

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF COUNTERFEITING CURRENCY

(Geneva, 20 April 1929)

ENTRY INTO FORCE: 22 FEBRUARY 1931

Depositary: Secretary-General of the United Nations

His Majesty the King of Albania; the President of the German Reich; the President of the United States of America; the Federal President of the Austrian Republic; His Majesty the King of the Belgians; His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Bulgarians; the President of the National Government of the Republic of China; the President of the Colombian Republic; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Polish Republic, for the Free City of Danzig; His Majesty the King of Spain; the President of the French Republic; the President of the Hellenic Republic; His Serene Highness the Regent of the Kingdom of Hungary; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Royal Highness the Grand Duchess of Luxemburg; His Serene Highness the Prince of Monaco; His Majesty the King of Norway; the President of the Republic of Panama; Her Majesty the Queen of the Netherlands; the President of the Polish Republic; the President of the Portuguese Republic; His Majesty the King of Roumania; His Majesty the King of the Serbs, Croats and Slovenes; the Central Executive Committee of the Union of the Soviet Socialist Republics; the Swiss Federal Council; the President of the Czechoslovak Republic,

Being desirous of making more and more effective the prevention and punishment of counterfeiting currency, have appointed as their Plenipotentiaries:

His Majesty the King of Albania:

Dr Stavro STAVRI, Chargé d'Affaires in Paris;

The President of the German Reich:

Dr Erich KRASKE, "Vortragender Legationsrat" at the Ministry for Foreign Affairs;

Dr Wolfgang METTGENBERG, "Ministerialrat" at the Ministry of Justice of the Reich;

Dr VOCKE, "Geheimer Finanzrat", Member of the Reichsbank Direktorium;

The President of the United States of America:

Mr Hugh R. WILSON, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council;

The Federal President of the Austrian Republic:

Dr Bruno SCHULTZ, Police Director, Chief of Section of Criminal Police at the Prefecture of Police of Vienna;

His Majesty the King of the Belgians:

M. SERVAIS, Minister of State, Honorary Public Prosecutor at the Brussels Court of Appeal;

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

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

Sir John FISCHER WILLIAMS, British Legal Representative at the Reparations Commission;

Leslie S. BRASS, Esq., Assistant Principal at the Home Office;

For India:

Vernon DAWSON, Esq., C.I.E. Principal at the India Office;

His Majesty the King of the Bulgarians:

M. D. MIKOFF, Chargé d'Affaires in Berne;

The President of the National Government of the Republic of China:

M. Lone LIANG, Counsellor of the Legation of China to the President of the German Reich;

The President of the Colombian Republic:

Dr Antonio José RESTREPO, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations;

The President of the Republic of Cuba:

M. G. DE BLANCK Y MENOCA, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations;

M. Manuel R. ALVAREZ, Commercial Attaché to the Permanent Delegation accredited to the League of Nations;

His Majesty the King of Denmark:

M. William BORBERG, Permanent Delegate accredited to the League of Nations;

The President of the Polish Republic, for the Free City of Danzig:

M. François SOKAL, Minister Plenipotentiary, Delegate of the Polish Republic accredited to the League of Nations;

M. John MUHL, First Prosecutor and Head of the Criminal Police of the Free City;

His Majesty the King of Spain:

M. Mauricio LOPEZ ROBERTS, Marquis DE LA TORREHERMOSA, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council;

The President of the French Republic:

Count DE CHALENDAR, Financial Attaché to the Embassy accredited to His Britannic Majesty;

The President of the Hellenic Republic:

M. Mégalos CALOYANNI, "Counseiller honoraire" to the High Court of Appeal at Cairo;

His Serene Highness the Regent of the Kingdom of Hungary:

M. P. DE HEVESY DE HEVES, Resident Minister, Permanent Delegate accredited to the League of Nations;

His Majesty the King of Italy:

Commendatore Dr Ugo ALOISI, Counsellor at the "Cour de Cassation", Attaché to the Ministry of Justice;

His Majesty the Emperor of Japan:

