

No. 8893

BELGIUM, LUXEMBOURG and NETHERLANDS

Treaty concerning extradition and mutual assistance in criminal matters (with Protocol and Declarations made on 9 October 1967, in accordance with article 50 of the Treaty, by Belgium and Luxembourg, on the one hand, and Belgium and the Netherlands, on the other hand). Signed at Brussels, on 27 June 1962

Official texts: French and Dutch.

Registered by Belgium on 2 January 1968.

BELGIQUE, LUXEMBOURG et PAYS-BAS

Traité d'extradition et d'entraide judiciaire en matière pénale (avec Protocole et Déclarations faites le 9 octobre 1967, conformément à l'article 50 du Traité, par la Belgique et le Luxembourg, d'une part, et la Belgique et les Pays-Bas, d'autre part). Signé à Bruxelles, le 27 juin 1962

Textes officiels français et néerlandais.

Enregistré par la Belgique le 2 janvier 1968.

[TRANSLATION — TRADUCTION]

No. 8893. TREATY¹ BETWEEN THE KINGDOM OF BELGIUM, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS CONCERNING EXTRADITION AND MUTUAL ASSISTANCE IN CRIMINAL MATTERS. SIGNED AT BRUSSELS, ON 27 JUNE 1962

His Majesty the King of the Belgians,

Her Royal Highness the Grand Duchess of Luxembourg,

Her Majesty the Queen of the Netherlands,

Considering that, by reason of the close ties uniting their countries and particularly in consequence of the abolition of the examination of persons at the internal frontiers, it is necessary to extend the extradition of offenders to a larger number of offences, to simplify the formalities connected therewith and to permit mutual assistance in criminal matters to a greater extent than is provided for in the existing treaties;

Guided by the principles contained in the European Conventions on extradition and on mutual assistance in criminal matters;

Have decided to conclude a Treaty between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands to regulate the extradition of offenders and mutual assistance in criminal matters and have appointed as Plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Mr. H. Fayat, Deputy Minister for Foreign Affairs;

Her Royal Highness the Grand Duchess of Luxembourg :

His Excellency Mr. N. Hommel, Ambassador Extraordinary and Plenipotentiary at Brussels;

Her Majesty the Queen of the Netherlands :

His Excellency Jonkheer E. Teixeira de Mattos, Ambassador Extraordinary and Plenipotentiary at Brussels;

¹ Came into force on 11 December 1967, two months after the deposit of the last instrument of ratification, in accordance with article 49 (2). The instruments of ratification were deposited with the Belgian Government on the following dates :

Belgium	30 July 1964
Luxembourg	23 August 1965
Netherlands	11 October 1967

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

CHAPTER I

EXTRADITION

Article 1

OBLIGATION TO EXTRADITE

The High Contracting Parties undertake to surrender to each other, subject to the provisions and conditions laid down in the following articles, all persons against whom the competent authorities of the requesting Party are proceeding for an offence or who are wanted by the said authorities for the carrying out of a sentence or detention order.

Article 2

EXTRADITABLE OFFENCES

1. Extradition shall be granted in respect of offences punishable under the laws of the requesting Party and of the requested Party by deprivation of liberty or under a detention order for a maximum period of at least six months or by a more severe sentence or order. Where a sentence or detention order has been imposed in the territory of the requesting Party, such sentence or order must have been for a period of at least three months.
2. If the request for extradition includes several separate offences each of which is punishable under the laws of the requesting Party and the requested Party by deprivation of liberty or under a detention order, but of which some do not fulfil the condition with regard to the amount of punishment which may be awarded, the requested Party shall also have the right to grant extradition for the latter offences.

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 following shall not be deemed to be political offences for the purposes of this Treaty :
 - (a) The taking or attempted taking of the life or liberty of a Head of State or a member of the reigning House;
 - (b) Desertion.

3. This article shall not affect any obligations which the High Contracting Parties may have undertaken or may undertake under any other international convention of a multilateral character.

