

N° 4168.

BELGIQUE ET SIAM

Convention d'extradition. Signée à
Bangkok, le 14 janvier 1937.

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Extradition Convention. Signed at
Bangkok, January 14th, 1937.

¹ TRADUCTION. — TRANSLATION.

No. 4168. — EXTRADITION CONVENTION ² BETWEEN BELGIUM AND SIAM. SIGNED AT BANGKOK, JANUARY 14TH, 1937.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place August 23rd, 1937.

HIS MAJESTY THE KING OF THE BELGIANS and HIS MAJESTY THE KING OF SIAM, having determined, by common consent, to conclude a Convention to regulate the extradition of accused or convicted persons, have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. Marcel POLAIN, Belgian Chargé d'Affaires at Bangkok ;

HIS MAJESTY THE KING OF SIAM :

His Excellency Luang Pradist MANUDHARM, Minister for Foreign Affairs ;

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

Article I.

The Belgian and Siamese Governments undertake to deliver up to each other, in the circumstances and under the conditions stated in the present Convention, persons, other than their own nationals, accused or convicted of a crime or delict committed in the territory of the other Party.

Extradition may also be required in respect of crimes and delicts committed outside the territory of the country making the requisition, if the laws of the State applied to authorise prosecution for the offences concerned when committed outside its territory.

Article II.

The following crimes and delicts shall be subject to extradition :

1. Wilful murder with premeditation, poisoning, parricide, infanticide, intentional homicide without premeditation ;

2. Assault or malicious wounding, either premeditated or resulting in seemingly incurable infirmity, permanent incapacity for work, complete loss of the use of an organ, serious mutilation or death without there having been any intention to cause death ;

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 Bangkok, June 11th, 1937. Came into force July 20th, 1937.

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 ;
5. Rape ; indecent assault with violence ; indecent assault, without violence or threats, on the person, or with the help, of a minor of either sex not having attained the age of consent under the respective laws of each country ; indecent assault, without violence or threats, by a relative in the ascending line on the person, or with the help, of a minor having attained the age of consent under the respective laws of each country, but not emancipated by marriage ; traffic in, or procuring of, women or children to gratify the passions of another ; detention of a person in a disorderly house against his or her will ; constraint for immoral purposes of a person of full age ;
6. Abduction of minors ;
7. Abduction, receiving, concealment of the birth or substitution of a child ; attribution of a child to a woman not its mother ;
8. Exposure or abandonment of a child ;
9. Conspiring to commit crimes of violence ;
10. Theft, extortion, obtaining money or other things of value by false preferences, misappropriation, fraud ;
11. Threats of violence to persons or property, if punishable by death, penal servitude or imprisonment ;
12. Offers or proposals to commit a crime or take part therein, or acceptance of such offers or proposals ;
13. Violation, by private individuals, of personal liberty and domicile ;
14. Counterfeiting, including the counterfeiting and altering of money, the uttering and putting into circulation of counterfeit or altered money, and fraud in the choice of specimens intended for the assaying of coins ;
15. Counterfeiting or forgery of public bonds or banknotes and public or private securities ; the uttering 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 ;
16. The counterfeiting or falsification of seals, stamps, dies, 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 ; placing, with malicious or fraudulent intent, upon a work of art or literary work or musical composition 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 introduction into the country for sale of the said objects ;
17. Perjury and false statements by experts or interpreters ; suborning of perjury on the part of witnesses, experts or interpreters ;
18. False swearing ;
19. Embezzlement or malversation by public officials ; bribery of public officials ;
20. Fraudulent bankruptcy and frauds committed in connection with bankruptcies ;
21. Wilful obstruction of railway traffic by placing objects of any kind on the line, by tampering with 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 ;

