

EAST AFR. PROT.
UNION OF
SOUTH AFRICA

12330

C.O.
12330
REC
APR 14 1913

Foreign Office

1913

12 Apr.

Last previous Paper.

4/17/30
12

Fugitive Offender. Kapsoponlos

Sends despatch from Brussels enclosing note from Belgian Govt requesting surrender of Kapsoponlos, now at Nairobi. Proposes to refer to reasons for refusing apply by Congo Authorities for surrender of his man last year & to add that same considerations apply in present case.

Mr. Lewinson Mr. B. Stomley

Kapsoponlos comes under 5(d) of the S.A.P. Immigration Ord. 17 of 1906 (attached) and also under 9 as to prohibited immigrant not released by mere entry.

But the Belgian Govt ask for his extradition. F.O. letter of April 11th 1912 (month) states clearly the objections to such a course but leaves it to the discretion of the Sg. to consider how far local laws in British Protectorates and Colonies allow 'expulsion' in such a case.

? The S.A.P. Immigration Restriction Ord. might be employed here [though it was considered undesirable to suggest his expulsion under laws of N.W. Rhodesia, to the S.H. Govt (see minutes on 11041)]

N.F.D. 16/4/13

Handwritten notes in left margin: "5/17/30", "Mr. Lewinson", "Mr. B. Stomley", "waiting comes in", "conf. in quality".

Next subsequent Paper

16411

The fugitive doesn't come under s. 54 of Act 7/06 for he has not been convicted

It might be possible to get him under s. 5(f) + g.

but I rather hesitate to advise such a course for s. 9 seems based on the supposition

that the person to be deported is a prohibited immigrant when he landed - as in the

present case a person from the Empire of India seemed to be an individual from whom

no information is received after landing.

20/4/13

Lt. G. Fiddes
Mr. Bottomley

In the circumstances

? reply to F.O. approving the answer which they propose to make to the Belgian Govt as to extradition and better question of applying the Immigration Restriction Ordinance.

H.F.D. 28/4/13

As proposed.

I have consulted Mr. Tompkinson further as to the reading of s. 9 + 5(f)

Agree

together I am still inclined to think that a man may be of a class deemed by the Immigration Officer to be undesirable even though the I.O. knows nothing about him at the time of entry, but I agree with Mr. Tompkinson that we should be careful not to strain the very drastic provisions of s. 9.

S.A. Dept. to Mr. Dept. 29/4/13

I don't like this - He can't be extradited. But he is accused of rape + murder. I sh^d like the Belgian govt. that we can't extradite but that in certain cases we can deport: if they send us the dossier as they suggest + it discloses facts that make deportation permissible we will instruct the Govt accordingly.

[We sh^d act if at all under s. 9. Source before the Govt. if the man has been in Nairobi for less or more than 12 months.]

28.4.13

Agree with Mr. G. Fiddes

28.4.13

I agree too. We must act if at all under s. 9 and 5(f) together.

29.4.13

If any further communication
on this subject, please quote

No. 12868/13.

and address—
The Under-Secretary of State,
Foreign Office,
London.

C.O.
12330

FOREIGN OFFICE
REG. 14 APR 13

April 17 1913.

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Sir:-

With reference to the letter from your Department
of June 6th. last, ^{last} 16894, and previous correspondence
respecting the fugitive offender Kapsopoulos, I am
directed by Secretary Sir E. Grey to enclose, for the
information of Mr. Secretary Harcourt, a copy of a
despatch from His Majesty's Minister at Brussels stat-
ing that the Belgian Government have asked for the
surrender of this man, who is at present at Nairobi,
British East Africa.

Sir E. Grey proposes, with Mr. Harcourt's con-
currence, to instruct Sir F. Villiers to explain to the
Belgian Government that the surrender of Kapsopoulos
from the Union of South Africa was requested by the
Congo Authorities last year, and the reasons why such
surrender could not be granted, adding that the same
considerations apply as regards his rendition from

British

The Under Secretary of State,
Colonial Office.

*h
16894
r
1894*

No. 9. Treaty

British East Africa.

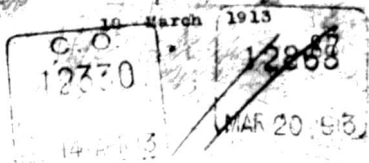
I am,

Sir,

Your most obedient,

humble Servant,

A Law



Sir,

I have the honour to forward copy of a Note from the Minister for Foreign Affairs enquiring whether the extradition can be granted of an individual named Kapsepoules charged with violation resulting in death. The crime was committed in the Katanga last year, and it appears that the accused is now living at Nairobi in the service of Messrs Pauling and Company. The Belgian Government are unable to offer reciprocity, no doubt because extradition cannot be granted in the absence of a Treaty or Convention as explained in the Note of April 3rd 1911 to which reference is made. I shall be glad to have your instructions as to the answer which I may return to this application.

