

N° 1946.

POLOGNE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES

Convention concernant les relations
juridiques de leurs ressortissants,
avec protocole. Signés à Belgrade,
le 4 mai 1923.

POLAND AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES

Convention regarding Legal Rela-
tions between the Nationals of the
two Countries, with Protocol.
Signed at Belgrade, May 4, 1923.

¹ TRADUCTION. — TRANSLATION.

No. 1946. — CONVENTION² BETWEEN POLAND AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES, CONCERNING LEGAL RELATIONS BETWEEN THE NATIONALS OF THE TWO COUNTRIES. SIGNED AT BELGRADE, MAY 4, 1923.

French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Convention took place February 14, 1929.

THE POLISH REPUBLIC and THE KINGDOM OF THE SERBS, CROATS AND SLOVENES, being desirous of regulating legal relations between their respective nationals in civil and penal matters, have resolved to conclude a Convention.

To this end, the High Contracting Parties have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

M. Zdzislaw OKECKI, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Belgrade ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

M. Dragoljoub ARANGÉLOVITCH, Professor at the Belgrade Faculty of Law ;

M. Janko BABNIK, President of the Ljubljana Court of Appeal ;

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

PART I.

CIVIL MATTERS.

CHAPTER I.

LEGAL PROTECTION IN CIVIL MATTERS.

Article I.

As regards civil matters, the nationals of either Contracting Party shall enjoy, in the territory of the other Party, the same legal and judicial protection as the nationals of that Party in respect of their persons and property.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Warsaw, November 27, 1928.

To this end they shall have free access to the Courts under the same conditions and in the same manner as nationals.

Article 2.

The nationals of either Contracting Party appearing before the Courts of the other Party as plaintiffs or interveners shall not be required to give any security or to make any deposit under any name whatsoever on the ground of their being foreigners or not having a domicile or residence in the country, provided that they have a domicile in the territory of one of the Parties.

The same rule shall apply to payments required from plaintiffs or interveners as security for legal expenses.

Article 3.

When a plaintiff or intervener who has been exempted from giving security or making a deposit, or from previous payment, either in accordance with Article 2, paragraphs 1 and 2 or under the law of the country in which the action is brought is ordered in the territory of one of the Contracting Parties to pay the cost of the action, the judgment in question shall, on a request being transmitted through the diplomatic channel or, of necessary, submitted direct by the party concerned, be made executory by the competent authority of the other Contracting State without any charge being made.

The same shall apply to judicial decisions by which the amount of the costs is fixed later.

As judicial decisions in the above sense shall also be included statements of costs submitted by clerks of court within the limits of their competence.

Article 4.

Judgments in respect of costs shall be declared to be executory in accordance with the law of the country in which they are to be executed, without the parties being heard but subject to appeal by the party against whom judgment has been given.

The authorities competent to decide on a request asking that the judgment be made executory shall confine themselves to determining :

(1) Whether under the law of the country in which the judgment was given the decision has been drawn in a form which fulfils the conditions necessary for it to be valid.

(2) Whether under the same law the decision has become final.

These conditions shall be regarded as being fulfilled if the competent authority of the State making the request furnishes a declaration to the effect that the judgment has become final.

The request must be accompanied by an authenticated translation, in the official language of the authority to which application is made, of the terms of the decision in question and of the declaration that the decision has become final. The said translation shall be authenticated by a diplomatic or consular representative of the State making application, or by a sworn translator of the State making application or of the State applied to. Each of the Contracting Parties shall also be free to authorise its judges to effect the said authentication.

As the official language shall be understood the Polish language in the case of Poland and the Serb-Croat-Slovene language in the case of the Kingdom of the Serbs, Croats and Slovenes.

Article 5.

Nationals of either Contracting State shall be granted the benefit of free legal aid in the territory of the other State in the same manner as nationals of the country.

Article 6.