22. Arson ;
23. Destruction of buildings, steam engines or telegraphic apparatus ; destruction or disfigurement of graves, monuments, works or art, and public or private records ; destruction of or damage to movable property with violence or threats ; destruction of or damage to goods or materials used in manufacture, with malicious or fraudulent intent ;
24. Destruction of or damage to crops, plants, trees or grafts ;
25. Destruction of agricultural implements ; destruction or poisoning of cattle or other animals ;
26. Resistance to the execution of public works ;
27. Abandonment of a merchant or fishing vessel by the master, in cases other than those authorised by the laws of the two States ;
28. Stranding, loss or destruction, by the master or officers and crew ; misappropriation of any ship or merchant or fishing vessel by the master ; unnecessary jettisoning or destruction of all or part of the cargo, stores or gear ; taking a wrong course ; borrowing without cause on the ship, stores or gear, or pledging or sale of the cargo or stores, or entry in the accounts of fictitious damage or expenses ; sale of the ship without special authority except in the case of unseaworthiness ; theft on board ship ; adulteration on board ship of stores or cargo by the admixture of harmful substances ; attacks upon or resistance to the master, accompanied by violence and assault, by more than one-third of the crew ; refusal, accompanied by assault causing bodily harm, to obey orders given by the master or officer in charge to ensure the safety of the ship or cargo ; conspiracy against the safety, liberty or authority of the master ; seizure of the ship by the crew or passengers by means of fraud or violence directed against the master ;
29. Receiving articles obtained by means of one of the crimes or delicts specified in the present Convention.

The foregoing list of offences shall be deemed to include complicity in or attempts to commit the offences named, provided always that such acts are punishable under the laws of both States.

In the case of all crimes and delicts, extradition may not take place unless the offence is punishable under the laws of the country to which the requisition is addressed.

Article III.

Extradition shall not take place :

1. If, subsequently to the commission of the offence or to the completion of the preliminary 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 request for extradition is based upon an offence in respect of which the person claimed has been cleared after preliminary proceedings, or is still being proceeded against, or has already been tried, in the country to which the requisition for his surrender is made.

Article IV.

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 required, the extradition may be deferred until the conclusion of the proceedings and, in the event of his conviction, until he has served his sentence.

Should he be proceeded against or detained in the same country by reason of obligations contracted towards private persons, his extradition shall nevertheless take place.

Article V.

Extradition shall not be granted if the offence for which it is demanded is regarded by the State applied to as a political offence or as an act connected with a political offence.

An alien whose extradition has been granted may not be tried, or punished for any political offence committed prior to his extradition, nor for any act connected with such an offence, nor for any crime or delict other than those enumerated in the present Convention.

An attempt upon the life of the head of a foreign State or of 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 intentional homicide without premeditation, wilful murder with premeditation or poisoning.

Nevertheless, the surrendered person may, in the following cases, be proceeded against, or punished, for an offence other than that for which extradition was granted :

1. If he has asked to be brought to trial or to serve his sentence, in which case his request shall be communicated to the Government surrendering him ;
2. If he has failed, although not prevented by reason of *force majeure*, to leave the country to which he was surrendered within one month after his final discharge ;
3. If the offence is one of those enumerated in the Convention, and if the Government to which he has been surrendered has previously obtained the approval of the Government by which extradition was granted. The latter may, if it thinks fit, require the production of one of the documents mentioned in Article VII of the present Convention. The same rules shall govern re-extradition to a third country.

Article VI.

The requisition for extradition shall always be made through the diplomatic channel or, if there is no diplomatic agent in the State applied to, through the principal consular agent residing in that State.

Article VII.

The requisition for extradition shall be accompanied by the following documents, to which shall be attached, where appropriate, a translation into French or English :

- (a) If the requisition relates to a person already convicted, a certified copy of the sentence ;
- (b) If the requisition relates to an accused person, a warrant of arrest issued by the competent authority in the State requiring the extradition or an authenticated copy of such warrant, and any other evidence required, under the laws of the State applied to, for purposes of extradition.

These documents shall be authenticated by the Minister for Foreign Affairs of the State requiring the extradition and, when necessary, by the diplomatic or consular agent of the said State. They shall be accompanied, in the first place, by a copy of the legal provisions applicable to the case, together, where appropriate, with a translation of such provisions in French or English ; and, in the second place, whenever possible, by a description of the person claimed, or any other information which may assist in establishing his identity.

The costs of translating the documents enumerated in the preceding paragraphs into the language of the authority applied to shall be met by the State making the requisition.

The arrest of the person claimed and the extradition procedure shall be governed by the laws of the State applied to, except in so far as a special procedure is expressly laid down in the present Convention.

