



Treaty Series No. 28 (1933)

## CONVENTION

between His Majesty, in respect of the United Kingdom,  
Australia, New Zealand, South Africa and India

and

the President of the Portuguese Republic

supplementary to the

## EXTRADITION TREATY OF

## OCTOBER 17, 1892

Lisbon, January 20, 1932

## WITH EXCHANGE OF NOTES

[Ratifications exchanged at Lisbon, December 29, 1932]

*Presented by the Secretary of State for Foreign Affairs  
to Parliament by Command of His Majesty*

LONDON

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CONVENTION BETWEEN HIS MAJESTY, IN RESPECT OF THE UNITED KINGDOM, AUSTRALIA, NEW ZEALAND, SOUTH AFRICA AND INDIA AND THE PRESIDENT OF THE PORTUGUESE REPUBLIC SUPPLEMENTARY TO THE EXTRADITION TREATY OF OCTOBER 17, 1892 (WITH EXCHANGE OF NOTES).

*Lisbon, January 20, 1932.*

[*Ratifications exchanged at Lisbon, December 29, 1932.*]

HIS MAJESTY the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the Portuguese Republic,

Being desirous of amending Article 3 of the Treaty for the Extradition of Fugitive Criminals which was signed at Lisbon on the 17th October, 1892<sup>(1)</sup>,

Have resolved to conclude a supplementary Convention for that purpose and to that end have appointed as their plenipotentiaries :

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

for Great Britain and Northern Ireland, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic ;

for the Commonwealth of Australia, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic ;

for the Dominion of New Zealand, his Excellency Sir Claud

SUA MAJESTADE o Rei da Gran Bretanha, Irlanda e Dominios Britânicos de Além Mar, Imperador da Índia, e o Presidente da República Portuguesa,

Animados do desejo de modificar o Artigo 3 do Tratado de Extradicação de criminosos foragidos da justiça assinado em Lisboa em 17 de Outubro de 1892,

Resolveram para esse efeito concluir uma convenção suplementar e com esse fim nomearam seus Plenipotenciarios :

Sua Majestade o Rei da Gran Bretanha, Irlanda e Dominios Britânicos de Além Mar, Imperador da Índia,

pela Gran Bretanha e Irlanda do Norte, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e. Plenipotenciario de Sua Majestade junto da República Portuguesa ;

pelo Commonwealth da Australia, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa ;

pelo Dominio da Nova Zelandia, Sua Excelencia Sir Claud

(1) See "Treaty Series No. 7 (1894)," C. 7307.

Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

for the Union of South Africa, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

for India, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

The President of the Portuguese Republic,

His Excellency Commander Fernando Augusto Branco, Minister for Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:—

#### ARTICLE 1.

Article 3 of the Extradition Treaty of the 17th October, 1892, is hereby cancelled and the following provisions are substituted in lieu thereof:—

“The High Contracting Parties shall not in any case or under any pretext be compelled to surrender their own subjects or citizens, whether by birth or by naturalisation, provided that the naturalisation took place previous to the commission of the crime or offence giving rise to the application for extradition.”

#### ARTICLE 2.

The present Convention shall be ratified and the ratifications

Russell, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguêsa;

pela União Sul Africana, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguêsa;

pela India, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguêsa;

O Presidente da República Portuguêsa,

Sua Excelencia o Senhor Comandante Fernando Augusto Branco, Ministro dos Negócios Estrangeiros;

Os quais tendo trocado os respectivos Plenos Poderes, que acharam em boa e devida fórma, convieram no seguinte:

#### ARTIGO 1.

Fica pelo presente Acôrdo revogado o Artigo 3 do Tratado de Extradicação de 17 de Outubro de 1892, o qual é substituído pelas seguintes disposições:

“As Altas Partes Contratantes não serão, em caso algum nem com qualquer fundamento obrigadas a fazer entrega dos seus proprios nacionais quer estes o sejam por nascimento quer por naturalisação se esta fôr anterior ao crime ou delito que serve de fundamento ao pedido de extradicação.”

