

No. 7842

**BELGIUM
and
LEBANON**

Extradition Treaty. Signed at Beirut, on 24 December 1953

Official texts: French and Arabic.

Registered by Belgium on 22 June 1965.

**BELGIQUE
et
LIBAN**

Traité d'extradition. Signé à Beyrouth, le 24 décembre 1953

Textes officiels français et arabe.

Enregistré par la Belgique le 22 juin 1965.

[TRANSLATION — TRADUCTION]

No. 7842. EXTRADITION TREATY¹ BETWEEN BELGIUM AND LEBANON. SIGNED AT BEIRUT, ON 24 DECEMBER 1953

His Majesty the King of the Belgians and
The President of the Lebanese Republic,

Having agreed to regulate by means of a Convention the extradition to each other of persons who have been arraigned, are being proceeded against or have been convicted by the judicial authorities, have for that purpose appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Mr. Fernand Seynaeve, his Envoy Extraordinary and Minister Plenipotentiary to Lebanon;

The President of the Lebanese Republic :

His Excellency Mr. Alfred Naccache, Minister for Foreign Affairs and Lebanese Overseas,

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

Article 1

The High Contracting Parties undertake to surrender to each other, in the circumstances and conditions laid down in this Treaty, all persons who are being proceeded against for or have been convicted of a crime or offence in the territory of one Party and are present in the territory of the other Party.

When the crime or offence for which extradition is requested has been committed outside the territory of the requesting State, the request shall be granted only if the law of the requested country allows prosecution for the same offences when committed outside its territory, subject to the provisions of article 10.

Nevertheless, if the act was committed in the territory of the requested country, extradition shall not be granted unless the competent judicial authorities of the country consider that in view of special circumstances the requesting country should be the place of prosecution.

¹ Came into force on 16 April 1965, a month after the exchange of the instruments of ratification, which took place at Brussels on 16 March 1965, in accordance with the provisions of article 20.

Article 2

The crimes or offences in respect of which extradition shall be granted are :

1. Wilful homicide, including the crimes of murder, culpable homicide, parricide, infanticide and poisoning;
2. Wilful arson;
3. Any act of wounding or grievous bodily harm, committed maliciously and with premeditation or causing an incurable illness, permanent employment disability, deprivation of the free use of an organ, serious mutilation or unintended death;
4. Rape, indecent assault with violence, indecent assault without violence committed on, or with the aid of, a minor of either sex under the age specified by the criminal law of both countries;
5. Abducting or failing to produce a minor; unlawfully detaining a child; substitution of a child; exposing or abandoning a child;
6. Larceny, extortion;
7. Destruction of buildings, railways, telegraph, telephone or radiocommunications equipment or cables, monuments, statues or other structures intended for public use or ornament; purloining, removing or destroying papers or documents contained in public or court records or archives or entrusted to a public trustee in exercise of his office;
8. Wilful and unlawful grounding, loss or destruction by the master or the officers and crew, and abandonment by the master, of a ship or of a commercial or fishing vessel;
9. 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;
10. Counterfeiting currency; falsifying or altering Government bonds or coupons thereof, national or foreign bank notes, paper currency or other public securities, official seals, dies, trademarks of the State or public authorities, uttering or fraudulent use of the above-mentioned altered or falsified articles;
11. Embezzlement of public funds by public employees or trustees, bribery of public officials, illegal exaction;
12. Fraudulent bankruptcy;
13. Threatening to commit, against persons or property, a criminal offence;

14. Offences against personal freedom or trespass committed by a private person;
15. Perjury, false witness and false statements by experts or interpreters, subordination of witnesses, experts or interpreters;
16. False pretences, breach of trust and fraud;
17. Abortion;
18. Bigamy;
19. 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 prostitution; compelling a person to commit acts of debauchery or prostitution; procuring or the habitual exploitation of the prostitution or debauchery of another;
20. Offering or proposing to commit or to participate in a crime, or accepting such an offer or proposal;
21. Conspiracy;
22. Destruction or laying waste of crops, plants, trees or grafts;
23. Destruction of agricultural implements; destruction or poisoning of livestock or other animals.

