No. 5611

BELGIUM and MOROCCO

Convention concerning extradition and judicial assistance in criminal matters (with additional Protocol). Signed at Rabat, on 27 February 1959

Official text: French.

Registered by Belgium on 17 March 1961.

BELGIQUE et MAROC

Convention d'extradition et d'entraide judiciaire en matière pénale (avec Protocole additionnel). Signée à Rabat, le 27 février 1959

Texte officiel français.

Enregistrée par la Belgique le 17 mars 1961.

[Translation — Traduction]

No. 5611. CONVENTION BETWEEN THE KINGDOM OF BEL-GIUM AND THE KINGDOM OF MOROCCO CONCERNING EXTRADITION AND JUDICIAL ASSISTANCE IN CRIM-INAL MATTERS. SIGNED AT RABAT, ON 27 FEBRUARY 1959

His Majesty the King of the Belgians, on the one hand, and

His Majesty the King of Morocco, on the other,

Desiring to regulate by common agreement questions between the Kingdom of Belgium and the Kingdom of Morocco relating to the extradition of offenders and to judicial assistance in criminal matters, have to this end appointed as their plenipotentiaries:

His Majesty the King of the Belgians:

Mr. F. de Bois, Chargé d'Affaires ad interim of Belgium at Rabat;

His Majesty the King of Morocco:

Mr. Abdallah Chorfi, Director of the Europe Division of the Ministry of Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed on the following:

TITLE I

EXTRADITION

Article 1

OBLIGATION TO EXTRADITE

1. The Contracting Parties undertake to surrender to each other, subject to the provisions and conditions laid down in this Convention, all persons against whom the competent authorities of one Party are proceeding for an offence or who are wanted by the said authorities for the carrying out of a sentence involving deprivation of liberty or of a detention order and who are present in the territory of the other Party.

¹ Came into force on 20 January 1961, thirty days after the exchange of the instruments of ratification which took place at Brussels on 21 December 1960, in accordance with article 39 (2). This Convention is applicable solely to the metropolitan territory.

2. For the purposes of this Convention, the term "detention order" shall be deemed to mean only an order for deprivation of liberty made against a recidivist or persistent offender.

Article 2

EXTRADITABLE OFFENCES

Extradition shall take place in respect of the offences enumerated below if the act is punishable under the law of both Contracting Parties.

In the case of accused persons the penalty for the offence prescribed by the laws of both Parties must be at least two years' imprisonment.

In the case of convicted persons, the sentence awarded by the courts of the requesting State must have been at least two months' imprisonment.

- 1. Murder, poisoning, parricide, infanticide, homicide and rape;
- 2. Arson;
- Counterfeiting or falsifying public securities or bank notes, or public or private securities; uttering or putting into circulation such counterfeit or falsified securities or notes; forging documents or telegrams; and employing such counterfeit, forged or falsified telegrams, securities or notes;
 - Receiving or procuring counterfeit or falsified bank notes for the purpose of putting them into circulation;
- 4. Counterfeiting, including the counterfeiting and altering of currency, the uttering or putting into circulation of counterfeit or altered currency, and fraud in the choice of samples for verifying the fineness and weight of coinage;

Receiving or procuring counterfeit or altered currency for the purpose of putting it into circulation;

Giving currency the appearance of having a higher value or introducing into the country, receiving or procuring such currency for the purpose of putting it into circulation;

Counterfeiting or falsifying objects intended for the manufacture of currency or bank notes;

Receiving or procuring, with intent to defraud, the counterfeit or falsified objects referred to in the preceding paragraph or genuine objects intended for the manufacture of currency or bank notes;

- 5. False witness and false statements by experts or interpreters;
- 6. Larceny, false pretences, illegal exaction; embezzlements committed by a public official;
- 7. Fraudulent bankruptcy and frauds committed in bankruptcy;

