

Private

31. 10. 95.

Dear. M. de Schimmelpenninck,

We are sending you to day
a Draft of the new Extradition
Treaty, which has now, as I
hope, reached its final stage.

I am however, not quite
satisfied as to the correctness
of our rendering of two phrases
in the French text of Art ~~XIII~~
which was proposed in Barr
de Jottstein's note of May 10.

1. The first French phrase (parag.
- 3.) runs: "ou de renvoi devant

"devant la justice répressive".

This we propose to
translate as (an order)
"or remitting the case to a
Criminal Court".

But I am not certain as to
the sense in which you use
"Justice répressive" - Is it, as
we assume, meant, that the
order commits the prisoner
for trial - or does justice
répressive ^(a) imply prison authorities
- or ^(b) police authorities?

Both, of course, may be held
to be "répressive". - If the

phrase refers to a criminal
Court - it is not clear why
"avec mandat d'arrêt" shall
follow in the text.

We can hardly translate the
words literally - as they would
be ambiguous in English.

2. The second phrase was:
"ainsi que la disposition pénale
qui lui est applicable".

This we translate: "and
also the penal designation
"applicable to it".

This is based on the assumption
that what is intended is