The certificate of inadequate means shall be issued by the authorities of the applicant's place of habitual residence or, failing such residence, by the authorities of the place in which he is residing for the time being.

Should the applicant not be resident in the territory of either of the Contracting Parties, the attestation of his competent diplomatic or consular representative shall be sufficient.

Article 7.

The authority competent to issue the certificate of inadequate means may make enquiries of the authorities of the other Contracting State with regard to the financial position of the applicant.

The authority appointed to deal with the application for free legal aid shall, within the limits of its competence, retain the right to verify the accuracy of the certificates and information furnished to it.

A party to whom free legal aid has been granted by the competent authority of either of the Contracting Parties shall be given the same benefit with respect to the various proceedings relating to the same matter before the judicial authorities of the other Contracting Party.

CHAPTER II.

ASSISTANCE IN CIVIL MATTERS.

I. GENERAL PROVISIONS.

Article 8.

The Contracting Parties undertake to give each other, on being requested to do so, mutual assistance in civil and commercial matters and in matters of non-contentious jurisdiction by means of direct relations between the judicial authorities.

All the judicial authorities shall be competent to submit requests for the service of documents and *commissions rogatoires* direct, and the presidents of the courts of the first instance shall be competent to receive these documents. After the request has been complied with, the reply shall be sent direct to the authority making the application.

If the authority applied to is not the competent authority in the particular case, the request in question shall be transmitted through the official channel to the competent authority in the same State.

Article 9.

Requests for the service of documents and *commissions rogatoires* shall be drawn up in the official language of the State making the request. They do not require legalisation, but they must be sealed with the official seal of the applicant authority.

The documents drawn up for the purpose of giving effect to the request, together with the other documents relating thereto, shall be drafted in the official language of the State applied to ; if not they must be accompanied by a translation into that language certified by a sworn translator.

Article 10.

The request shall indicate the object, and give, in so far as is necessary, a brief account of the matter, together with the names, occupation or status and domicile or residence of the parties.

Requests for service of documents shall also give the address of the recipient and the form in which the documents submitted are to be served.

Article 11.

The judicial authority which proceeds to the execution of the request shall apply, as regards the procedure to be followed, the law of its own country.

Nevertheless, an application by the authority making the request that some special procedure be followed shall be acceded to, provided that such procedure is not incompatible with the law of the State applied to.

Article 12.

In all cases in which the request is not executed by the authority applied to, the latter shall immediately notify the authority making the application, stating in the case of Article 20 the reasons for which the execution of the request has been refused, and in the case of Article 8 the authority to which the request has been transmitted.

Article 13.

No fees or expenses of any kind whatever, except charges and expenses payable to witnesses and experts, shall be payable in respect of the execution of requests for the service of documents and *commissions rogatoires*.

Postal charges for correspondence connected with a request shall be borne by the despatching authority.

Article 14.

In all cases in which, in virtue of the present Convention, translations have to be certified by a sworn translator, each of the Contracting Parties may also authorise its judges to effect this legalisation.

II. SERVICE OF DOCUMENTS.

Article 15.

Documents to be served must be drafted in the official language of the State applied to or in French, or be accompanied by a translation into one of these languages, certified by a sworn translator.

Failing this, the authority applied to may limit its action to effecting the service of the document by delivering it to the addressee if he is prepared to accept it.

Article 16.

The service of documents may only be refused if the State in whose territory such service is to be made considers it such as to compromise its sovereignty or safety.

Article 17.

Proof of service shall be furnished either by a dated and duly certified receipt from the addressee or by a certificate from the authority of the State applied to, setting forth the fact, the manner and the date of such service.

If the document to be served has been forwarded in duplicate, the receipt or certificate shall appear on one of the two or be attached thereto.

Article 18.

Each of the Contracting Parties shall remain free to serve legal documents on its nationals residing in the territory of the other Party direct through its diplomatic or consular agents, but it may not have recourse to compulsion.

III. OTHER REQUESTS OF A JUDICIAL NATURE.

Article 19.