Article VIII.

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 VII, provided always that such notification is duly made to the Minister for Foreign Affairs of the State applied to.

Provisional arrest shall be effected in the manner and in accordance with the rules prescribed by the laws of the State applied to.

Any person so arrested shall nevertheless be discharged if, within twelve weeks of the arrest, the State applied to shall not have received the documents specified in Article VII of the present Convention.

Article IX.

In extradition cases, any articles obtained through the crime or delict, or which may serve as proof of guilt, found in the possession of the person claimed at the time of his arrest or discovered later, shall, if the competent authorities of the State applied to so decide, be impounded and handed over to the State making the requisition.

This may be done even if extradition cannot take place owing to the escape or death of the person claimed.

Nevertheless, the rights which 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.

Article X.

The expenses occasioned by the arrest, maintenance and conveyance of the person whose extradition has been granted, together with the cost of consigning and conveying objects to be returned or handed over under the preceding Article, shall be borne by each State within the limits of its own territory.

The cost of conveyance and other expenses incurred in the territory of intermediate States shall be borne by the State making the requisition.

Should conveyance by sea be deemed preferable, the person to be surrendered shall be escorted to the port of the State applied to specified by the Government making the requisition and be placed on board ship at the latter's expense. If not conveyed to the territory of the State making the requisition within two months from the date of his being placed at the disposal of the Government of that State, the prisoner shall be released.

Article XI.

The extradition by conveyance in transit through the respective territories of the contracting States of a person not belonging to the country of transit shall be granted on the production, either of the original or of an authenticated copy, of one of the documents mentioned in Article VII, provided that the act occasioning extradition is included in the present Convention and does not come under the provisions of Articles III and V.

The costs of transit shall be borne by the State making the requisition.

Article XII.

Should the proceedings in a criminal case of a non-political nature require the hearing of persons in either of the two countries, or should any other proceeding be deemed necessary for the purposes of the preliminary examination, rogatory commissions, accompanied if necessary by a French or English translation, shall be forwarded for this purpose through the diplomatic channel or chief consular agent and, unless the Government applied to finds their execution to be impossible, they shall be carried out in accordance with the laws of the country in which the witness is to be heard or the proceeding connected with the preliminary examination is to take place.

Nevertheless, rogatory commissions for the purpose of effecting either a domiciliary search or the impounding of articles connected with or serving as proof of the crime may only be executed in respect of one of the acts mentioned in Article II, and subject to the reservation expressed in the last paragraph of Article IX above.

The cost of executing rogatory commissions in criminal cases shall be borne by the State making the requisition.

Article XIII.

If, in a criminal case of a non-political nature, the Government of either of the two States should deem it necessary to serve a procedural notice or notice of a judgment upon a person residing in the territory of the other State, the document shall be transmitted through the diplomatic channel or through the principal consular agent, together, where necessary, with a translation in French or English. Service shall be effected, at the instance of the public prosecutor at the place of residence, through the competent official, and the original recording such service shall be returned through the same channel to the Government making the requisition, subject to repayment by the latter of all the costs incurred.

Article XIV.

If, in a criminal case of a non-political nature which is under preliminary examination 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, a request shall be made therefor through the diplomatic channel or chief consular agent; unless there are special objections thereto such request shall be granted, subject to the obligation to return the said articles and documents.

The Government making the requisition shall refund to the other the expenses occasioned by the transmission of articles serving as proof and of documents.

Article XV.

The present Convention shall come into force ten days after its publication in the manner prescribed by the laws of the respective countries.

Either of the Contracting Parties may denounce it at any time by giving to the other Party six months' notice of its intention to do so.

It shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

In faith whereof the undersigned have framed the present Convention and have thereto affixed their seals.

Done in duplicate, in the French language, at Bangkok, this fourteenth day of the month of January of the year nineteen hundred and thirty-seven of the Christian era, corresponding to the fourteenth day of the tenth month of the year two thousand four hundred and seventy-nine of the Buddhistic era.

(L. S.) (*Signed*) M. POLAIN.

(L. S.) (*Signed*) Luang Pradist MANUDHARM.