The above enumeration shall include complicity in and the attempt to commit the offences, and receiving, where such complicity and attempt, and the act or receiving, are prohibited and punishable under the law of both countries.

Where petty or less serious offences are involved, extradition shall be granted in the cases mentioned above :

1. In respect of persons convicted in adversary proceedings or by default, if the total penalty imposed was at least one year's imprisonment;
2. In respect of accused persons, if the maximum penalty for the offence under the law of the requesting country is at least two years' imprisonment or an equivalent penalty, or if the defendant has already been sentenced for a crime or sentenced to more than one year's imprisonment.

In every case involving a crime or an offence, extradition shall only be granted if a similar act is punishable under the law of the requested country.

Article 3

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.

An offence against the person of a foreign Head of State or of members of his family shall not be deemed to be a political offence or an offence connected with a political offence, if it takes the form of culpable homicide, murder or poisoning.

Article 4

A person who has been extradited may not be proceeded against or sentenced in adversary proceedings for an offence other than that for which he was extradited, except in the following cases :

1. If he has requested to be tried or to serve his sentence, in which case his request shall be communicated to the Government which surrendered him;
2. If, having been free to leave the territory of the State to which he has been surrendered, he has not done so within one month of his final discharge, or has subsequently returned to that territory;
3. If the offence is covered by the Convention and the Government to which he has been surrendered has previously obtained the consent of the Government which granted extradition. The latter Government may, if it deems it appropriate, require that one of the documents mentioned in article 6 of this Convention be produced.

Re-extradition to a third country shall be subject to the same rules.

Article 5

Extradition shall not be granted if :

1. Since the date of commission of the offence charged, of the most recent proceedings or of conviction, the person claimed has, according to the law of the requested State, become immune by reason of lapse of time from prosecution or punishment.
2. The ground for the request is an offence in respect of which further proceedings against the person claimed have been barred under the law of the requested country by a decision of the judicial authorities of that country.

Article 6

Extradition shall be granted only on production of the following documents, accompanied, if necessary, by a translation into French :

1. The conviction or a procedural instrument specifically ordering or automatically involving the committal of the accused person for trial, or a warrant of arrest or other document having the same effect;
2. A precise statement of the offence charged, if this is not provided by the documents mentioned in the preceding paragraph.
The documents referred to in the two foregoing paragraphs shall be the original documents or authenticated copies;
3. A description of the person claimed or particulars which may serve to establish his identity;
4. The text of the criminal statute or statutes applicable to the offence.

Article 7

Requests for extradition shall in all cases be communicated through the diplomatic channel.

The procedure for extradition shall be determined by the law of the requested country or by its established usage.

Article 8

In case of urgency, a provisional arrest may be made on notice of the existence of one of the documents mentioned in article 6, paragraph 1, being given directly to the judicial authorities of one of the two countries. Such notice shall, however, be confirmed through the diplomatic channel within a period of three weeks.

The authority which has made an arrest under the terms of this article shall inform the requesting authority thereof without delay, stating the place of detention.

Article 9

The provisional arrest shall be made in the manner and in accordance with the rules laid down by law or established by usage in the requested country. It shall be terminated and the foreign national shall be released if, within a period of three months from the date of arrest, the requested country has not received one of the documents mentioned in article 6.

Article 10

If the extradition of the same person is requested by two States for different crimes or offences, the requested Government shall make its decision on the basis of the seriousness of the offences charged, without regard to the date of the request and the nationality of the person sought.

If the requests relate to the same crime or offence, the person sought shall be surrendered to the State in whose territory the offence was committed.

If the crimes or offences are of equal seriousness and the requests were received on the same date, the person sought shall be surrendered to the State of which he is a national; if he is not a national of either requesting State, the requested State shall be free to decide to which country it will surrender him.

If, in the case of crimes or offences of equal seriousness, the requests were received on different dates, the person claimed shall be surrendered to the Government of the State of which he is a national and if he is a national of neither of the requesting States, to the State whose request was received first.

Article 11

If the person claimed is being proceeded against or has been convicted in the requested State, his extradition may be deferred until the proceedings are abandoned, until he is acquitted or exonerated, or until he has served his sentence.