1. It shall be incumbent upon the judicial authority to which the *commission rogatoire* is addressed to give effect to it by the use of the same compulsory measures as it would employ in giving effect to a similar request emanating from the authorities of the State applied to or a request for this purpose by an interested party. These compulsory measures are not necessarily employed where it is a question of the appearance of the parties in the case.

2. The authority making the request shall, if it so desires, be informed of the date and place at which the proceedings will take place, in order that the interested party may be able to be present.

Article 20.

1. The execution of the *commission rogatoire* may only be refused if in the State applied to the execution does not fall within the functions of the judiciary, or if the State in whose territory execution would have to take place considers it such as to affect its sovereignty or safety.

2. The transmission of the acts and other documents may also be refused if, owing to their importance, special doubts arise and if the Ministry of Justice consents to such refusal.

Article 21.

The Ministries of Justice of the two Contracting States shall furnish each other, if requested to do so, with information regarding the law in force in their respective territories.

CHAPTER III.

SUCCESSION.

Article 22.

The nationals of either Contracting Party may dispose *mortis causa* of all the property they possess in the territory of the other Contracting Party by will, legacy, *donatio mortis causa* or in any other manner, under the same conditions as nationals of the country.

They shall remain free to make their testamentary dispositions before their competent consular representatives in the territory of the other Contracting Party.

Testamentary dispositions made before the competent consular representatives shall have the same force and effect in the territory of the two Contracting Parties before the courts of law and other authorities as the same testamentary dispositions made by a legal officer of either of the Contracting Parties, provided they have been made in the form prescribed by the laws of the Party which appointed the consul.

Article 23.

The nationals of either Contracting Party shall be allowed, on the same conditions as nationals of the country, to succeed to or take possession of property passing to them in the territory of the other Contracting Party by operation of law or in virtue of testamentary disposition.

Article 24.

Decisions regarding rights of succession relating to movable estate fall within the exclusive competence of authorities of the country to which the deceased belonged. By rights of concession are meant succession by operation of law, reservation of a portion of the estate, testamentary succession, *donatio mortis causa*, and legacy.

The authorities of the country in which the estate is situated shall nevertheless be exclusively competent in regard to claims to movable estate put forward by nationals of that country and based on a different legal title.

Article 25.

As regards the disposal of immovable estate, the authorities of the country in which the immovable property is situated shall alone be competent to take all the measures calling for official action.

These authorities must, however, apply the national law of the deceased in all cases involving a decision on rights of succession.

Article 26.

Property of which the deceased was not free to dispose *mortis causa (fidei commissum)* shall be subject to the law of the country in which it is situated.

The same law shall be applicable to the public law restrictions to which estate or parts thereof may be subject.

Article 27.

Where jurisdiction in matters of succession is reserved under Article 24 to the national authorities of the deceased, the authorities of the country in which the estate is situated, when deciding on the title of a person claiming his rights as belonging to the said country or being domiciled therein, shall treat the estate in question as estate left by a national of the country, but shall nevertheless apply the national law of the deceased.

This procedure shall only be applied if none of the other heirs, after receiving due warning, lodges a protest.

Article 28.

If the estate left by the deceased is without heirs under national law, it shall be subject, as an unclaimed succession, to the law of the State in which it was situated at the time of his death.

Estate which, under the national law of the deceased, would revert by law, in the absence of other persons capable of succeeding, either to the State or to some other juristic person, shall be regarded as an estate without heirs.

Article 29.

If a national of one of the Contracting Parties dies leaving in the territory of the other Party the whole or part of his estate, the authorities of that Party shall as a general rule confine themselves to taking the measures essential to the safeguarding of the estate, and shall immediately notify the competent consular authorities of the opening of the succession; they shall at the same time communicate to these authorities any available particulars concerning the persons of the heirs, their residence, the existence of any disposition *mortis causa*, and what measures, if any, have been taken in connection with the safeguarding of the estate.