M. Raizaburo HAYASHI, Public Prosecutor of the Supreme Court;

M. Shigeru NAGAI, Director of the Imperial Mint;

Her Royal Highness the Grand Duchess of Luxemburg:

M. Charles G. VERMAIRE, Consul at Geneva;

His Serene Highness the Prince of Monaco:

M. Rodolphe ELLES, Vice-Consul at Geneva;

His Majesty the King of Norway:

M. Chr. L. LANGE, Secretary-General of the Interparliamentary Union;

The President of the Republic of Panama:

Dr AROSEMENA, Secretary of State for Foreign Affairs;

Her Majesty the Queen of the Netherlands:

Baron A. A. VAN DER FELTZ, Former Head of the Dutch Central Office for the Suppression of Falsifications, Former General Prosecutor to the Court of Appeal of Amsterdam;

M. P. J. GERKE, Treasurer-General to the Department of Finance of the Dutch Indies;

M. K. H. BROEKHOFF, State Commissioner of Police, Chief Inspector of Police;

The President of the Polish Republic:

M. François SOKAL, Minister Plenipotentiary, Delegate accredited to the League of Nations;

Dr Vlodziemierz SOKALSKI, Judge at the Supreme Court;

The President of the Portuguese Republic:

Dr José CAEIRO DA MATTA, Director of the Bank of Portugal, Professor of Law at the University of Lisbon;

His Majesty the King of Roumania:

M. Constantin ANTONIADE, Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations;

M. Vespasien V. PELLA, Professor of Criminal Law at the University of Jassy;

M. Pascal TONCESCO, Counsellor at the Court of Appeal;

His Majesty the King of the Serbs, Croats and Slovenes:

Dr Thomas GIVANOVITCH, Professor of Criminal Law at the University of Belgrade;

The Central Executive Committee of the Union of Soviet Socialist Republics:

M. Georges LACHKEVITCH, Legal Adviser to the Embassy of the Union, accredited to the President of the French Republic;

M. Nicolas LIUBIMOV, Attaché to the Embassy of the Union, accredited to the President of the French Republic;

The Swiss Federal Council:

M. E. DELAQUIS, Head of the Police Division of the Federal Department of Justice and Police, Professor of Law at the University of Berne;

The President of the Czechoslovak Republic:

M. Jaroslav KALLAB, Professor of Penal and International Law at the University of Brno;

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

PART I

Article 1

The High Contracting Parties recognise the rules laid down in Part I of this Convention as the most effective means in present circumstances of ensuring the prevention and punishment of the offence of counterfeiting currency.

Article 2

In the present Convention, the word "currency" is understood to mean paper money (including banknotes) and metallic money, the circulation of which is legally authorised.

Article 3

The following should be punishable as ordinary crimes:

- (1) Any fraudulent making or altering of currency, whatever means are employed;
- (2) The fraudulent uttering of counterfeit currency;
- (3) The introduction into a country of or the receiving or obtaining counterfeit currency with a view to uttering the same and with knowledge that it is counterfeit;
- (4) Attempts to commit, and any intentional participation in, the foregoing acts;
- (5) The fraudulent making, receiving or obtaining of instruments or other articles peculiarly adapted for the counterfeiting or altering of currency.

Article 4

Each of the acts mentioned in Article 3, if they are committed in different countries, should be considered as a distinct offence.

Article 5

No distinction should be made in the scale of punishments for offences referred to in Article 3 between acts relating to domestic currency on the one hand and to foreign currency on the other; this provision may not be made subject to any condition of reciprocal treatment by law or by treaty.

Article 6

In countries where the principle of the international recognition of previous convictions is recognised, foreign convictions for the offences referred to in Article 3 should, within the conditions prescribed by domestic law, be recognised for the purpose of establishing habitual criminality.

Article 7

In so far as "civil parties" are admitted under the domestic law, foreign "civil parties", including, if necessary, the High Contracting Party whose money has been counterfeited, should be entitled to all rights allowed to inhabitants by the laws of the country in which the case is tried.

