

N° 3724.

BELGIQUE ET NICARAGUA

Convention additionnelle relative à l'application au Congo belge et aux territoires du Ruanda-Urundi du Traité d'extradition du 5 novembre 1904 entre les deux pays. Signée à Guatémala, le 13 juillet 1933.

BELGIUM AND NICARAGUA

Additional Convention regarding the Application to the Belgian Congo and to the Territories of Ruanda-Urundi of the Extradition Treaty of November 5th, 1904, between the Two Countries. Signed at Guatemala, July 13th, 1933.

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 3724. — CONVENIO¹ ADICIONAL RELATIVO A LA APLICACIÓN AL CONGO BELGA Y A LOS TERRITORIOS DE RUANDA-URUNDI DEL TRATADO DE EXTRADICIÓN ENTRE BELGICA Y NICARAGUA DEL 5 DE NOVIEMBRE DE 1904. FIRMADO EN GUATEMALA, EL 13 DE JULIO DE 1933.

French and Spanish official texts communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place September 3rd, 1935.

SU MAJESTAD EL REY DE LOS BELGAS

y

SU EXCELENCIA EL PRESIDENTE DE LA REPÚBLICA DE NICARAGUA,

Habiendo juzgado necesario aplicar al Congo belga y a los territorios de Ruanda-Urundi sobre los cuales Bélgica ejerce un mandato en nombre de la Liga de las Naciones, el Tratado² de Extradición entre Bélgica y la República de Nicaragua del 5 de noviembre de 1904, han nombrado con ese objeto como sus Plenipotenciarios :

SU MAJESTAD EL REY DE LOS BELGAS :

Al Excelentísimo Señor Alphonse VAN BIERVLIET, Enviado Extraordinario y Ministro Plenipotenciario ;

SU EXCELENCIA EL PRESIDENTE DE LA REPÚBLICA DE NICARAGUA :

Al Honorable Señor don Luis H. EVERTSZ, Encargado de Negocios en Guatemala ;

Quienes después de haberse comunicado sus Plenos Poderes reconocidos en buena y debida forma, han convenido en lo que sigue :

Artículo 1.

Las disposiciones del Tratado de Extradición entre Bélgica y la República de Nicaragua del 5 de noviembre de 1904 se aplicarán al Congo belga y a los territorios de Ruanda-Urundi.

Artículo 2.

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

Esta será seguida en todos los casos en que se requiera por el Tratado de Extradición del 5 de noviembre de 1904 ; sin embargo en los casos previstos en el artículo VIII del Tratado, la

¹ The exchange of ratifications took place at Guatemala, June 21st, 1934.
Came into force June 25th, 1935.

² *British and Foreign State Papers*, Vol. 99, page 864.

¹ TRADUCTION. — TRANSLATION.

No. 3724. — ADDITIONAL CONVENTION REGARDING THE APPLICATION TO THE BELGIAN CONGO AND TO THE TERRITORIES OF RUANDA-URUNDI OF THE EXTRADITION TREATY OF NOVEMBER 5TH, 1904, BETWEEN BELGIUM AND NICARAGUA. SIGNED AT GUATEMALA, JULY 13TH, 1933.

HIS MAJESTY THE KING OF THE BELGIANS
and

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF NICARAGUA,

Having deemed it necessary to apply to the Belgian Congo and to the Territories of Ruanda-Urundi, over which Belgium exercises a mandate on behalf of the League of Nations, the Extradition Treaty between Belgium and the Republic of Nicaragua of November 5th, 1904, have appointed as their Plenipotentiaries for this purpose :

HIS MAJESTY THE KING OF THE BELGIANS :

His Excellency Monsieur Alphonse VAN BJERVLIET, Envoy Extraordinary and Minister Plenipotentiary ;

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF NICARAGUA :

The Honourable Luis H. EVERTSZ, Chargé d'Affaires of Nicaragua in Guatemala ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

Article 1.

The provisions of the Extradition Treaty between Belgium and the Republic of Nicaragua of November 5th, 1904, shall apply to the Belgian Congo and to the Territories of Ruanda-Urundi.

Article 2.

A request for the extradition of a person who has taken refuge in the Belgian Congo or in Ruanda-Urundi shall be made through diplomatic or consular channels.

This procedure shall be followed in all the cases specified in the Extradition Treaty of November 5th, 1904 ; nevertheless, in the urgent cases referred to in Article VIII of that Treaty, the provisional arrest of the accused shall also be effected on notification of the existence of one of the documents mentioned in Article VI of the Treaty made to the Minister of Justice of the Republic of Nicaragua by the Governor-General of the Belgian Congo and *vice versa*.

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.

Article 3.

For the purposes of the application of the Treaty of November 5th, 1904, and the present Convention :

- (1) The term Belgian nationals shall be taken to mean Belgian citizens and natives of the Belgian Congo ; natives of Ruanda-Urundi shall be assimilated to Belgian nationals ;
- (2) Breaches of the criminal law of the Belgian Congo and Ruanda-Urundi punishable by more than five years' penal servitude shall be regarded as crimes, and those punishable by more than two months' penal servitude as delicts ;
- (3) Penal servitude as provided for in the laws of the Belgian Congo and Ruanda-Urundi shall be regarded as equivalent to imprisonment.

Article 4.

The present Convention shall be ratified and the ratifications shall be exchanged at Guatemala 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 have the same duration as the Extradition Treaty of November 5th, 1904, between Belgium and the Republic of Nicaragua.

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

Done in duplicate at Guatemala, the 13th day of July, 1933.

(L. S.) (*Signed*) L. H. EVERTSZ. (L. S.) (*Signed*) A. VAN BIERVLIET.