If the consular authority is the first to be informed of the opening of the succession, it shall notify the local authorities in the same manner.

Article 30.

The consular authorities shall be entitled to take possession of the movable property of the estate even if the local authorities have taken measures to safeguard the said property; the former shall be responsible for providing for the regular administration of this property, while remaining free to call upon the local authorities for any assistance that may be necessary.

The consular authorities shall, when occasion arises, give the local authorities an opportunity of being present at the affixing of the seals and at the making of the inventory of the estate.

Article 31.

Measures of execution may nevertheless be taken against the property of the estate at the disposition of the consular authority, but the consul shall in no case be held personally liable.

If a measure of execution is necessary, the competent authority shall be obliged to make a request to the consular authority.

Article 32.

In all questions arising out of the opening, administration and liquidation of successions left in the territory of one Contracting Party by nationals of the other Party, the competent consular officials shall be recognised *ipso facto* as representatives of the absent heirs, in so far as the latter are nationals of the country which appointed the consul and have not left other agents.

Article 33.

The delivery of the property belonging to the estate to the duly recognised heir at law or its despatch abroad shall only take place after payment or deposit of adequate security to cover the succession duties and claims brought against the estate, and also the succession rights of the duly recognised heirs at law — this applying to nationals of the country in which the property of the estate is situated and to persons domiciled therein.

The consular authority may, however, pay in advance from the moneys of the estate, the costs of the last illness and burial of the deceased, the rent due for last half-year, the judicial and consular fees, etc., and in urgent cases the expenses for the maintenance of the deceased's family.

Nevertheless, the creditors of the estate cannot oppose the delivery of the property of the estate if within nine months from the decease of the person concerned they do not succeed in showing that their claims have been recognised by the heirs, or else have been approved by a judicial decision having force of law, or at least have been regularly filed with the competent judicial authority.

CHAPTER IV.

LEGITIMACY.

Article 34.

Cases concerning the legitimacy of children shall be decided by the authorities of the Contracting Party of which the child is a national.

The decisions of these authorities shall be recognised as valid in the territory of the other Contracting Party.

CHAPTER V.

GUARDIANSHIP AND CURATORSHIP.

Article 35.

Measures of guardianship and curatorship with regard to the person or property of individuals shall be taken by the authorities of the State to which the individual belongs.

Article 36.

If it should be necessary to arrange for guardianship or curatorship in the case of a national of one of the Contracting Parties residing or possessing property in the territory of the other Contracting State, the competent local authority shall limit its action to taking urgent and necessary measures of protection, and shall notify the competent national authority, which may rescind these measures.

Article 37.

The competent national authority may, if this is in the interests of the person protected, transfer the entire guardianship (curatorship), or any isolated measure, relating either to person or property, to the authorities of the other Party with the latter's consent and in accordance with the relevant provisions on the subject.

Article 38.

The provisions of Articles 35 to 37 shall apply both to guardianship, deprivation of civil rights strictly so called, curatorship, the appointment of an administrator by the Court and all other similar measures if their effect is to limit capacity.

Article 39.

The decisions taken by the competent authorities under Articles 35 to 37 shall be recognised in the territory of the other Party.

CHAPTER VI.

DECLARATION ESTABLISHING DISAPPEARANCE OR DEATH.

Article 40.

The declaration establishing the disappearance or death of a person shall be within the competence of the authorities of the State of which that person was a national at the time of his disappearance or death.

Decisions taken by one of the authorities mentioned in the previous paragraph shall be recognised as valid in the territory of the other Party.

In case of need, and for the purposes which such a declaration may serve in one of the Contracting States, the authorities of that State may, in accordance with the law of the country, issue the declaration establishing the disappearance or death of a national of the other Contracting State.

CHAPTER VII.

GENERAL PROVISIONS.

Article 41.

In all cases in which the present Convention refers to the national law, this shall be taken to mean in each of the Contracting States the local legislation to which the person in question is amenable under the laws of the State in question.