If he is being proceeded against or is under arrest in that country by reason of obligations he has contracted towards private persons, his extradition shall nevertheless be granted, subject to the right of the persons concerned to present their claims subsequently to the competent authority.

Article 12

The obligation of extradition shall in no case apply to the nationals of the two countries, nationality being determined as at the date of surrender.

The High Contracting Parties shall not in any case or for any reason be obliged to surrender their nationals to each other, but this shall not bar their prosecution in their countries under the laws in force.

Article 13

Property which has been seized and which may be required as evidence and any property which may have been acquired as a result of the crime or offence in respect of which extradition is requested shall, at the discretion of the competent authority, be handed over to the requesting Government, even if extradition cannot be carried out owing to the death or subsequent disappearance of the person claimed.

Any property which the accused person has hidden or deposited in the country and which is discovered subsequently shall also be handed over.

Any rights which third parties not concerned in the proceedings may have acquired in the property referred to in this article shall be preserved.

Article 14

Expenses in connexion with the arrest, subsistence and conveyance of the person whose extradition has been agreed to and with the safe keeping and transport of the property which, under the terms of the preceding article, is to be returned or handed over, shall be borne by the two States within their respective territories.

The person to be extradited shall be conveyed to a port of the requested State to be designated by the diplomatic or consular official accredited by the requesting Government, which shall defray the cost of his travel.

Article 15

It is expressly provided that extradition involving transit through the territory of one Contracting State of a person surrendered to the other State shall be granted simply on production of the original or an authenticated copy of one of the documents mentioned in article 6, provided that the offence for which extradition is requested is covered by this Treaty and does not come within the terms of articles 3 and 5.

The cost of transit shall be borne by the requesting Party.

Article 16

Where in the course of non-political criminal proceedings the testimony of persons in either of the two countries or any other judicial inquiries are deemed necessary or desirable, letters rogatory shall be addressed for that purpose through the diplomatic channel and shall be executed, in so far as the laws of the requested country permit.

Nevertheless, letters rogatory which request a house search or the seizure of the *corpus delicti* or of evidence shall be executed only if the offence is one of those mentioned in article 2 of this Treaty and subject to preservation of the rights referred to in the third paragraph of article 13 above.

Both Governments waive refund of the costs resulting from the execution of letters rogatory in criminal proceedings, including the cost of expert opinion, provided, however, that such expert opinion involves not more than one attendance.

Article 17

The two Governments undertake to communicate to each other, without refund of costs, sentences for crimes and offences of any kind imposed by the courts of one of the States on nationals of the other. This information shall be communicated by means of the dispatch through the diplomatic channel to the Government of the country of which the convicted person is a national of a statement or summary of the sentence.

Each of the two Governments shall give the necessary instructions on this matter to its authorities.

Article 18

Where in non-political criminal proceedings the Government of either country deems it necessary to serve a judicial document or decision on a person resident in the territory of the other country, the document shall be transmitted through the diplomatic channel and shall, at the request of the public prosecutor's office of the place of residence, be served on the person concerned by a competent officer and the original proof of service shall be returned to the requesting Government through the same channel without refund of costs.

Article 19

Where in non-political criminal proceedings instituted in either country the communication of evidence or documents in the possession of the authorities of the other country is deemed necessary or desirable, the request for them shall be made through the diplomatic channel and shall be granted, unless there are special reasons for refusing it and subject to the obligation to return the evidence and documents.

The Contracting Governments waive refund of the costs occasioned in their respective territories by the transmission and return of evidence and documents.

Article 20

This Treaty, the instruments of ratification of which shall be exchanged as soon as possible at Brussels, shall enter into force on month after the exchange of the instruments of ratification. Its publication shall be effected in the manner prescribed by the legislation of the two countries.

It shall apply to crimes and offences committed prior to its signature.

This Treaty shall remain in force until the expiry of a period of six months from the date on which one of the High Contracting Parties shall have denounced it.

DONE at Beirut, on 24 December 1953.

The Minister for Foreign Affairs and
Lebanese Overseas :

A. NACCACHE

The Envoy Extraordinary and Minister
Plenipotentiary of Belgium to Leba-
non :

F. SEYNAEVE