Article 4

FISCAL OFFENCES

Extradition shall be granted, in accordance with the provisions of this Treaty, for offences in connexion with taxes, duties, customs, exchange, import, export and transit, only if the Governments of the High Contracting Parties have so decided in respect of any such offence or category of offences.

Article 5

EXTRADITION OF NATIONALS

1. The High Contracting Parties shall not extradite their nationals.
2. Nationality shall be determined as at the time of surrender.

Article 6

PLACE OF COMMISSION

1. The requested Party may refuse to extradite a person claimed for an offence which is regarded by its law as having been committed in whole or in part 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 7

PENDING PROCEEDINGS FOR THE SAME OFFENCES

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

Article 8

“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 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 offences.

Article 9

LAPSE OF TIME

Extradition shall not be granted when the person claimed has, according to the law of the requested Party, become immune by reason of lapse of time from public prosecution or punishment at the time when he is to be surrendered.

Article 10

CAPITAL PUNISHMENT

If the offence for which extradition is requested is punishable by death under the law of the requesting Party, and if the death penalty is not applicable to such offence under the law or according to the practice of the requested Party, the latter Party may grant extradition on condition that the requesting Party undertakes to recommend to the Head of State that the death penalty be commuted to another penalty.

Article 11

THE REQUEST AND SUPPORTING DOCUMENTS

1. The request for extradition shall be addressed in writing by the Minister of Justice of the requesting Party to the Minister of Justice of the requested Party.
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 of the warrant of arrest 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 12

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 Treaty, the latter Party shall request the necessary supplementary information and may fix a time-limit for the receipt thereof.

Article 13

RULE OF SPECIALITY

1. Without prejudice to the provisions of article 2, paragraph 2, 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 11. Consent shall be given when the offence for which it is requested is itself subject to extradition in accordance with the provisions of this Treaty. Consent may be given when, because of the amount of punishment or detention provided for by law, the offence is not subject to extradition;
- (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 fifteen days of his final discharge, or has returned to that territory after leaving it;
- (c) When that person has expressly consented, either before a judicial authority of the requested Party prior to his extradition or before a judicial authority of the requesting Party after his extradition, to be proceeded against and punished for any offence whatsoever.

2. The requesting Party may, however, take any measures necessary to remove the person from its territory or any measures necessary under its law, including proceedings by default, to prevent any legal effects of lapse of time.

3. If 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 other description is shown by its constituent elements to be an offence which allows extradition.

Article 14

RE-EXTRADITION TO A THIRD STATE

1. Except as provided for in article 13, paragraph 1 (b) and (c), the requesting Party shall not, without the consent of the requested Party, surrender to a non-contracting 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 11, paragraph 2.

2. Consent shall not be required in the case of another High Contracting Party.

Article 15

PROVISIONAL ARREST

1. In case of urgency the competent authorities of the requesting Party may, with a view to extradition, request the provisional arrest of the person sought.
2. The request for provisional arrest shall state what offence was committed, what is the amount of punishment or detention provided for by law or imposed and when and where the offence was committed and shall so far as possible give a description of the person sought.
3. The request shall be sent to the competent authorities of the requested Party either direct or through the central national office of the International Criminal Police Organization (Interpol). The competent authorities of the requesting Party shall be informed without delay of the result of their request.
4. If the request appears to be in order, it shall be complied with by the competent authorities of the requested Party, in accordance with the law of the latter Party.
5. Provisional arrest shall be terminated if, within a period of eighteen days after arrest, the requested Party has not received the request for extradition and the documents mentioned in article 11, unless the arrest must be continued for another reason. The possibility of provisional release at any time is not excluded, but the requested Party shall take any measures which it considers necessary to prevent the escape of the person sought.
6. Release shall not prejudice re-arrest and extradition if a request for extradition is received subsequently.

Article 16

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 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.