- 8. Conspiracy;
- 9. Threatening to commit, against persons or property, an offence punishable by death, hard labour or rigorous imprisonment; offering or proposing to commit a crime or to participate in a crime, or accepting such an offer or proposal;
- 10. Abortion;
- 11. Bigamy;
- 12. Offences against personal freedom or trespass committed by a private person;
- 13. Kidnapping or unlawfully detaining a child; concealment of birth or substitution of a child;
- 14. Exposing or abandoning a child;
- 15. Abduction of minors:
- 16. Indecent assault with violence;
- 17. Indecent assault without violence or threats committed on, or with the aid of, a minor of either sex under the age of sixteen years;
 - Indecent assault without violence or threats committed by an ascendant on, or with the aid of, a minor of either sex who, even though over sixteen years of age, has not been married.
- 18. Any sex offence committed by inciting, facilitating or encouraging the debauchery, corruption or prostitution of a minor of either sex with the object of gratifying the passions of another person; recruiting, enticing or abducting a person of either sex for purposes of debauchery or prostitution with the object of gratifying the passions of another person;

 Detaining a person against his will in a disorderly house or a house of
 - Detaining a person against his will in a disorderly house or a house of prostitution; compelling a person to commit acts of debauchery or prostitution; maintaining a disorderly house or a house of prostitution; procuring or the habitual exploitation of the prostitution or debauchery of another;
- 19. Any act of wounding or grievous bodily harm, committed maliciously and with premeditation or causing an apparently incurable illness, permanent employment disability, loss or deprivation of the free use of a member or an organ, serious mutilation or unintended death;
- 20. Breach of trust and fraud:
- 21. Subornation of witnesses, experts or interpreters;
- 22. Perjury;
- 23. Counterfeiting or falsifying seals, stamps, dies and trademarks; the use of counterfeit or falsified seals, stamps, dies and trademarks; improper use of genuine seals, stamps, dies and trademarks;

Maliciously or fraudulently affixing to an artistic object or a literary or musical work the name of an artist, author or composer or any distinctive mark employed by him to designate his work;

- 24. Bribery of a public official;
- 25. Destruction of buildings, steam engines or telegraph equipment; destruction or defacement of graves, monuments or artistic objects or of documents or other papers, destruction or damage of commodities, goods or other movable property; interference with the execution of public works;
- 26. Destruction or laying waste of crops, plants, trees or grafts;
- 27. Destruction of agricultural implements; destruction or poisoning of livestock or other animals;
- 28. Abandonment by the master, except in cases prescribed by law, of a ship or of a commercial or fishing vessel;
- 29. The grounding, loss or destruction by the master or the officers and crew, or the wrongful use by the master, of a ship or of a commercial or fishing vessel: the unnecessary jettisoning or destruction, of all or part of the ship's cargo, provisions or equipment; going off course; borrowing, unnecessarily, against security of the ship's hull, provisions or equipment, or pledging or selling the marchandise or provisions, or entering imaginary damages or expenditures in the accounts; selling the ship without special authority, except in cases of imminent danger; theft committed aboard ship; the adulteration aboard ship of victuals or goods through the admixture of harmful substances; assaulting or forcibly resisting the master of a ship, where such an offence is committed by more than one third of the crew; refusal to obey orders issued by the master or a ship's officer for the safety of the ship or the cargo, where such refusal is accompanied by an act of unlawful wounding; plotting against the safety, freedom or authority of the master; seizure of a ship by the crew or passengers by the use of guile or force against the master;
- 30. Receiving objects acquired through the commission of one of the crimes or offences enumerated in this Convention;
- 31. Traffic in slaves;
- 32. Illicit traffic in narcotic drugs.
- 2. The above enumeration shall include all forms of participation in and the attempt to commit any of the aforesaid offences, where such participation or attempt is punishable under the law of both States.

Article 3

POLITICAL OFFENCES

1. Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested Party as a political offence or as an offence connected with a political offence.

- 2. The same rule shall apply if the requested Party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons.
- 3. The taking or attempted taking of the life of a Head of State or a member of his family shall not be deemed to be a political offence for the purposes of this Convention.
- 4. This article shall not affect any obligations which the Parties may have undertaken or may undertake under any other international convention of a multilateral character.

Non-extradition of nationals

- 1. The Contracting Parties shall not extradite their own nationals. The date of reference in determining the nationality of the person concerned shall be the date of surrender.
- 2. Nevertheless, if the requesting Party so requests, the facts in the case shall be reported to the competent judicial authorities, which shall decide whether grounds for prosecution exist. For this purpose, the files, documents and exhibits relating to the offence shall be transmitted through the diplomatic channel.