Article 42.

For communications between the respective authorities as provided in the present Convention, the procedure indicated in Article 8 shall be observed.

CHAPTER VIII.

SPECIAL CLAUSES CONCERNING DOCUMENTS.

Article 43.

Documents drawn up or issued by the courts of either Contracting Party shall not, if the official seal of the court has been affixed thereto, require any legalisation for employment in the territory of the other Contracting Party.

The same shall apply :

- (1) To documents of the mortgage and deposit offices in so far as the said authorities are not covered by paragraph 1.
- (2) To protests relating to bills of exchange drawn up by notaries and clerks or officers of the courts.

Article 44.

Documents drawn up or issued by a notary, or a clerk or officer of the courts, with the exception of protests relating to bills of exchange (Article 43, paragraph 2, No. 2) for employment in the

territory of the other Contracting Party, must be legalised by the President of the Court of the first instance in whose area the notary, clerk or officer in question exercises his functions.

Article 45.

Articles 43 and 44 shall apply *mutatis mutandis* in regard to documents under private seal, the signature of which is legalised by a court, a notary or a clerk of court.

Article 46.

Documents drawn up, issued or legalised by one of the central administrative authorities of either Contracting Party enumerated in the annexed schedule and sealed with the official seal of the said authority shall not require any other legalisation for employment in the territory of the other Contracting Party.

The said schedule may be modified or amplified by either of the Contracting Parties with the consent of the two Ministries of Justice.

Documents drawn up, issued or legalised by any other administrative authority than those enumerated in the above schedule must be legalised by an authority mentioned in the said schedule which is immediately superior to the authority in question.

Article 47.

Documents issued on the basis of the civil status registers by the civil status authorities of one of the Contracting Parties for use in the territory of the other Party shall be provided with the legalisation only of the competent court or of the administrative authority of first instance competent for the supervision of the civil status officer.

Extracts from the church registers concerning civil status, when provided with the church seal, must, in so far as they are not already covered by paragraph 1, be provided with the legalisation and the attestation of the court competent *ratione loci*, certifying that the person issuing the said extract is authorised to do so.

Article 48.

Legalised copies of documents, if they are to be employed in the territory of the other Contracting Party, must be issued by the offices which drew up or issued the original documents. In the event of the foregoing provisions having stipulated a further special legalisation, the latter shall also be required for the legalised copy.

If the authority which drew up or issued a document no longer exists, the copy must be legalised by the competent authority which replaced the authority in question.

If the record authority also no longer exists, the copy shall be legalised by the Ministry of the Interior.

PART II.

PENAL MATTERS.

CHAPTER I.

EXTRADITION.

Article 49.

The two Contracting Parties undertake to deliver up to each other, on requisition being made, persons in their territory who are being proceeded against or who have been convicted by a court

of the Party making the application for any criminal offence punishable under the law of the two Contracting Parties, even if only applicable in part of that territory, with at least one year's imprisonment or a heavier penalty.

In determining whether there is any obligation to deliver up the offender, the only point to be considered is whether the action in respect of which extradition is applied for is punishable in the territory of the State applied to ; on the other hand, it is immaterial whether the person whose extradition is requested is also liable to prosecution for the same offence in the State applied to.

Article 50.

The Polish Republic shall not surrender its own nationals or those of the Free City of Danzig, nor the Kingdom of the Serbs, Croats and Slovenes its own nationals.

If the person mentioned in the requisition for extradition has, before this requisition was made, submitted an application for naturalisation in the State to which requisition is made, the latter may delay extradition until a final decision has been taken on the said application.

Article 51.

Extradition shall not be granted when the criminal offence in respect of which extradition is requested :

- (a) Is only punishable under military law ;
- (b) Is only an infringement of the Press laws ;
- (c) Is a contravention of the Customs, revenue or other financial laws ;
- (d) Constitutes a political offence or is connected with such an offence ; nevertheless, extradition may be granted when the action has the character both of a political offence and of an offence under ordinary law and when the latter character predominates, a point which shall be freely determined by the authority applied to. An offence committed or attempted against the life of a Head of State or against a member of his family shall not be considered as a political offence.