Article 17

SURRENDER OF THE PERSON TO BE EXTRADITED

1. The requested Party shall inform the requesting Party by the means mentioned in article 11, paragraph 1, of its decision with regard to the 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 fifteen days and shall in any case 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 a new date for surrender and the provisions of paragraph 4 of this article shall apply.

Article 18

POSTPONED OR CONDITIONAL SURRENDER

1. 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.
2. When the request for extradition relates to a person who is serving a sentence in the territory of the requested Party, that Party may, if special circumstances so require, temporarily surrender the person claimed to the requesting Party in accordance with conditions to be determined by mutual agreement between the Parties.
3. The length of time for which the person concerned is detained in the territory of the requesting Party, following such surrender, shall be deducted from the sentence to be served by him in the territory of the requested Party.

Article 19

SUMMARY PROCEDURE

1. In the case specified in article 15, the competent authorities of the requesting Party may request the immediate surrender of the person to be extradited.
2. Such surrender shall require the express consent of the person arrested, to be given in the presence of an officer of the State Counsel Division of the requested Party, and the approval of that officer. The person arrested shall have the right to be assisted by counsel. Surrender shall take place without other formalities and shall be effected within eighteen days of the provisional arrest.
3. If surrender cannot be effected within five days of such arrest, the competent authorities of the requested Party shall so notify the competent authorities of the

requesting Party and invite them, where appropriate, to proceed in accordance with the provisions of article 11.

4. Surrender shall entail for the person concerned the consequences attending the declaration mentioned in article 13, paragraph 1 (c).

Article 20

HANDING OVER OF PROPERTY

1. At the request of the requesting Party, the requested Party shall seize, in so far as its law permits, and hand over property :

(a) Which may be required as evidence;

(b) Which has been acquired as a result of the offence and which is found either before or after surrender of the person arrested.

2. The handing over shall require the approval *in camera* of the court of the place where the searches and seizures were carried out, which shall decide whether or not all or part of the property seized is to be handed over to the requesting Party. The court may order the return of property not directly related to the offence with which the accused is charged and shall, where necessary, rule on objections raised by third-party holders of the property or other claimants.

3. The property mentioned in paragraph 1 of this article may be handed over even if extradition, having been agreed to, cannot be carried out owing to the death or escape of the person claimed.

Article 21

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 11, paragraph 1, provided that the offence concerned is not considered by the Party requested to grant transit to be an offence of a political character and that the person concerned is not a national of the country requested to grant transit.

2. Subject to the provisions of paragraph 3 of this article, production of the documents mentioned in article 11, paragraph 2 (a), shall be required.

3. If air transport is used, the following provisions shall apply :

(a) When it is not intended to land, the requesting Party shall notify the Party over whose territory the flight is to be made and shall certify that one of the documents mentioned in article 11, paragraph 2 (a), exists. In the case of an unscheduled landing, such notification shall have the effect of a request for provisional arrest as provided for in article 15, 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.

CHAPTER II

MUTUAL ASSISTANCE IN CRIMINAL MATTERS

Section 1. General provision

Article 22

1. The High Contracting Parties undertake to afford each other, in accordance with the provisions of this Treaty, the widest measure of mutual assistance in proceedings in respect of offences the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting Party.
2. Assistance may be refused :
 - (a) If the request concerns an offence which the requested Party regards as a political offence or as an offence connected with a political offence;
 - (b) If the requested Party considers that execution of the request is likely to prejudice the security, *ordre public*, or other essential interests of its country or if proceedings have already been instituted against the person concerned or final judgement has been passed upon him in respect of the same acts.

Section 2. Letters rogatory

Article 23

1. The requested Party shall execute any letters rogatory relating to a criminal matter and addressed to it by the judicial authorities of the requesting Party for the purpose of procuring evidence or transmitting articles to be produced in evidence, records or documents.
2. If the requesting Party desires witnesses or experts to give evidence on oath, it shall expressly so request, and the requested Party shall comply with the request if the law of its country does not prohibit it.
3. The requested Party may transmit certified copies or certified photostat copies of records or documents requested, unless the requesting Party expressly requests the transmission of originals, in which case the requested Party shall make every effort to comply with the request.