M. Davignon, in connexion with this case, reopens the question of a Treaty or Convention to regulate extradition between the Belgian Congo and the neighbouring British Colonies or Protectorates. Copies of the Notes on this subject mentioned by His Excellency were transmitted in Sir Arthur Hardinge's Treaty despatches No. 3 of February 9th and No. 6 of April 4th 1911. At that time the matter was allowed to drop as it was not desired then "to enter into formal negotiations with the Belgian Government in connexion with Africa" (Dr. Campbell to Sir A. Hardinge-12474/11- of April 24 1911). It is clearly advisable, however, that some arrangement should be made and negotiations might be commenced when the annexation of the Congo has been recognized.

I have the honour to be with the highest respect, Sir.

Your most obedient humble Servant

His Right Honourable

Sir Edward Grey, K.G. M.P.

etc.

etc.

etc.

(Signed) J. H. Villiers

COPIE

14 Mars

Monsieur le Ministre,

Par lettre du 7 février 1911 dernier à l'insu, j'ai eu l'honneur de faire savoir à Sir Arthur Hardinge que le Gouvernement du Roi serait disposé en ce qui se concerne à soumettre au Cabinet de Londres des propositions spéciales en vue de régler les relations d'extradition pour le Congo Belge; mais que la convention anglo-belge du 29 octobre 1901 ne pourrait, malgré le texte de l'article 14, trouver application au Congo belge.

Le 3 avril suivant je suis revenu sur la question, au propos d'une requête du Gouverneur de l'Uganda sollicitant l'extradition éventuelle d'un nommé Max de Vallner. Un fait nouveau m'engage à entretenir à nouveau votre Excellence de l'opportunité de conclure une convention d'extradition entre le Congo Belge et ses colonies, au cas où il y a des criminels litigieux.

J'ai été informé au mois d'août 1912 par un nommé Kapopéles Georges qui semble d'origine grecque s'être enfui de Katanga pour s'être vu enlever et violé par les indigènes.

Villiers,

&

M. L. S.

Cet individu s'est embarqué le 7 mars de la dite année pro-
bablement à Beirait; il avait été vainement recherché jusqu'ici
soit dans les ports où le "Prinzessin" a fait escale soit en
Grèce.

Il nous est revenu il y a quelques temps, que le nom-
mé Kapsopoulos résiderait actuellement à Nairobi (British East
Africa) au service de la société Pauling et Co.

En raison du grand intérêt qu'il y aurait à obtenir
la répression si possible au Congo même du crime odieux
dont Kapsopoulos est accusé, j'ai l'honneur de prier votre
Excellence de vouloir bien me faire savoir s'il ne pourrait
pas entrer dans les vues du Gouvernement de Sa Majesté Bri-
tannique de nous accorder l'extradition de l'individu dont il
s'agit mais sans engagement de réciprocité; le cas échéant le
Gouvernement du Roi soumettrait à l'examen du Cabinet de Lon-
dres les pièces judiciaires qu'il possède et des renseigne-
ments supplémentaires pourraient être demandés au Gouver-
neur du Katanga.

Veillez agréer, Monsieur le Ministre, l'assurance
de ma haute considération.

(s) J. Lavignon.

C. D.
MAY 3 1913
0.5

5 May 1913

Sir,

I am etc to ackn. the receipt of your letter No (12330) 12868/13 of the 12th of April forwarding a copy of a despatch from H.M. Primitie at Brussels stating that the Belgian Govt have asked for the surrender of the fugitive offender Kapsopoulos.

SC
below in copy 2 July 1913

2. Mr Harcourt concurs with regard to the question of the extradition of this man, Mr Harcourt considers the course proposed by the explanation which Sir P. ...

DRAFT.

The H. S. S.
F.O.

MINUTE.

- Mr. Downie 30/4/13
- Mr. Robinson
- Sir G. Fiddes. 2/5/13
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

to make to the Belgian Govt
through Sir F. Villiers is
satisfactory.

3. Mr. Harcourt would
be glad, however, if
Sir L. Peel would cause
the Belgian Govt to be
informed that though
extradition is ^{in principle} ~~in~~ ^{outside of the}
question in this case,
in certain circumstances

it is possible to deport
undesirables from the
E.A.P., and that if
the Belgian Govt will
supply N.M. Govt with
the degree of the case, as
suggested in the letter

of Mr. Davignon to Sir
F. Villiers { the Govt of the
E.A.P.

and if facts are thereby
disclosed which make
deportation ~~desirable~~
permissible

will be instructed to send
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consider the question of putting it to operation the provisions
of the Restriction ~~of the~~
Immigration Ordinance

I am

for the ^{SECRETARY} READ. State