Article 52.

Further, extradition shall not be granted :

- (a) If prosecution for the offence in question is, under the laws of the State applied to, exclusively reserved to the latter's judicature ;
- (b) If exemption from prosecution or punishment has been acquired by lapse of time in virtue of the laws in force in all parts of the territory of the State applied to at the moment the requisition for extradition was made ;
- (c) If penal proceedings for the same offence have been taken against the person in question in the State applied to and have been terminated by a judgment or in any other way, unless the law of the country in question allows the re-opening of proceedings. Acquittal or the staying of proceedings shall not prevent extradition when they were only based on the circumstance that the offence was committed abroad.

Article 53.

Extradition may be deferred when the person in respect of whom requisition for extradition has been made is being proceeded against for the same criminal offence in the State applied to.

Article 54.

If the person claimed is being proceeded against or has been convicted in the State applied to for another offence, his extradition may be postponed until the criminal proceedings are concluded or until the sentence has been carried out or remitted. A decision in regard to extradition shall, however, be given as soon as possible.

Article 55.

If the extradition of a person is requested for the same offence by more than one Government, that person shall be delivered up to the State in whose territory the offence was committed. If the offence in question was committed in the territory of more than one State, or if there are any doubts as to the place where it was committed, the stipulations of the following paragraph shall apply.

If the extradition of the same person is requested by more than one State for different offences, that person shall be delivered up to the State of which he is a national. If this Government does not request extradition, the person in question shall be delivered up to the Government which requests extradition in respect of the offence subject to the severest penalty. If all the offences are subject to equal penalties, extradition shall be granted to the Government which submitted the first request.

Article 56.

Notwithstanding the provisions of the foregoing Article, the Party applied to may grant priority to the State of which the person claimed is a national if it has undertaken to do so in virtue of a treaty concluded with that State.

Article 57.

The person surrendered may not be proceeded against, punished, or delivered up to a third State for an offence committed before his extradition and in respect of which extradition has not been granted, unless :

(a) The Party granting extradition consents thereto — this consent may not be refused if extradition could have been granted for this offence — or

(b) The person surrendered consents thereto in a judicial declaration, a certified true copy of which must be transmitted to the Party having granted extradition.

Article 58.

If the person surrendered fails to leave the territory of the State to which he was delivered up, within one month after the conclusion of the proceedings for the offence which led to extradition — whether his sentence has been carried out or remitted — or if he returns thither of his own accord, he may be proceeded against or punished for offences other than that which led to his extradition.

Article 59.

The requisition for extradition may be submitted direct to the Ministry of Justice of the Party applied to by the Ministry of Justice of the Party making the application. Any other correspondence occasioned by extradition may also take place direct between the Ministries of Justice of the two Parties.

Article 60.

The requisition for extradition must be accompanied by a warrant of arrest or the criminal judgment on the person in question. These documents should indicate the offence leading to the requisition for extradition, together with a statement of the facts, and should quote the text of the law applicable to the case. In the event of offences against property, the amount of the actual or attempted damage should be indicated. If the aforesaid particulars are not given in the documents mentioned above, a judicial document containing the missing particulars must be attached.

The above-mentioned documents must be drawn up in the form prescribed for the party making the application, in the original or in a certified copy, and must be legalised by the Ministry of Justice.

A certified true copy of the text of the penal laws applicable must be annexed.

The requisition should, where possible, contain a description of the person whose surrender is claimed, or other particulars which might serve to establish his identity.

Article 61.

If the requisition and the documents indicated in Article 60 are not drafted in the official language of the State applied to, they must be accompanied by a certified translation in the language of that State or in French. This rule also applies to all other correspondence bearing on the case.