Article 24

1. The letters rogatory shall be executed by the competent judicial authority of the requested Party as though they were letters rogatory issued by national judicial authorities.
2. However, 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 this Treaty and subject to the reservation stated in article 20, paragraph 2.

Article 25

On the express request of the requesting Party, the requested Party shall state the date and place of execution of the letters rogatory. Officials of the requesting Party and interested persons may be present if the requested Party consents.

Article 26

1. Officers of one of the Parties who are empowered to investigate and detect offences may be assigned by the judicial authorities to which they are responsible to render assistance in the territory of another Party, with the consent of the competent officer of the State Counsel Division of the latter Party, in the investigation and detection of offences the prosecution of which falls within the jurisdiction of the said judicial authorities. For this purpose, such officers shall carry letters rogatory specifying what operations are to be carried out.

2. The said officers shall supply such information and advice as they deem necessary for the successful completion of the prescribed operations; upon request, they shall be given certified copies of any reports and documents which may be prepared.

Article 27

1. Officers of one of the Parties who are pursuing in their own country a person alleged to be guilty of an extraditable offence shall be entitled to enter the territory of another Party in the course of such pursuit. They must immediately summon the competent officers of the Party whose territory they have entered, who, at their request, shall apprehend the person pursued in order to establish his identity or have him arrested. In the latter case, the procedure laid down in article 15 shall be observed, unless the person concerned is a national of the Party in whose territory he is apprehended.

2. If, however, the pursuit is uninterrupted and the urgency of the operations makes it impossible to summon the local authorities, the officers of the other Party may, within a distance of ten kilometres from the frontier, themselves apprehend the person pursued and bring him before the local law enforcement services for the purposes referred to in the preceding paragraph.

3. As regards all other matters, the procedure laid down in article 26 shall be observed, where appropriate, even in the absence of the letters rogatory mentioned therein.

4. The officers referred to in the preceding paragraphs are :
In the case of Belgium and Luxembourg, members of the criminal police attached to the *parquets* and members of the *gendarmérie*;
In the case of the Netherlands, members of the *Rijkspolitie*;
In respect of all three countries, members of the police forces of municipalities whose territory is situated less than ten kilometres from the frontier.

Article 28

1. During the operations mentioned in articles 26 and 27, officers assigned to the territory of another Party shall be accorded the same treatment as officers of that Party with respect to any offences committed against them or by them.
2. They must be able at all times to prove their official status.
3. While performing the operations mentioned in article 27, they may wear their uniform and bear their regulation arms.
4. In case of need, they shall be entitled to use measures of restraint and defence in the same conditions as officers of the Party in whose territory they are operating.

Article 29

1. The requested Party may delay the handing over of any property, records or documents requested, if it requires the said property, records or documents in connexion with pending criminal proceedings.
2. Any property, as well as original records or documents, handed over in execution of letters rogatory shall be returned by the requesting Party to the requested Party as soon as possible unless the latter Party waives the return thereof.

Section 3. Service of writs and records of judicial verdicts

Article 30

1. Writs and records of judicial verdicts which are to be served on persons who are in the territory of another Contracting Party shall be sent to them either direct by registered mail by the competent authorities or court officials or through the competent *parquet* (*parket*) of the requested Party.
2. The requested *parquet* shall effect service of the writ or record by simple transmission to the person to be served, unless it is requested to effect service in the manner provided for the service of analogous documents under its own law.
3. The requested *parquet* shall inform the requesting *parquet* of the result of the request for service.