Article 8

In countries where the principle of the extradition of nationals is not recognised, nationals who have returned to the territory of their own country after the commission abroad of an offence referred to in Article 3 should be punishable in the same manner as if the offence had been committed in their own territory, even in a case where the offender has acquired his nationality after the commission of the offence.

This provision does not apply if, in a similar case, the extradition of a foreigner could not be granted.

Article 9

Foreigners who have committed abroad any offence referred to in Article 3, and who are in the territory of a country whose internal legislation recognises as a general rule the principle of the prosecution of offences committed abroad, should be punishable in the same way as if the offence had been committed in the territory of that country.

The obligation to take proceedings is subject to the condition that extradition has been requested and that the country to which application is made cannot hand over the person accused for some reason which has no connection with the offence.

Article 10

The offences referred to in Article 3 shall be deemed to be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the High Contracting Parties.

The High Contracting Parties who do not make extradition conditional on the existence of a treaty or reciprocity, henceforward recognise the offences referred to in Article 3 as cases of extradition as between themselves.

Extradition shall be granted in conformity with the law of the country to which application is made.

Article 11

Counterfeit currency, as well as instruments or other articles referred to in Article 3(5), should be seized and confiscated. Such currency, instruments or other articles should, after confiscation, be handed over on request either to the Government or bank of issue whose currency is in question, with the exception of exhibits whose preservation as a matter of record is required by the law of the country where the prosecution took place, and any specimens whose transmission to the Central Office mentioned in Article 12 may be deemed advisable. In any event, all such articles should be rendered incapable of use.

Article 12

In every country, within the framework of its domestic law, investigations on the subject of counterfeiting should be organised by a central office.

This central office should be in close contact:

- (a) With the institutions issuing currency;
- (b) With the police authorities within the country;
- (c) With the central offices of other countries.

It should centralise, in each country, all information of a nature to facilitate the investigation, prevention and punishment of counterfeiting currency.

Article 13

The central offices of the different countries should correspond directly with each other.

Article 14

Each central office should, so far as it considers expedient, forward to the central offices of the other countries a set of cancelled specimens of the actual currency of its own country.

It should, subject to the same limitation, regularly notify to the central offices in foreign countries, giving all necessary particulars:

- (a) New currency issues made in its country;
- (b) The withdrawal of currency from circulation, whether as out of date or otherwise;

Except in cases of purely local interest, each central office should, so far as it thinks expedient, notify to the central offices in foreign countries:

(1) Any discovery of counterfeit currency. Notification of the forgery of bank or currency notes shall be accompanied by a technical description of the forgeries, to be provided solely by the institution whose notes have been forged. A photographic reproduction or, if possible, a specimen forged note should be transmitted. In urgent cases, a notification and a brief description made by the police authorities may be discreetly communicated to the central offices interested without prejudice to the notification and technical description mentioned above;

(2) Investigation and prosecutions in cases of counterfeiting, and arrests, convictions and expulsions of counterfeiters, and also, where possible, their movements, together with any details which may be of use, and in particular their descriptions, finger-prints and photographs;

(3) Details of discoveries of forgeries, stating whether it has been possible to seize all the counterfeit currency put into circulation.

Article 15

In order to ensure, improve and develop direct international cooperation in the prevention and punishment of counterfeiting currency, the representatives of the central offices of the High Contracting Parties should from time to time hold conferences with the participation of representatives of the banks of issue and of the central authorities concerned. The organisation and supervision of a central international information office may form the subject of one of these conferences.

Article 16

The transmission of letters of request [1] relating to offences referred to in Article 3 should be effected:

- (a) Preferably by direct communication between the judicial authorities, through the central offices where possible;
- (b) By direct correspondence between the Ministers of Justice of the two countries, or by direct communication from the authority of the country making the request to the Minister of Justice of the country to which the request is made;
- (c) Through the diplomatic or consular representative of the country making the request in the country to which the request is made; this representative shall send the letters of request direct to the competent judicial authority or to the authority appointed by the Government of the country to which the request is made, and shall receive direct from such authority the papers showing the execution of the letters of request.

In cases (a) and (c), a copy of the letters of request shall always be sent simultaneously to the superior authority of the country to which application is made.

Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the country to which the request is made may require a translation in its own language, certified correct by the authority making the request.

Each High Contracting Party shall notify to each of the other High Contracting Parties the method or methods of transmission mentioned above which it will recognise for the letters of request of the latter High Contracting Party.

Until such notification is made by a High Contracting Party, its existing procedure in regard to letters of request shall remain in force.

Execution of letters of request shall not be subject to payment of taxes or expenses of any nature whatever other than expenses of experts.

Nothing in the present article shall be construed as an undertaking on the part of the High Contracting Parties to adopt in criminal matters any form or methods of proof contrary to their laws.

Article 17

The participation of a High Contracting Party in the present Convention shall not be interpreted as affecting that Party's attitude on the general question of criminal jurisdiction as a question of international law.

Article 18

The present Convention does not affect the principle that the offences referred to in Article 3 should in each country, without ever being allowed impunity, be defined, prosecuted and punished in conformity with the general rules of its domestic law.

PART II

Article 19

The High Contracting Parties agree that any disputes which might arise between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case any or all of the High Contracting Parties parties to such a dispute should not be Parties

to the Protocol bearing the date of December 16th, 1920, [2] relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the parties and in accordance with the constitutional procedure of each party, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or to some other court of arbitration.

Article 20

The present Convention, of which the French and English texts are both authentic, shall bear to-day's date. Until the 31st day of December 1929, it shall be open for signature on behalf of any Member of the League of Nations and on behalf of any non-member State which was represented at the Conference which elaborated the present Convention or to which a copy is communicated by the Council of the League of Nations.

It shall be ratified, and the instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who will notify their receipt to all the Members of the League and to the non-member States aforesaid.

Article 21

After the 1st day of January 1930, the present Convention shall be open to accession on behalf of any Member of the League of Nations and any of the non-member States referred to in Article 20 on whose behalf it has not been signed.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who will notify their receipt to all the Members of the League and to the non-member States referred to in Article 20.

Article 22

The countries which are ready to ratify the Convention under the second paragraph of Article 20 or to accede to the Convention under Article 21 but desire to be allowed to make any reservations with regard to the application of the Convention may inform the Secretary-General of the League of Nations to this effect, who shall forthwith communicate such reservations to the High Contracting Parties on whose behalf ratifications or accessions have been deposited and enquire whether they have any objection thereto. If within six months of the date of the communication of the Secretary-General no objections have been received, the participation in the Convention of the country making the reservation shall be deemed to have been accepted by the other High Contracting Parties subject to the said reservation.

Article 23

Ratification of or accession to the present Convention by any High Contracting Party implies that its legislation and its administrative organisation are in conformity with the rules contained in the Convention.

Article 24

In the absence of a contrary declaration by one of the High Contracting Parties at the time of signature, ratification or accession, the provisions of the present Convention shall not apply to colonies, overseas territories, protectorates or territories under suzerainty or mandate.

Nevertheless, the High Contracting Parties reserve the right to accede to the Convention, in accordance with the provisions of Articles 21 and 23, for their colonies, overseas territories, protectorates or territories under suzerainty or mandate. They also reserve the right to denounce it separately in accordance with the provisions of Article 27.

Article 25

The present Convention shall not come into force until five ratifications or accessions on behalf of Members of the League of Nations or non-member States have been deposited. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification or accession. [3]

Article 26

After the coming into force of the Convention in accordance with Article 25, each subsequent ratification or accession shall take effect on the ninetieth day from the date of its receipt by the Secretary-General of the League of Nations.

Article 27

The present Convention may be denounced on behalf of any Member of the League of Nations or non-member State by a notification in writing addressed to the Secretary-General of the League of Nations, who will inform all the Members of the League and the non-member States referred to in Article 20. Such denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations, and shall operate only in respect of the High Contracting Party on whose behalf it was notified.

Article 28

The present Convention shall be registered by the Secretariat of the League of Nations on the date of its coming into force.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva, the twentieth day of April, one thousand nine hundred and twenty-nine, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations, and of which certified copies will be transmitted to all the Members of the League and to the non-member States referred to in Article 20.

