

No. 1069

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
NETHERLANDS**

**Treaty for the mutual surrender of fugitive criminals. Signed
at London on 26 September 1898**

Authentic texts: English and Dutch.

*Filed and recorded at the request of the United Kingdom of Great Britain
and Northern Ireland on 19 January 1993.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
PAYS-BAS**

**Traité relatif à la remise réciproque des délinquants fugitifs.
Signé à Londres le 26 septembre 1898**

Textes authentiques : anglais et néerlandais.

*Classé et inscrit au répertoire à la demande du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord le 19 janvier 1993.*

TREATY¹ BETWEEN THE UNITED KINGDOM AND THE NETHERLANDS FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and Her Majesty the Queen of the Netherlands, having mutually resolved to conclude a new Treaty for the extradition of criminals, the said High Contracting Parties have named as Their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Most Honourable Robert Arthur Talbot Gascoyne Cecil, Marquess of Salisbury, Earl of Salisbury, Viscount Cranborne, Baron Cecil, Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs, etc., etc.;

And Her Majesty the Queen of the Netherlands, Alexander William Baron Schimmelpenninck van der Oye, Chargé d'Affaires, *ad interim*, of the Netherlands in London, Knight of the Order of Orange Nassau, etc., etc.;

who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

Article I

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime or offence committed in the territory of the other Party, shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

Article II

The crimes or offences for which the extradition is to be granted are the following:

1. Murder, including infanticide, or attempt, or conspiracy to murder, including such crimes when directed against the Sovereign, his heir, or any other person whomsoever, provided that the crime is not of a political character.
2. Manslaughter, including the manslaughter of a child.
3. Assault occasioning actual bodily harm.
4. Maliciously wounding or inflicting grievous bodily harm.
5. Counterfeiting or altering money, or uttering counterfeit or altered money.
6. Forgery, counterfeiting or altering, or uttering what is forged, counterfeited or altered.

¹ Came into force on 14 March 1899, i.e., three months after the exchange of the instruments of ratification, which took place at London on 14 December 1898, in accordance with article XX.

7. Embezzlement; fraud by a bailee, banker, agent, factor, trustee, or director or member or public officer of any Company, made criminal by any law for the time being in force; or larceny.

8. Malicious injury to property if the offence be in lictable.

9. Obtaining money, goods, or valuable securities by false pretences.

10. Crimes against bankruptcy law.

11. Perjury, or subornation of perjury.

12. Rape.

13. Carnal knowledge, or any attempt to have carnal knowledge, of a girl under 16 years of age.

14. Indecent assault.

15. Administering drugs, or using instruments with intent to procure the miscarriage of a woman.

16. Abduction.

17. Child stealing,

18. Kidnapping of minors and their false imprisonment.

19. Burglary or house-breaking.

20. Arson.

21. Robbery with violence.

22. Any malicious act done with intent to endanger the safety of a railway train.

23. Threats by letter or otherwise, with intent to extort.

24. Piracy by law of nations.

25. Sinking or destroying a vessel at sea, or attempting to do so.

26. Assaults on board a ship on the high seas, with intent to destroy life, or do grievous bodily harm.

27. Revolt by two or more persons on board a ship on the high seas, against the authority of the master.

28. Dealing in slaves in such a manner as to constitute a criminal offence against the laws of both States.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be an extradition crime by the laws of the State applied to.

In the foregoing cases extradition shall take place only when the crime, if committed within the jurisdiction of the country on which the claim for surrender is made, would constitute an extradition crime by the laws of that country.

Extradition may also be granted, at the discretion of the State applied to, in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

Article III

Either Government may, in its absolute discretion, refuse to surrender its own subjects to the other Government.

Article IV

The extradition shall not take place if the person claimed on the part of the British Government, or the person claimed on the part of the Netherland Government, has already been tried and discharged or punished, or is actually upon his trial, within the territory of the other of the two High Contracting Parties, for the crime for which his extradition is demanded.

If the person claimed on the part of the British Government, or if the person claimed on the part of the Netherland Government, should be under examination, or is undergoing sentence under a conviction, for any other crime within the territories of the two High Contracting Parties respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal, or on expiration of his sentence or otherwise.

Article V

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

Article VI

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

Article VII

A person surrendered may in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or had an opportunity during one month of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

Article VIII

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.