Section 4. Appearance of witnesses, experts and prosecuted persons

Article 31

1. When, in a criminal case, the judicial authority of one of the Parties considers the personal attendance of a witness or expert who is in the territory of another Party to be necessary, such witness or expert shall be served with a summons through the State Counsel Division of the place where the person concerned has his domicile or residence.
2. In such case, the summons shall indicate the approximate allowances payable and the travelling and subsistence expenses refundable.

Article 32

1. The allowances to be paid and the travelling and subsistence expenses to be refunded to a witness or expert by the requesting Party shall be calculated as from his place of residence and shall be at rates at least equal to those provided for in the scales and rules in force in the country where the hearing is intended to take place.
2. If a specific request is made, the requested Party may grant the witness or expert an advance. The amount of the advance shall be endorsed on the summons and shall be refunded by the requesting Party.

Article 33

1. A person in custody who is serving a sentence and whose personal appearance as a witness or for purposes of confrontation is applied for by the requesting Party may, unless there are special grounds for not doing so, be temporarily transferred to the territory where the hearing is intended to take place, provided that he shall be sent back within the period stipulated by the requested Party and subject to the provisions of article 35 in so far as these are applicable.
2. Transit of a person referred to in the preceding paragraph through the territory of one of the Parties shall be granted on application from the Party which consents to the transfer. The application shall indicate the sentence and the amount of the term still to be served. As regards all other matters, the provisions of article 21 shall apply.
3. The transferred person shall remain in custody in the territory of the requesting Party and, where applicable, in the territory of the Party through which transit is requested, unless the Party consenting to the transfer of the person in custody authorizes his release.

Article 34

A witness who, without valid reason, fails to fulfil the obligations incumbent upon him by reason of a summons as specified in article 31 shall be liable in the

requested country to the penalties prescribed by the law of that country for defaulting witnesses.

Article 35

1. A witness or expert, whatever his nationality, appearing on a summons before the judicial authorities of the requesting Party shall not be prosecuted or detained or subjected to any other restriction of his personal liberty in the territory of that Party in respect of acts or convictions anterior to his departure from the territory of the requested Party.
2. A person, whatever his nationality, summoned before the judicial authorities of the requesting Party to answer for acts forming the subject or proceedings against him shall not be prosecuted or detained or subjected to any other restriction of his personal liberty for acts or convictions anterior to his departure from the territory of the requested Party and not specified in the summons.
3. The immunity provided for in this article shall cease when the witness or expert or prosecuted person, having had for a period of fifteen consecutive days from the date when his presence is no longer required by the judicial authorities an opportunity of leaving, has nevertheless remained in the territory or, having left it, has returned.

Section 5. Judicial records

Article 36

1. A requested Party shall communicate extracts from and information relating to judicial records, requested from it by the judicial authorities of another Party and needed in a criminal matter, to the same extent that these may be made available to its own judicial authorities in like case.
2. In any case other than that provided for in paragraph 1 of this article the request shall be complied with in accordance with the conditions provided for by the law, regulations or practice of the requested Party.

Section 6. Procedure

Article 37

1. Except as otherwise provided in this chapter, requests for mutual assistance shall indicate as follows :
 - (a) The authority making the request;
 - (b) The object of and the reason for the request;
 - (c) Where possible, the identity and the nationality of the person concerned;
 - (d) Where necessary, the name and address of the person to be served.

2. Letters rogatory referred to in articles 23, 24 and 25 shall, in addition, state the offence and contain a summary of the facts.

Article 38

1. Except as otherwise provided in this chapter, letters rogatory and other requests for mutual assistance may be addressed directly by the judicial authorities of the requesting Party to the judicial authorities of the requested Party. They shall be returned together with the relevant documents either directly or through the Ministers of Justice.

2. Requests provided for in article 36, paragraph 1, may be addressed directly by the judicial authorities concerned to the appropriate authorities of the requested Party, and the replies may be returned directly by those authorities. Requests provided for in article 36, paragraph 2, shall be addressed by the Minister of Justice of the requesting Party to the Minister of Justice of the requested Party.