Article 62.

If there is any doubt as to the conditions regarding extradition laid down in the present Convention, the State making the application shall be asked for additional particulars.

When the provisional arrest of the person to be surrendered has been ordered, he may be set at liberty if such particulars have not reached the Ministry of Justice of the Party applied to within six weeks of the date of despatch of the request for these particulars.

Article 63.

On receipt of the requisition for extradition the necessary steps to effect the surrender shall be taken immediately, unless it appears at the outset that extradition should not be granted.

Article 64.

Even before the requisition for extradition has been submitted, the person claimed may, unless it appears at the outset that extradition should not be granted, be arrested provisionally if a request is made for the purpose and if such request refers explicitly to a warrant of arrest or to a final judgment and indicates the nature of the offence.

The requisition may be submitted in writing or by telegram direct to the competent authorities of the State applied to by the Courts or Public Prosecutor's Departments of the State making the application.

Any person whose name has, at the request of the competent authorities, been entered in the Police Bulletins of the other Party in conformity with the relevant agreements must also be provisionally arrested if discovered in the latter's territory.

Article 65.

The date of the provisional arrest (Article 64) and the place of detention must be immediately communicated to the authority making the application or to the authority which made the enquiry, as well as to the Ministry of Justice of the country.

The person provisionally arrested must be set at liberty if the warrant of arrest or the criminal judgment has not reached the authority having custody of the person in question within fifteen days of the date of arrest.

The Ministry of Justice of the Party which made the arrest is authorised to set at liberty the person provisionally arrested if the requisition for extradition is not transmitted to it within six weeks of the date of arrest.

Article 66.

The State to which an offender is delivered up must inform the State which delivered him up of the final result of the criminal proceedings taken.

Article 67.

All the articles seized which at the time of arrest were found in the possession of a person who is to be surrendered and which he obtained as a result of his offence, and also articles which may serve as proof of the offence, must be forwarded without delay to the Party making the application.

The above provisions shall apply with regard to articles of the same character which may be found subsequently.

The said articles shall, if a request is made for the purpose, be handed over even when extradition, although admissible, could not be effected by reason of the death or the escape of the person to be surrendered.

The rights of third parties to the articles in question shall remain unaffected.

Such articles shall be handed over without charge to the persons entitled to them after the judicial proceedings have been concluded. In the event of there being any doubt as to who is entitled to them, the articles in question must be forwarded free of charge to the Party making the application, if the latter so requests.

The State which has been asked to deliver up these articles may keep them temporarily if it requires them for the purposes of the criminal proceedings.

Article 68.

The costs and charges incurred by one of the Contracting Parties in its own territory as a result of the extradition procedure or the handing over of the articles mentioned in Article 76 shall not be refunded.

The authority which has delivered up the person claimed must nevertheless communicate the amount of these costs to the authority making the application in order that it may recover these costs from the persons responsible for defraying them. The sum thus paid shall be retained by the Party making the application.

Article 69.

If a third State delivers up a person to one of the Contracting Parties, the other Party shall authorise conveyance through its territory if the person surrendered is not a national of that Party.

Articles 50 to 52 and Article 60 shall apply as regards requests for transit.

CHAPTER II.

LEGAL ASSISTANCE IN CRIMINAL MATTERS.

Article 70.

The courts of ordinary law and the Public Prosecutors' Departments of the two Contracting Parties shall, if requested to do so, afford each other assistance in criminal matters in conformity with the following provisions.

Article 71.

Assistance shall include :

- (a) The service of all documents relating to the proceedings, including judgments ;
- (b) The hearing of accused persons, witnesses or experts, visits to the spot, searches and seizure, as well as other measures of legal investigation ;
- (c) The forwarding of documents, judicial dossiers, copies of the latter, articles serving as evidence of the crime, and articles obtained as a result of the offence or subject to confiscation ;
- (d) The forwarding of particulars from the records of previous convictions.