#### ARTIGO 2.

A presente Convenção será ratificada e a troca das ratifica-

shall be exchanged at Lisbon as soon as possible.

It shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties<sup>(2)</sup>, and shall have the same force and duration as the Treaty to which it relates.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done in duplicate at Lisbon, the 20th day of January, 1932.

For Great Britain and  
Northern Ireland :

CLAUD RUSSELL.

For the Commonwealth of  
Australia :

CLAUD RUSSELL.

For the Dominion of New  
Zealand :

CLAUD RUSSELL.

For the Union of South  
Africa :

CLAUD RUSSELL.

For India :

CLAUD RUSSELL.

For Portugal :

FERNANDO AUGUSTO BRANCO.

ções realizar-se-há em Lisboa o mais brevemente possível.

A Convenção entrará em vigor dez dias depois da sua publicação feita de harmonia com as fórmulas prescritas pelas leis de cada uma das Altas Partes Contratantes, e terá a mesma validade e duração que o Tratado a que diz respeito.

Em testemunho do que os respectivos Plenipotenciarios assinaram a presente Convenção e lhe apuzeram os seus selos.

Feito em duplicado em Lisboa, em 20 de Janeiro de 1932.

Pela Gran Bretanha e Irlanda  
do Norte :

Pelo Commonwealth da Aus-  
tralia :

Pelo Dominio da Nova  
Zelandia :

Pela União Sul Africana :

Pela India :

Por Portugal :

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(<sup>2</sup>) The Convention came into force on July 10, 1933.

## EXCHANGE OF NOTES

No. 1.

*Commander Branco to Sir Claud Russell.**Ministério dos Negócios Estrangeiros,*Senhor Embaixador, *Lisboa, 20 de Janeiro de 1932.*

Com referencia á Convenção assinada hoje, modificando o teor do Artigo III do Tratado de Extradicação de 17 de Outubro de 1892, tenho a honra de declarar, a fim de ficar devidamente consignado, que essa modificação não importa qualquer alteração, da parte do Governô da República, na prática invariavelmente seguida de não entregar os seus nacionais, ficando tambem entendido que esta prática não poderá servir de fundamento á recusa de qualquer extradicação por parte de qualquer dos Governos de Sua Majestade interessados, nomeadamente, os Governos de Sua Majestade no Reino Unido da Gran Bretanha e Irlanda do Norte, no Commonwealth da Australia, na Nova Zelandia, na União Sul Africana, ou o Governô da India.

2. Muito agradeceria a V. Ex<sup>a</sup>. se dignasse confirmar a exactidão desta interpretação sôbre o alcance do novo Artigo III.

Aproveito, &amp;c.

FERNANDO AUGUSTO BRANCO.

(Translation.)

*Ministry for Foreign Affairs,*M. l'Ambassadeur, *Lisbon, January 20, 1932.*

WITH reference to the Convention signed to-day, modifying the tenor of Article III of the Extradition Treaty of the 17th October, 1892, I have the honour to state, in order that it may be duly recorded, that the modification in question does not amount to an alteration, on the part of the Government of the Republic, in the practice invariably followed of not surrendering its nationals, it being also understood that this practice cannot serve as a basis for the refusal of any extradition on the part of any of His Majesty's Governments concerned, namely, His Majesty's Governments in the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia, New Zealand, the Union of South Africa, or the Government of India.

2. I should be greatly obliged to your Excellency if you would be so good as to confirm the correctness of this interpretation of the scope of the new Article III.

I avail, &amp;c.

FERNANDO AUGUSTO BRANCO.

No. 2.

*Sir Claud Russell to Commander Branco.**British Embassy,*

M. le Ministre,

*Lisbon, January 20, 1932.*

I HAVE the honour to acknowledge the receipt of your Excellency's note of to-day's date, which reads as follows :—

[As in No. 1.]

I have taken due note of this declaration, with which His Majesty's Governments in the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and the Government of India are in full agreement.

I have, &amp;c.

CLAUD RUSSELL.