3. Requests provided for in article 33 shall be communicated between Ministers of Justice.

4. In cases where direct transmission is permitted under this chapter, it may take place through the central national office of the International Criminal Police Organization (Interpol).

Article 39

Evidence or documents transmitted pursuant to this Treaty shall not require any form of authentication.

Article 40

Where the authority which receives a request for mutual assistance has no jurisdiction to comply therewith, it shall, *ex officio*, transmit the request to the competent authority of its country and shall so inform the requesting Party.

Article 41

Reasons shall be given for any refusal of mutual assistance.

Section 7. Laying of information in connexion with proceedings

Article 42

1. If the judicial authorities of one Party deem it advisable that proceedings should be instituted by the judicial authorities of another Party, they shall transmit the record through the Ministers of Justice to the latter authorities. These authorities shall consider what action can be taken on this request, and the requesting authorities shall be notified accordingly by the same means.

2. Reports of officials and officers of the requesting Party and official acts of its judicial authorities shall have the effect, in the other country, of suspending immunity from public prosecution by reason of lapse of time, if corresponding reports and official acts have such effect in that country.

Section 8. Exchange of information from judicial records

Article 43

Each Party shall inform any other Party of all criminal convictions and, so far as possible, of subsequent measures in respect of nationals of the latter Party, entered in the judicial records. Ministers of Justice shall communicate such information to one another at least once a year.

CHAPTER III

GENERAL PROVISIONS

Article 44

Except where this Treaty otherwise provides, the procedure with regard to extradition, provisional arrest and execution of requests for mutual assistance shall be governed solely by the law of the requested Party.

Article 45

The documents to be produced shall be drawn up in the language or languages of either the requesting Party or the requested Party.

Article 46

The Parties mutually waive any claim to reimbursement of the expenses arising out of the application of this Treaty.

Article 47

For the purposes of this Treaty, the expression "detention order" means any order involving deprivation of liberty which has been made by a criminal court in addition to or instead of a prison sentence.

Article 48

1. This Treaty shall apply only to the European territories of the High Contracting Parties.

2. The application of this Treaty may be extended, by agreement between the Governments of the High Contracting Parties, to parts of the territory of the Kingdom of the Netherlands which are situated outside Europe. Such an agreement may contain derogative provisions.

Article 49

1. This Treaty shall be ratified and the instruments of ratification shall be deposited with the Belgian Government.
2. The Treaty shall enter into force two months after the deposit of the last instrument of ratification.
3. Each of the High Contracting Parties may denounce this Treaty at any time.
4. Denunciation shall be effected by giving notice to the two other High Contracting Parties. It shall take effect six months after the notification.
5. Denunciation shall take effect only as concerns the Party which has given notice thereof. The Treaty shall remain in force between the two other Parties.
6. Denunciation may be limited to all or any of the parts of the territory referred to in article 48, paragraph 2.

Article 50

Unless a declaration to the contrary is made by the Parties concerned,¹ this Treaty shall supersede the treaties and conventions concerning extradition which are in force between the said Parties.

IN WITNESS WHEREOF the Plenipotentiaries have signed this Treaty and have thereto affixed their seals.

DONE at Brussels, on 27 June 1962, in triplicate, in the Dutch and French languages, both texts being equally authentic.

For the Kingdom of Belgium :

H. FAYAT

For the Grand Duchy of Luxembourg :

N. HOMMEL

For the Kingdom of the Netherlands :

E. TEIXEIRA de MATTOS

¹ See p. 137 of this volume.

PROTOCOL CONCERNING CIVIL LIABILITY OF OFFICERS
ASSIGNED TO THE TERRITORY OF ANOTHER PARTY

On proceeding to sign the Treaty between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands concerning extradition and mutual assistance in criminal matters, the undersigned Plenipotentiaries have agreed as follows :

Article 1

When, in the conditions laid down in the present Treaty or in other Benelux conventions, officers of one of the Contracting Parties who are empowered to investigate and detect offences are assigned to the territory of another Contracting Party, such officers shall be liable, in conformity with the law of the latter Party, for any damage they may cause in that territory.

