

**No. 3936**

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**BELGIUM  
and  
BRAZIL**

**Extradition Treaty. Signed at Rio de Janeiro, on 6 May  
1953**

*Official texts: French and Portuguese.*

*Registered by Belgium on 14 July 1957.*

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**BELGIQUE  
et  
BRÉSIL**

**Traité d'extradition. Signé à Rio-de-Janeiro, le 6 mai 1953**

*Textes officiels français et portugais.*

*Enregistré par la Belgique le 14 juillet 1957.*

## [TRANSLATION — TRADUCTION]

No. 3936. EXTRADITION TREATY<sup>1</sup> BETWEEN BELGIUM AND BRAZIL. SIGNED AT RIO DE JANEIRO, ON 6 MAY 1953

His Majesty the King of the Belgians and the President of the Republic of the United States of Brazil, desiring to render more effective the collaboration of their respective countries in combating crime, have decided to conclude an Extradition Treaty and for that purpose have appointed as their plenipotentiaries :

His Majesty the King of the Belgians, Mr. Marcel-Henri Jaspar, his Ambassador Extraordinary and Plenipotentiary at Rio de Janeiro; and

The President of the Republic of the United States of Brazil, Dr. João Neves da Fontoura, Ambassador and Minister of State for Foreign Affairs,

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

*Article I*

The High Contracting Parties undertake, in conformity with the present Treaty and with the laws in force in each of the two countries, to surrender to each other any persons who are being proceeded against or have been convicted by the judicial authorities of one of the Parties and who are present in the territory of the other Party.

If the person is a national of the State applied to, the said State shall not be obliged to surrender him. In such cases, if extradition is not granted, the person whose extradition is applied for shall, if the laws of the State applied to so allow, be proceeded against and tried in the said State. In that event, the applicant State shall be responsible for supplying the necessary evidence for the prosecution and trial of the accused, and the final judgement or decision shall be communicated to the said State.

*Article II*

Extradition shall be granted in respect of the following crimes and offences if, under the laws of the State applied to, the act is punishable by at least one year's imprisonment :

1. Any crime against life, including homicide, murder, parricide, infanticide, poisoning and abortion.

<sup>1</sup> Came into force on 14 July 1957, one month after the exchange of the instruments of ratification at Brussels, on 14 June 1957, in accordance with article XVIII. This Treaty is not applicable to the Territories of the Belgian Congo and Ruanda-Urundi.

2. Any act of malicious wounding or grievous bodily harm resulting in death or lasting infirmity, permanent employment disability or serious mutilation of a limb or organ.
3. Rape, violent indecent assault; the offence of carnal knowledge committed by a trick.  
Indecent assault, whether violent or not, against the person of a minor of either sex who is under the age specified by the criminal law of both States.  
Any sex offence committed by inciting, facilitating or encouraging the debauchery or corruption of a minor of either sex with the object of gratifying the passions of another person.
4. Any offence against personal freedom; arbitrary detention, abduction of a minor, concealment of birth or substitution of a child.
5. Bigamy.
6. Any act endangering the safety of railway travel; total or partial destruction of buildings or of telephone or telegraph equipment; destruction or defacement of public monuments, artistic objects, registers, public documents or other objects for public use; destruction or damage of commodities, goods or other movable property; interference with the execution of public works.
7. Arson.
8. Larceny, petty theft, fraudulent conversion, receiving stolen property and extortion.
9. False pretences.
10. Embezzlement, misappropriation of public funds; offering inducements to a public official and the acceptance of such inducements.
11. False evidence, making a false statement as an expert, perjury or subornation of a witness.
12. Any offence against the laws for the suppression of slavery; traffic in slaves, women or children.
13. Any crime or offence against public credit, including the counterfeiting or alteration of coinage or paper currency, bank notes and other legally acceptable instruments of public credit, or share certificates and other documents issued by the State, corporations or individuals; the forging or alteration of postage stamps, official stamps, government or official stamps or seals, the fraudulent use of the said counterfeit or altered objects, or their issue or putting into circulation with intent to defraud; the fraudulent uttering or abuse of genuine seals, stamps or trademarks.

The falsification of public or private documents, or of official documents or commercial documents; fraudulent uttering of such falsified or counterfeit documents; purloining of documents.

14. Exposure or abandonment of children, if the act results in grievous bodily harm or death.
15. Procuring or the habitual exploitation of the prostitution or debauchery of another.
16. Fraudulent bankruptcy and frauds committed in bankruptcy.
17. Offers or proposals to commit a crime or to participate in a crime, or acceptance of such offers or proposals.

The references to the specific acts enumerated above shall be construed as references not only to direct criminal responsibility or criminal co-responsibility, but also to participation and to attempts, in the case of attempts, however, to that extent only to which attempts are punishable under the laws of both Contracting States.

### *Article III*

Extradition may be denied if the State applied to is competent under its own laws to try the crime or offence.

Extradition shall not be granted :

- (a) If the person whose extradition is applied for has already been proceeded against or tried for the same crime in the State applied to;
- (b) If under the laws of the State applied to proceedings or penalties are barred by reason of time limitation at the time when it would be possible to surrender the person in question;
- (c) If the person whose extradition is applied for is to be brought before a special court or judge in the applicant State;
- (d) If the offence by reason of which the extradition is requested is of a purely military or religious nature, or constitutes a political offence or an act connected with a political offence; nevertheless, an attempt on the life of the head of a foreign government, or on the life of members of his family shall not, if it takes the form of homicide, murder or poisoning, be deemed to be a political offence or an act connected with a political offence.

1. The authorities of the State applied to shall have exclusive competence to determine whether the act charged is political in character.

2. For the purposes of this Treaty an offence shall be considered a military offence if it takes the form of acts not covered by the ordinary criminal law and is provided for solely in special legislation which is applicable to the members of the armed forces and the object of which is the maintenance of order and discipline in the said forces.