The requesting Party shall be informed of the result of its request.

Article 5

PLACE OF COMMISSION OF THE OFFENCE

- 1. The requested Party may refuse to extradite a person claimed for an offence which is regarded by its law as having been committed wholly or partly in its territory or in a place treated as its territory.
- 2. When the offence for which extradition is requested has been committed outside the territory of the requesting Party, extradition may only be refused if the law of the requested Party does not allow prosecution for the same category of offence when committed outside the latter Party's territory.

Article 6

PENDING PROCEEDINGS FOR THE SAME OFFENCES

The requested Party may refuse to extradite the person claimed if the competent authorities of such Party are proceeding against him in respect of the offence or offences for which extradition is requested.

"Non bis in idem"

Extradition shall not be granted if final judgement has been passed by the competent authorities of the requested Party upon the person claimed in respect of the offence or offences for which extradition is requested. Extradition may be refused if the competent authorities of the requested Party have decided either not to institute or to terminate proceedings in respect of the same offence or offences.

Article 8

LAPSE OF TIME AND AMNESTY

- 1. Extradition shall not be granted if when the person claimed has, according to the law of either the requesting or the requested Party, become immune by reason of lapse of time from prosecution or punishment.
- 2. Nor shall it be granted if an amnesty has been proclaimed in the requesting State or if an amnesty has been proclaimed in the requested State provided that, in the latter case, the offence is one in respect of which proceedings may be taken in that State when committed by a foreigner outside its territory.

Article 9

CAPITAL PUNISHMENT

If the offence for which extradition is requested is punishable by death under the law of the requesting Party, the requested Party may make extradition contingent upon an undertaking being given by the requesting Party to recommend, to the Head of State or to the constitutionally competent authority, that the death penalty be commuted to another penalty.

Article 10

THE REQUEST AND SUPPORTING DOCUMENTS

- 1. The request shall be in writing and shall be communicated through the diplomatic channel.
- 2. The request shall be supported by:
 - (a) the original or an authenticated copy of the conviction and sentence or detention order immediately enforceable or other order having the same effect and issued in accordance with the procedure laid down in the law of the requesting Party;
 - (b) a statement of the offences for which extradition is requested. The time and place of their commission, their legal descriptions and a reference to the relevant legal provisions shall be set out as accurately as possible;

(c) a copy of the relevant enactments and as accurate a description as possible of the person claimed, together with any other information which will help to establish his identity and nationality.

Article 11

SUPPLEMENTARY INFORMATION

If the information communicated by the requesting Party is found to be insufficient to allow the requested Party to make a decision in pursuance of this Convention, the latter Party shall request the necessary supplementary information; it may fix a time-limit for the receipt of such information.

Article 12

RULE OF SPECIALITY

- 1. A person who has been extradited shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order for any offence committed prior to his surrender other than that for which he was extradited, nor shall he be for any other reason restricted in his personal freedom, except in the following cases:
 - (a) When the Party which surrendered him consents. A request for consent shall be submitted, accompanied by the documents mentioned in article 10 and a legal record of any statement made by the extradited person in respect of the offence concerned. Consent shall be given when the offence for which it is requested is itself subject to extradition in accordance with the provisions of this Convention;
 - (b) When that person, having had an opportunity to leave the territory of the Party to which he has been surrendered, has not done so within thirty days of his final discharge, or has returned to that territory after leaving it.
- 2. The requesting Party may, however, take any measures necessary under its law, including proceedings by default, to prevent any legal effects of lapse of time, or to remove the person from its territory.
- 3. When the description of the offence charged is altered in the course of proceedings, the extradited person shall only be proceeded against or sentenced in so far as the offence under its new description is shown by its constituent elements to be an offence which would allow extradition.

Article 13

RE-EXTRADITION TO A THIRD STATE

Except as provided for in article 12, paragraph 1 (b), the requesting Party shall not, without the consent of the requested Party, surrender to a third State a

person surrendered to the requesting Party and sought by the said State in respect of offences committed before his surrender. The requested Party may request the production of the documents mentioned in article 10, paragraph 2.