PROTOCOL

I. INTERPRETATIONS

At the moment of signing the Convention of this day's date, the undersigned Plenipotentiaries declare that they accept the interpretations of the various provisions of the Convention set out hereunder.

It is understood:

- (1) That the falsification of a stamp on a note, when the effect of such a stamp is to make that note valid in a given country, shall be regarded as a falsification of the note.
- (2) That the Convention does not affect the right of the High Contracting Parties freely to regulate, according to their domestic law, the principles on which a lighter sentence or no sentence may be imposed, the prerogative of pardon or mercy and the right to amnesty.
- (3) That the rule contained in Article 4 of the Convention in no way modifies internal regulations establishing penalties in the event of concurrent offences. It does not prevent the same individual, who is both forger and utterer, from being prosecuted as forger only.
- (4) That High Contracting Parties are required to execute letters of request only within the limits provided for by their domestic law.

II. RESERVATIONS

The High Contracting Parties who make the reservations set forth hereunder make their acceptance of the Convention conditional on the said reservations; their participation, subject to the said reservations, is accepted by the other High Contracting Parties.

(1) The Government of INDIA make a reservation to the effect that Article 9 does not apply to India, where the power to legislate is not sufficiently extensive to admit of the legislation contemplated by this Article.

(2) Pending the negotiation for the abolition of consular jurisdiction which is still enjoyed by nationals of some Powers, the CHINESE Government is unable to accept Article 10, which involves the general undertaking of a Government to grant extradition of a foreigner who is accused of counterfeiting currency by a third State.

(3) As regards the provisions of Article 20, the delegation of the UNION OF SOVIET SOCIALIST REPUBLICS reserves for its Government the right to address, if it so desires, the instrument of its ratification to another signatory State in order that the latter may transmit a copy thereof to the Secretary-General of the League of Nations for notification to all the signatory or acceding States.

III. DECLARATIONS

SWITZERLAND

At the moment of signing the Convention, the representative of Switzerland made the following declaration:

"The Swiss Federal Council, being unable to assume any obligation as to the penal clauses of the Convention before the question of the introduction of a unified penal code in Switzerland is settled in the affirmative, draws attention to the fact that the ratification of the Convention cannot be accomplished in a fixed time.

"Nevertheless, the Federal Council is disposed to put into execution, to the extent of its authority, the administrative provisions of the Convention whenever these will come into force in accordance with Article 25."

UNION OF SOVIET SOCIALIST REPUBLICS

At the moment of signing the Convention, the representative of the Union of Soviet Socialist Republics made the following declaration:

"The delegation of the Union of Soviet Socialist Republics, while accepting the provisions of Article 19, declares that the Government of the Union does not propose to have recourse, in so far as it is concerned, to the jurisdiction of the Permanent Court of International Justice.

"As regards the provision in the same Article by which disputes which it has not been possible to settle by direct negotiations would be submitted to any other arbitral procedure than that of the Permanent Court of International Justice, the delegation of the Union of Soviet Socialist Republics expressly declares that acceptance of this provision must not be interpreted as modifying the point of view of the Government of the Union on the general question of arbitration as a means of settling disputes between States."

The present Protocol in so far as it creates obligations between the High Contracting Parties will have the same force, effect and duration as the Convention of today's date, of which it is to be considered as an integral part.

IN FAITH WHEREOF the undersigned have affixed their signatures to the present Protocol.

DONE at Geneva, this twentieth day of April, one thousand nine hundred and twenty-nine, in a single copy, which shall be deposited in the archives of the Secretariat of the League of

Nations and of which authenticated copies shall be delivered to all Members of the League of Nations and non-member States represented at the Conference.

[Signatures not reproduced here.]

[1] This expression has the same meaning as "letters rogatory". (Footnote appeared in original text.).

[2] UKTS 1923 No. 23 (Cmd. 1981); Hertslet 29 p. 216; LNTS 6 p. 379.

[3] The Convention entered into force on 22 February 1931.