Criminal judgments of the other Party shall not however be executed.

Article 72.

Legal assistance may be refused :

(a) When the act constituting the offence is not punishable under the laws of the Party applied to, or constitutes a crime or offence of a political or purely military character ;

(b) In the case of the prosecution of a national of the Party applied to who is not in the territory of the Party making the application.

If the *commission rogatoire* requires that a search be made or that articles serving as evidence of the crime be seized, such request shall be complied with under the same conditions as those to which extradition is subject under the present Convention.

Article 73.

The articles indicated in Article 71, paragraph 1, N c) shall be sent back free of charge unless the authority applied to decides otherwise. The rights of third parties shall in any case remain unaffected.

Article 74.

The stipulations of Articles 8 to 20 shall be applicable *mutatis mutandis* in regard to legal assistance in criminal matters.

CHAPTER III.

COMMUNICATION OF CONVICTIONS.

Article 75.

The Contracting Parties shall communicate to each other, through the official channel, extracts from the records of previous convictions or extracts from judgments having the force of law, in so far as these documents relate to nationals of the other Party.

This clause shall not apply if, according to the rules which are binding on the court that has tried the case, the judgment is not liable to be entered in the record of previous convictions.

The Contracting Parties shall also communicate to each other any subsequent decisions concerning the said judgments which are entered in the record of previous convictions.

The copies and extracts shall be addressed to the authority responsible for criminal statistics or, if the latter is not known, to the Ministry of Justice of the other State.

Communications and requests for information from the record of previous convictions shall be addressed to the Ministry of Justice of the other State, if the authority responsible for criminal statistics in the other State is not known.

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Warsaw as soon as possible. It shall come into force within one month after the exchange of the instruments of ratification. It may be denounced by either of the Contracting Parties, in which case it shall remain in force for six months as from the date of denunciation.

In faith whereof the Plenipotentiaries of the two Parties have signed the present Convention and have thereto affixed their seals.

Done at Belgrade on May 4, one thousand nine hundred and twenty-three, in duplicate French original texts.

(L. S.) OKĘCKI.

(L. S.) DR. D. ARANGÉLOVITCH.

(L. S.) JANKO BABNIK.

ANNEX to Article 46, paragraph 1.

SCHEDULE.

of the central administrative authorities of the Polish Republic and of the Kingdom of the Serbs, Croats and Slovenes, whose documents require no further legalisation before employment in the territory of the other Contracting Party.

A. POLISH REPUBLIC.

1. All the Ministries.
2. Office for the defence of the Treasury interests (*Prokuratorja Generalna Rzeczypospolitej Polskiej*).
3. Central Statistical Office (*Główny Urząd Statystyczny*).
4. Central Agrarian Office (*Główny Urząd Ziemiański*).
5. Central Liquidation Office (*Główny Urząd Likwidacyjny*).
6. Chancellery of the President of the Republic.
7. Chancellery of the Parliament.

B. KINGDOM OF THE SERBS, CROATS AND SLOVENES.

1. All the Ministries.
2. Chancellery of the Royal Court.
3. Chancellery of the Parliament.

PROTOCOL.

At the time of signing the Convention of to-day's date, the Plenipotentiaries of the two Contracting Parties have, by common agreement, declared as follows :

(1) For the purposes of Article 4 of the present Convention the Serb-Croat-Slovene language shall be understood to mean the Serb-Croat language and the Slovene language.

(2) In view of the great differences existing between the local laws of the two Contracting Parties with regard to the determination of the legal character of certain offences, the competent authorities of Poland and of the Kingdom of the Serbs, Croats and Slovenes shall, in applying the provisions of the present Convention, take special care to see that requisitions for extradition on the basis of the Convention shall not be made in respect of trifling offences.

Done at Belgrade on May 4, 1923.

(Signed) ОКЕЏКИ.

(Signed) Dr. D. ARANGÉLOVITCH.

(Signed) Janko BABNIK.