Article 14

Provisional arrest

- 1. In case of urgency, the competent authorities of the requesting Party may request the provisional arrest of the person sought; the competent authorities of the requested Party shall decide the matter in accordance with its law.
- 2. The request for provisional arrest shall state that one of the documents mentioned in article 10, paragraph 2 (a), exists and that it is intended to send a request for extradition. It shall also state for what offence extradition will be requested and when and where such offence was committed and shall so far as possible give a description of the person sought.
- 3. A request for provisional arrest shall be sent to the competent authorities of the requested Party either through the diplomatic channel or direct by post or telegraph or through the International Criminal Police Organization or by any other means affording evidence in writing.

If the request is not sent through the diplomatic channel, it shall be confirmed immediately through that channel.

The requesting authority shall be informed without delay of the result of its request.

- 4. Provisional arrest may be terminated if, within a period of thirty days after arrest, the requested Party has not received the request for extradition and the documents mentioned in article 10.
- 5. Release shall not prejudice re-arrest and extradition if a request for extradition is received subsequently.

Article 15

CONFLICTING REQUESTS

If extradition is requested concurrently by more than one State, either for the same offence or for different offences, the requested Party shall make its decision having regard to all the circumstances of the case and especially the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality of the person claimed and the possibility of subsequent extradition to another State.

SURRENDER OF THE PERSON TO BE EXTRADITED

- 1. The requested Party shall inform the requesting Party by the means mentioned in article 10, paragraph 1 of its decision with regard to extradition.
- 2. Reasons shall be given for any complete or partial rejection.
- 3. If the request is agreed to, the requesting Party shall be informed of the place and date of surrender and of the length of time for which the person claimed was detained with a view to surrender.
- 4. Subject to the provisions of paragraph 5 of this article, if the person claimed has not been taken over on the appointed date, he may be released after the expiry of thirty days. The requested Party may refuse to extradite him for the same offence.
- 5. If circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited, it shall notify the other Party. The two Parties shall agree on a new date for surrender and the provisions of paragraph 4 of this article shall apply.

Article 17

POSTPONEMENT OF SURRENDER

The requested Party may, after making its decision on the request for extradition, postpone the surrender of the person claimed in order that he may be proceeded against by that Party or, if he has already been convicted, in order that he may serve his sentence in the territory of that Party for an offence other than that for which extradition is requested.

Article 18

HANDING OVER OF PROPERTY

- 1. Where extradition is granted, the requested Party shall in so far as its law permits, seize and hand over property:
 - (a) which may be required as evidence or
 - (b) which has been acquired as a result of the offence and which, at the time of the arrest, is found in the possession of the person claimed or is discovered subsequently.
- 2. The property mentioned in paragraph 1 of this article shall be handed over even if extradition, having been agreed to, cannot be carried out owing to the death or escape of the person claimed.
- 3. When the said property is liable to seizure or confiscation in the territory of the requested Party, the latter may, in connexion with pending criminal proceedings, temporarily retain it or hand it over on condition that it is returned.

4. Any rights which the requested Party or third Parties may have acquired in the said property shall be preserved. Where these rights exist, the property shall be returned without charge to the requested Party as soon as possible after the trial, unless the latter waives its rights.

Article 19

TRANSIT

- 1. Transit through the territory of one of the Contracting Parties shall be granted on submission of a request by the means mentioned in article 10, paragraph 1, and under the same conditions as those prescribed for extradition, except that, as regards the document to be produced, only those mentioned in article 10, paragraph 2 (a) and (b), shall be required.
- 2. If air transport is used, the following provisions shall apply:
 - (a) When it is not expected to land, the requesting Party shall notify the Party over whose territory the flight is to be made, shall certify that one of the documents mentioned in article 10, paragraph 2 (a), exists, and shall give an assurance that, on the basis of the facts and materials in i.s possession, transit cannot be refused under the provisions of this Convention, in particular, of articles 4 and 9. In the case of an unscheduled landing, the notification of conveyance by air shall have the effect of a request for provisional arrest as provided for in article 14, and the requesting Party shall submit a formal request for transit;
 - (b) When it is intended to land, the requesting Party shall submit a formal request for transit.

Article 20

LANGUAGE TO BE USED

The documents to be produced shall be in the language of the requesting Party. However, any documents which are not drafted in French shall be accompanied by a certified French translation.

