twentieth day after its promulgation in the manner prescribed by the laws of both countries.

It shall not come into force in the extra-European territories of the Kingdom of the Netherlands mentioned in Article 17 until the date to be fixed in the exchange of notes provided for in that Article.

Article 19.

Each of the Contracting Parties may denounce the present Convention at any time provided that it notifies the other Party of its intention six months in advance.

The Convention shall be ratified and the ratifications shall be exchanged at The Hague as soon as possible.

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

Done in duplicate at The Hague, January 27, 1930.

(L. S.) BEELAERTS VAN BLOKLAND.

(L. S.) DR. O. WOIT.