

N° 206.

---

**ALLEMAGNE ET FRANCE**

**Convention particulière relative à des questions judiciaires en Alsace-Lorraine, conclue à Baden-Baden, le 5 mai 1920.**

---

**GERMANY AND FRANCE**

**Special Convention concerning Judicial questions in connection with Alsace - Lorraine, concluded at Baden-Baden, May 5, 1920.**

---

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 206. — SPECIAL CONVENTION BETWEEN GERMANY<sup>2</sup> AND FRANCE CONCERNING JUDICIAL QUESTIONS IN CONNECTION WITH ALSACE-LORRAINE<sup>3</sup>, CONCLUDED AT BADEN-BADEN ON MAY 5, 1920.

---

*French official text communicated by the German Minister for Foreign Affairs and by the "Service français de la Société des Nations." The registration of this Convention took place on January 9, 1922.*

---

The FRENCH GOVERNMENT and the GERMAN GOVERNMENT, with a view to settling, in accordance with the reservation made in paragraph 5 of Article 78 of the Treaty of Peace<sup>4</sup> certain questions as to competence, procedure and administration of justice in connection with Alsace-Lorraine, have agreed to the following provisions :

*Article 1.*

The German courts shall alone be competent to pass judgment, except as regards real estate, in all actions which were brought before the civil courts in Alsace-Lorraine before November 30, 1918, provided that the parties are German and permanently domiciled or resident in German territory as determined by the Treaty of Peace, and that neither party acquires French nationality by virtue of that Treaty. The same provision shall apply in all cases where all the parties are German, but where one or more of them resides in France or abroad and requests the French Court to declare that it has no competence. The fact that a law-suit has been referred to the competent Court shall in no way affect the consequences resulting from the bringing of the action (*Rechtshängigkeit*).

*Article 2.*

Under the terms of Article 1 law-suits brought by a German plaintiff against the Treasury of the German Empire or that of any German State before November 30, 1918, shall, in particular, be referred to the German Courts unless, by virtue of the Treaty of Peace or of other agreements, France is made responsible for the obligations of the Treasury concerned. Subject to the same reservation, the same provision shall apply, if the action is brought by a national of a third Power. If the action has been brought against the Treasury of the German Empire or against the Treasury of one of the German States by a party who has acquired French nationality by virtue of the Treaty of Peace, and unless France has assumed the responsibility for the obligations of the German Treasury, the case shall be referred to the Mixed Arbitral Tribunal provided for under Article 304 of the Treaty of Peace.

---

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> See foot-note Vol. II page 60 of this Series.

<sup>3</sup> The exchange of ratifications took place on November 20, 1920.

<sup>4</sup> See foot-note 4 page 47 of this volume.

The same provision shall apply in cases where France has assumed responsibility for the obligations of the German Treasury and the action has been brought by a German who is domiciled at that time or permanently resident outside France.

Disputes brought before the French Courts of Alsace-Lorraine after November 30, 1918, under the conditions mentioned with regard to the two previous cases and concerning facts or obligations existing before November 30, 1918, shall also be within the competence of the Mixed Arbitral Tribunal.

#### Article 3.

When proceedings by way of public announcement (*Aufgebotsverfahren*) have already been instituted for the purpose of certifying the death of a German, such proceedings shall be referred to the German Courts, unless the conditions laid down in the Treaty of Peace for the acquisition, under certain circumstances, of French nationality, are applicable to the person concerned.

#### Article 4.

The following cases shall be referred to the German Courts :

(1) Cases regarding guardianship and trusteeship (*Vormundschafts- und Pflegeschafts-sachen*) ;

(2) Cases of succession ;

(3) and in general all cases of non-contentious jurisdiction, with the exception of cases relating to the land register and other public registers which are actually pending before the Courts of Alsace-Lorraine or the settlement of which has been entrusted to notaries in Alsace-Lorraine, if the minors, persons placed under guardianship or trusteeship, heirs to a succession or, in other cases, the persons concerned, are all Germans who are not entitled, under the Treaty of Peace, to claim French nationality and who are domiciled or permanently resident within the frontiers of the German Empire as defined by the Treaty of Peace.

#### Article 5.

The French Courts in Alsace-Lorraine shall be authorised to transfer to German Courts penal actions brought, before November 30, 1918, against German nationals who have not acquired French nationality by virtue of the Treaty of Peace and who are living within the frontiers of the German Empire as defined by the Treaty of Peace.

#### Article 6.

Persons of German nationality who have been sentenced by the German Courts in Alsace-Lorraine before November 30, 1918, and who are at present detained in prisons, central gaols or penitentiary establishments in Alsace-Lorraine, shall be handed over to the competent German authorities with the exception, however, of those who have *ipso facto* acquired French nationality or who have claimed such nationality by virtue of the provisions of § 2 of the Annex to Section 5 of Part III of the Treaty of Versailles. Similarly, persons who have been granted French nationality, or who have claimed such nationality by virtue of the provisions of the Treaty of Peace, and who, by reason of a sentence passed by a German Court in Alsace-Lorraine before November 30, 1918, are still detained in prisons, central gaols and penitentiary establishments in Germany, shall be handed over to the competent French authorities.