Article 21

EXPENSES

- 1. Expenses incurred in the territory of the requested Party by reason of extradition shall be borne by that Party.
- 2. Expenses incurred by reason of transit through the territory of a Party requested to grant transit shall be borne by the requesting Party.

TITLE II

JUDICIAL ASSISTANCE

Article 22

OBLIGATION TO PROVIDE JUDICIAL ASSISTANCE

- 1. The Contracting Parties undertake to provide each other, in accordance with the provisions of this Convention, with the widest possible judicial assistance in all criminal matters.
- 2. Such assistance shall not include the reciprocal enforcement of decisions in criminal matters.
- 3. This Convention shall not apply in respect of purely military or political offences.

Article 23

REFUSAL OF JUDICIAL ASSISTANCE

- Judicial assistance may be refused:
 - (a) If the request relates to offences connected with political offences;
 - (b) If compliance with the request would be prejudicial to the general interest of the requested Party, in particular, to its sovereignty or security, or would be at variance with its legislative provisions.
- 2. In case of refusal to provide judicial assistance, the reasons therefor shall be stated.

Article 24

EXECUTION OF LETTERS ROGATORY

- 1. The Contracting Parties shall cause to be executed, in the form prescribed by the law of the requested Party, letters rogatory relating to criminal matters which are addressed to the authorities of one Party by the authorities of the other Party and whose object is the holding of judicial enquiries or the transmittal of evidence, records or documents.
- 2. The requested authority may transmit certified copies or photostats of such records or documents. However, if the requesting Party expressly requests the transmittal of the originals, such request shall be granted, save in exceptional cases.

Article 25

SEARCHES AND SEIZURES

1. Letters rogatory which request the carrying out of a search or seizure shall be executed only if the offence in question is one in respect of which extradition may

take place under the provisions of this Convention. Moreover, the delivery of articles may be made subject to their being returned as soon as they are no longer required for the criminal proceeding.

Article 26

NOTIFICATION OF EXECUTION

If it expressly so requests, the requesting authority shall be notified by the requested authority of the date and place of execution of the letters rogatory, so that the interested authorities or parties may be present at such execution if the requested Party gives its consent.

Article 27

SERVICE OF DOCUMENTS

- 1. An authority which has been requested to serve a document shall, unless the requesting authority requests some other form of service, effect service by simple delivery of the document in question to the person named in it.
- 2. Proof of service shall consist of a receipt dated and signed by the person named or of a statement by the requested authority that service has been effected, with particulars of the form and date thereof. One or the other of these documents shall immediately be sent to the requesting authority.
- 3. If the person named refuses to accept service or if service cannot be effected for some other reason, the requested authority shall return the document forthwith to the requesting authority, indicating the reason which prevented service from being effected.
- 4. Where a summons directing a person to appear as a witness or an expert provides for the use of measures of compulsion in the event of failure to appear, the requested authority shall have the responsibility of informing the said person that the provision in question does not apply in his case.

Article 28

SUMMONING OF WITNESSES AND EXPERTS

- 1. If, in a criminal case, the personal attendance of a witness or expert present in the territory of one of the Parties is necessary, the competent authority of that Party shall, if the authorities of the other Party expressly so request, call upon him to comply with the summons addressed to him. The requesting authority shall be notified of the reply made by such witness or expert.
- 2. The witness or expert shall be granted travelling expenses and subsistence allowances, calculated from his place of residence, in accordance with the scales and regulations in force in the country in which he is to be interrogated. At his request,

all or part of the travelling expenses may be advanced by the judicial authority of his place of residence; such advance shall be refunded subsequently by the Government concerned.

Article 29

IMMUNITY OF WITNESSES AND EXPERTS

No witness or expert of whatever nationality who, being resident in the territory of one of the Parties, appears before the authorities of the other Party in compliance with a summons addressed to him shall be prosecuted, nor shall his personal liberty be in any way restricted, for an offence committed before his arrival, unless, although he has had the opportunity to do so, he fails to leave the territory of the requesting Party within thirty days after ceasing to serve as witness or expert.

