

N° 1638.

**POLOGNE
ET TCHÉCOSLOVAQUIE**

Accord concernant l'échange des actes des anciennes autorités militaires autrichiennes hongroises et austro-hongroises. Signé à Varsovie, le 8 février 1927.

**POLAND
AND CZECHOSLOVAKIA**

Agreement regarding the Exchange of Acts of the former Austrian, Hungarian and Austro-Hungarian Military Authorities. Signed at Warsaw, February 8, 1927.

¹ TRANSLATION.

No. 1638. — AGREEMENT BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE POLISH REPUBLIC REGARDING THE EXCHANGE OF ACTS OF THE FORMER AUSTRIAN, HUNGARIAN, AND AUSTRO-HUNGARIAN MILITARY AUTHORITIES. SIGNED AT WARSAW, FEBRUARY 8, 1927.

Article I.

THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC and THE GOVERNMENT OF THE POLISH REPUBLIC undertake to restore to each other free of charge all kinds of documents belonging to the former Austrian, Hungarian, and Austro-Hungarian military authorities held by them in any part of their territories, and relating to nationals of the other Contracting Party, or to property situated within the territory of the other Contracting Party.

In this connection no distinction shall be drawn between documents in the possession of either State before the change of régime and documents acquired by it by any means whatsoever after the change of régime.

The above provision shall in particular concern :

I. *Personal documents* :

- (a) Service index-cards of all kinds for officers and men.
- (b) Documents giving particulars as to qualifications and conduct, for officers (N. C. O.'s), and extracts from disciplinary conduct-sheets for officers and men;
- (c) Certificates of voluntary enlistment for further service, and other attestations;
- (d) Documents referring to medical check inspections, medical histories, medical certificates, hospital registers, medical reports, etc.;
- (e) Extracts from birth, marriage and death records kept by the military administrations;
- (f) Documents relating to recruitment (*i. e.*, recruiting lists and records of recruits), to registration of enlistment (*i. e.*, control registers concerning N. C. O's and men belonging to the local recruiting depôts and headquarters), and other documents of this type relating to the former territorial army, such as documents concerning territorial classes, rolls, lists of addresses, records of the calling-up of territorial classes, and control registers of ex-territorials;
- (g) Pension records concerning officers and men, their widows and orphans;
- (h) Disabled men's booklets;
- (i) Documents concerning criminal cases dealt with in former courts-martial (in garrison, in the field and on lines of communication), unless they relate to the political activities referred to in Article 23 (b), 2nd sentence, of the Legal and Financial Convention concluded on April 23, 1925, between the Czechoslovak Republic and the Republic of Poland;
- (j) Documents concerning auxiliary formations transferred during the war from their own recruitment depôts in the territory of one Contracting Party to the territory of the other Contracting Party, if such documents are still in the latter's territory;

¹ Translated by the Secretariat of the League of Nations.

(k) The lists and statements mentioned in Article 172 of the Peace Treaty of St. Germain and in Article 156 of the Peace Treaty of Trianon, including death certificates, check sheets, and notifications of site of interment. If either State has at its disposal the data and the aforementioned documents concerning nationals of the other State buried within its territory, these also shall be handed over, together with the relative notifications as to site of interment.

II. Documents concerning Property.

Plans and drawings of barracks, and of other military buildings and properties, together with all relative documents in so far as they are concerned with military properties, and also any plans drawn up by the former military administration for the mining of communications situated in the territory of the other Contracting Party;

(b) Files concerning payments and settlements of claims lodged under the provisions of Law No. 236/1912 of the Legal Code of the Austrian Empire and of the Hungarian Law LXVIII of 1912 concerning acts in time of war;

(c) Documents concerning military funds and foundations belonging to either Contracting Party.

III. The documents mentioned in I and II shall be restored with all accessory papers (such as baptismal records, certificates of origin, accounts, etc.).

Article 2.

The obligation to effect the reciprocal restitution of documents shall be restricted to military documents dating from January 1, 1890, to October 28, 1918.

For the period from May 1st, 1848, to December 31st, 1889, all relative annex-files (*priora*) shall be restored.

Article 3.

The Contracting Parties reciprocally undertake to endeavour to preserve intact all military documents referred to in the present Agreement, and to prevent damage to any portion of the said documentary material, or its alienation or destruction in any manner, without the knowledge and consent of the other Contracting Party.

Article 4.

The two Contracting Parties reciprocally agree :

(a) To search their archives, records, offices, and other places appointed for the preservation of the military documents mentioned in Article 1 ;

(b) To prepare for despatch the documents which are to be returned under the provisions of the present Agreement ;

(c) To begin their despatch not later than six months from the day on which the present Agreement comes into force ;

(d) To attach to each consignment a list giving the names of the persons or description of the objects to which the documents relate, and the nature of the documents ;

(e) To restore to each other on special request and within the shortest possible period, that is to say, apart from the normal execution of the general exchange provided for under (a) to (d) of the present Article, special documents to which they have a claim in virtue of the present Agreement and which are urgently required.

Article 5.

Military documents of a personal character shall be divided according to the place of origin mentioned in one of the said documents, unless it is proved that the person in question has, at a later date, changed his nationality.

Article 6.

(a) Documents relating to one of the Contracting Parties only shall be forwarded to that Party in the original ;

(b) Documents concerning the two Contracting Parties equally shall be retained by the State in whose possession they are, whilst a certified copy shall be forwarded to the other State. The costs of making and certifying the copies shall be borne by the Party responsible for drawing them up.

In the case of voluminous documents (for example, documents relating to criminal cases, etc.), the copying of which would involve the expenditure of much labour and time, the one State shall lend the other the original document for a suitable period, which shall be fixed by the two Governments jointly for each individual case.

(c) Documents relating also to the administration of a third State shall remain in the possession of the Contracting State which has hitherto held them, unless the State in question concludes with such third State an agreement concerning the division of the said documents, or consents to hand them over to the State making the application.

The two Contracting Parties shall send each other, on request, certified copies of all documents of this kind, or shall lend each other the originals in accordance with the principles established under (b) of this Article.

Article 7.

The division of documents under Articles 1-6 of the present Agreement shall be effected by the military administrative headquarters of the two Contracting Parties.

The diplomatic representatives, or, if the two Contracting Parties so agree, the Consular representatives authorised to this effect, shall act as the receiving authorities.

Documents shall be forwarded as and when they are prepared.

The transport and export of military documents shall be effected under the provisions of Article 27 (b) of the Legal and Financial Convention concluded on April 23rd, 1925, between the Czechoslovak Republic and the Polish Republic.

Article 8.

The present Agreement shall remain in force until the two Governments jointly declare that the exchange of military documents is terminated.

Article 9.

If a dispute should arise it shall be settled by agreement between the two military headquarters. If no agreement can be reached by this method, action shall be taken in conformity with the provisions of Chapter IX of the Legal and Financial Convention concluded on April 23rd, 1925, between the Czechoslovak Republic and the Polish Republic.

Article 10.

The present Agreement shall come into force on the thirtieth day after the exchange of the instruments of ratification, which shall take place at Prague.

Done at Warsaw on the eighth day of February One thousand nine hundred and twenty-seven, in two originals of like import, each in the Czechoslovak and Polish languages, both texts being authentic.

(L. S.) Dr. Jan OPOČENSKÝ.

(L. S.) Dr. Eugeniusz BARWIŃSKI.