For the purposes of the present article, persons placed in educational, charitable or disciplinary establishments by virtue of legal decisions pronounced before November 30, 1918, shall be regarded as persons sentenced to detention.

*Article 7.*

As regards criminal cases, the German Courts shall deal with appeals for the revision of actions brought against German nationals in which a German Court in Alsace-Lorraine has passed sentence or judgment having the force of *res judicata* :

(1) If, at the date of the coming into force of the present Convention, the accused person has not yet served the sentence passed on him or her, and if, in accordance with Article 6, Germany is responsible for the carrying out of that sentence ;

(2) In cases of acquittal, execution of the sentence, reduction or remission of the penalty, if the accused is domiciled or permanently resident in German territory at the moment when he applies for revision of the sentence.

In both cases, however, this provision shall only apply if the injured party is neither of French nationality nor a citizen of Alsace-Lorraine.

If, before the date of the coming into force of the present Convention, the application for revision has already been referred to a Court in Alsace-Lorraine, and if at that date the accused is domiciled or permanently resident in Germany, the German Courts shall be competent to pronounce judgment.

*Article 8.*

Notifications of decease, which, in accordance with the regulations in force, must be made by the German military authorities to registrars of births, marriages and deaths in Alsace-Lorraine, shall be addressed direct to the representatives of the Ministry of Justice (Procureurs de la République) with the regional courts.

These notifications will be handed over to the competent registrars of births, marriages and deaths, who will enter them in their register of deaths.

*Article 9.*

Applications by the German authorities for entries to be made in the registers of births, marriages and deaths which are kept in Alsace-Lorraine shall be addressed direct to the representatives of the Ministry of Justice (Procureurs de la République) with the regional Courts. Such registration shall be compulsory, provided that the applications fulfil the conditions laid down by the laws in force in Alsace-Lorraine.

Similarly, applications by the Alsace-Lorraine authorities for entries to be made in the registers of births, marriages and deaths kept in Germany shall be addressed direct to the competent authorities. Such registration shall be compulsory, provided that the applicants fulfil the conditions laid down by German legislation.

*Article 10.*

German nationals shall be authorised to obtain in Alsace-Lorraine, in the language of the original and at the same rate and on the same conditions as French nationals, copies and extracts from the public registers and from the acts of the judicial authorities, notaries, offices of registrars of births, marriages and deaths, and of the " huissiers " (bailiffs) of Alsace-Lorraine, and certificates regarding the facts recorded in the said acts or registers.

In special cases, upon application being made, the French Government shall transmit to the German Government for communication to the judicial authorities, the files of the judicial authorities of Alsace-Lorraine concerning civil and commercial matters and cases of non-contentious jurisdiction, in so far as such communication to the local authorities is permitted according to the legislation in force.

The German Government, for its part, undertakes to assume the obligations, mentioned in the previous paragraphs, with regard to French nationals and to the French judicial authorities in Alsace-Lorraine.

*Article 11.*

The High Contracting Parties undertake to communicate to each other free of cost the gazettes containing the sentences passed by the Courts of Alsace-Lorraine on German nationals and by the German Courts on persons born in Alsace-Lorraine, with the exception of minor cases.

Upon application being made, the French Government shall hand over to the German authorities extracts from the legal records kept in Alsace-Lorraine ; similarly, the German Government shall hand over to the French authorities in Alsace-Lorraine, on receipt of an application to that effect, extracts from the legal records kept in Germany.

*Article 12.*

The two Contracting Parties recognise that the provisions of Article 78, paragraph 3, of the Treaty of Peace shall not apply to the cases for which special provision is made in the present Convention.

*Article 13.*

The documents dealing with cases which have been referred to the German Courts by virtue of the preceding provisions shall be handed over by the Courts of Alsace-Lorraine to the Imperial Public Prosecutor at the Supreme Court at Leipzig, who shall decide which Court is competent to continue the proceedings.

*Article 14.*

The present Convention shall in no way prejudice the rights conferred upon the Government of the Republic by virtue of the provisions of the Treaty of Peace concerning the sequestration and liquidation of German property.

*Article 15.*

The French and German Governments have no administrative responsibility with regard to the carrying out by the judicial authorities of the stipulations of the present Convention, in so far as this duty rests with those authorities.

*Article 16.*

The present Convention shall remain in force for 5 years. Should neither of the Contracting Parties have notified the other, 3 months before the expiration of that period, that it intends to denounce it, the Convention shall continue to be in force until the expiration of a period of 3 months reckoned from the date of denunciation by either Party.

*Article 17.*

The present Convention shall be ratified and the ratifications exchanged as soon as possible at Baden-Baden.

The present Convention shall come into force on the eighth day after the exchange of ratifications.

Done at Baden-Baden, on May 5, 1920.

RAYMOND BRUGÈRE.

GERHARD KÖPKE.