Article 30

TRANSMITTAL OF EXTRACTS FROM THE REGISTER OF CONVICTIONS

- 1. Where information from the register of convictions is requested in a criminal matter, such information shall be provided to the same extent as if it had been requested by a judicial authority of the requested Party.
- 2. Requests from a civil court or an administrative authority shall be accompanied by a statement of the reasons for which they are made. They shall be granted to the extent permitted by the domestic legislative provisions or administrative regulations of the requested Party.

Article 31

FORM OF APPLICATIONS FOR JUDICIAL ASSISTANCE

- 1. The letters rogatory referred to in articles 24 and 25 shall indicate the nature of the charge and the purpose of the application and shall contain a brief statement of the facts in the case. If the requesting authority wishes the witnesses or experts to testify under oath, it shall expressly so indicate.
- 2. Other applications for judicial assistance, particularly requests for the service of documents, for extracts from the register of convictions or for the provision of ordinary information, shall contain the following particulars:
 - (a) The name of the requesting authority;
 - (b) The purpose of the application;
 - (c) The offence in respect of which the application is made;
 - (d) The identity and, where possible, the nationality of the accused or convicted person;
 - (e) Where appropriate, the name and address of the person to be served with the document.

CHANNEL OF COMMUNICATION

- 1. The letters rogatory referred to in articles 24 and 25, as well as requests for the service of documents and for extracts from the register of convictions, shall be transmitted through the diplomatic channel.
- 2. In case of urgency, the letters rogatory may be transmitted direct to the judicial authorities of the requested Party by the judicial authorities of the requesting Party. The letters rogatory thus transmitted and the documents relating to their execution shall, in all cases, be returned through the channel specified in the preceding paragraph.
- 3. Requests for ordinary information may be transmitted direct between the judicial authorities or the criminal police authorities.

Article 33

Exchange of information on convictions

- 1. Each of the Contracting Parties shall notify the other Party at least once a year of decisions which have been rendered with respect to nationals of the latter Party and have been entered in the register of convictions. If expressly requested, a copy of the decision shall be transmitted.
- 2. The information in question shall be exchanged through the diplomatic channel.

Article 34

REQUEST FOR PROSECUTION

Official requests by one Contracting Party for the institution of proceedings before the courts of the other Party shall be directed to the authorities of the latter Party through the diplomatic channel.

Article 35

LANGUAGE TO BE USED

The applications provided for under this title of the Convention shall be drawn up in the language of the requesting authority. However, any documents which are not drafted in French shall be accompanied by a certified translation.

Article 36

Costs

The Contracting Parties shall waive refund of the costs of assistance granted under the provisions of this title, except for costs of expert opinions; the latter shall be refunded upon the production of vouchers.

TITLE III

FINAL PROVISIONS

Article 37

TERRITORIAL APPLICATION

This Convention shall apply to the Kingdom of Belgium and the Kingdom of Morocco and may be extended, by simple exchange of notes between the Contracting Parties, to the Belgian Congo and to the territory of Ruanda-Urundi.

Article 38

SETTLEMENT OF DISPUTES

Disputes arising from the application of this Convention shall be settled through the diplomatic channel.

Article 39

ENTRY INTO FORCE

- 1. This Convention shall be ratified; the instruments of ratification shall be exchanged as soon as possible at Brussels.
- 2. It shall enter into force thirty days after the exchange of the instruments of ratification.
- 3. It shall cease to have effect six months after notice of its termination has been given by one of the Parties.

IN FAITH WHEREOF the plenipotentiaries of the two Parties have signed this Convention and have thereto affixed their seals.

DONE at Rabat on 27 February 1959 in duplicate, in the French language.

(Signed) F. DE Bois

(Signed) A. CHORFI

ADDITIONAL PROTOCOL

On proceeding to sign the Convention between the Kingdom of Belgium and the Kingdom of Morocco concerning extradition and judicial assistance in criminal matters, the undersigned plenipotentiaries have agreed that the provisions of title II of the Convention shall also apply where the judicial assistance requested relates to a criminal proceeding in a tax case (customs and duties, direct or indirect taxes, and currency control).

DONE at Rabat on 27 February 1959 in duplicate, in the French language.

(Signed) F. DE Bois

(Signed) A. CHORFI

¹ See p. 277 of this volume.