Article 2

The authorities to which the officers are responsible shall make good any damage caused by the officers in the territory of another Party in the same manner as the authorities of that Party would be obliged to do if the damage had been caused by their own officers.

Article 3

The Contracting Parties shall recognize the jurisdiction of the courts of the country where the damage is caused.

Article 4

The authorities to which the officers are responsible shall voluntarily execute enforceable judgements pronounced against them in accordance with the provisions of articles 1, 2 and 3, without need of any formalities.

Article 5

Without prejudice to the exercise of its rights vis-à-vis third parties, each of the Contracting States shall, in the case referred to in article 1, waive recovery from another Contracting State of the amount of the damage which it has sustained or of the compensation which it has paid to one of its officers.

DONE at Brussels, on 27 June 1962, in triplicate, in the Dutch and French languages, both texts being equally authentic.

For the Kingdom of Belgium :
H. FAYAT

For the Grand Duchy of Luxembourg :
N. HOMMEL

For the Kingdom of the Netherlands :
E. TEIXEIRA de MATTOS

DECLARATION MADE BY THE GOVERNMENTS OF BELGIUM AND THE NETHERLANDS
UNDER ARTICLE 50 OF THE TREATY

DECLARATION

The Government of the Kingdom of Belgium and the Government of the Kingdom of the Netherlands,

Considering article 50 of the Treaty between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands concerning extradition and mutual assistance in criminal matters, signed at Brussels on 27 June 1962,

Declare that the provisions of the Convention between the Kingdom of Belgium and the Kingdom of the Netherlands concerning the extradition of criminals, signed at Brussels on 31 May 1889,¹ as extended to the Netherlands Colonies (then so called) by the Additional Agreement signed at Brussels on 14 February 1895² and subsequently modified by the Additional Agreement signed at The Hague on 25 October 1927,³ shall continue to apply as between the Kingdom of Belgium and Surinam and the Netherlands Antilles respectively until such time as the Treaty of 27 June 1962 shall be extended, in accordance with article 48, paragraph 2, thereof, to Surinam and/or the Netherlands Antilles.

DONE at Brussels, on 9 October 1967, in duplicate, in the Dutch language.

For the Government of the Kingdom of Belgium :

Pierre HARMEL

For the Government of the Kingdom of the Netherlands :

J. A. de VOS van STEENWIJK

DECLARATION MADE BY THE GOVERNMENTS OF BELGIUM AND LUXEMBOURG
UNDER ARTICLE 50 OF THE TREATY

DECLARATION

In exercise of the option provided for in article 50 of the Treaty between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands concerning extradition and mutual assistance in criminal

¹ British and Foreign State Papers, Vol. 81, p. 276.

² *Ibid.*, Vol. 87, p. 833.

³ League of Nations, *Treaty Series*, Vol. LXIX, p. 29.

matters, signed at Brussels, on 27 June 1962, the Belgian and Luxembourg Governments have agreed to maintain in force the provisions of the Fifth Supplementary Declaration of 24 August 1948¹ to the Extradition Convention concluded on 23 October 1872² between Belgium and Luxembourg.

They have also agreed that the Extradition Convention of 23 October 1872, as modified by the Supplementary Declarations of 21 June 1877, 25 April 1893 and 16 November 1899, shall continue to have effect to the extent required for the application of the aforesaid Supplementary Declaration of 24 August 1948.

DONE at Brussels, on 9 October 1967, in duplicate, in the French language.

For the Government
of the Kingdom of Belgium :
Pierre HARMEL

For the Government
of the Grand Duchy of Luxembourg :
C. DUMONT

¹ United Nations, *Treaty Series*, Vol. 117, p. 131.

² De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome I, p. 189, and League of Nations, *Treaty Series*, Vol. LXI, p. 311.