

N° 3196.

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**TCHÉCOSLOVAQUIE  
ET TURQUIE**

Traité d'extradition et d'assistance  
judiciaire en matière pénale, avec  
protocole de signature. Signés à  
Praha, le 22 août 1930.

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**CZECHOSLOVAKIA  
AND TURKEY**

Treaty of Extradition and Judicial  
Assistance in Criminal Matters,  
with Protocol of Signature. Signed  
at Prague, August 22, 1930.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 3196. — TREATY<sup>2</sup> OF EXTRADITION AND JUDICIAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN CZECHOSLOVAKIA AND TURKEY. SIGNED AT PRAGUE, AUGUST 22, 1930.

*French official text communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Treaty took place June 6, 1933.*

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, of the one part, and THE PRESIDENT OF THE TURKISH REPUBLIC, of the other part, being desirous of concluding a treaty for regulating the extradition of offenders and judicial assistance in criminal matters, have appointed as their respective Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Pavel WELLNER, Doctor of Laws, Minister Plenipotentiary and Envoy Extraordinary at the Ministry of Foreign Affairs, and

M. Antonín KOUKAL, Doctor of Laws, Senior Consellor at the Ministry of Justice ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

M. Menemenli NUMAN Bey, Minister Plenipotentiary of the First Class, under Secretary of State at the Ministry of Foreign Affairs,

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

## CHAPTER I.

## EXTRADITION AND EXTRADITION IN TRANSIT.

*Article I.*

## GENERAL PROVISIONS.

The High Contracting Parties undertake, upon requisition being made, to deliver up to one another under the terms of the present Convention, all persons other than their own nationals who are being proceeded against or have been convicted by the judicial authorities of the one Party and who shall be found within the territory of the other Party.

Extradition shall be granted only in the case of prosecution or conviction for an offence committed outside the territory of the State from which extradition is requested.

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

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

<sup>2</sup> The exchange of ratifications took place at Ankara, March 6, 1933.

*Article 2.*

In the case of a requisition for a person who is being proceeded against, extradition shall only be granted if the offence in question is punishable under the laws of both countries with at least one year's imprisonment or some heavier penalty.

Extradition applied for with a view to the execution of a judgment having the force of *res judicata* shall only be granted if the offender has been finally sentenced to a penalty of not less than six months' imprisonment for an offence punishable, under the laws of both countries, with not less than one year's imprisonment or some heavier penalty.

*Article 3.*

Extradition shall also be granted in respect of an attempt or of complicity in any form or of any nature whatsoever, provided such attempt or complicity be punishable in accordance with Article 2 under the laws of both the applicant State and the State applied to.

*Article 4.*

## NON-EXTRADITABLE OFFENCES.

Extradition shall not be granted :

(1) For political offences or offences connected therewith, unless the common offence connected with the political offence be so serious as to constitute the principal offence. An attack on the life of the Head of the State or of the Head of the Government, including an attempt or complicity in such an offence, shall not be deemed to be of a political nature ;

(2) For purely military offences, when the act is punishable only under military law ;

(3) For offences covered only by the laws relating to the press.

In cases falling under the preceding numbers, the authorities of the State applied to shall have sole power to decide as to the nature of the acts committed.

*Article 5.*

The two High Contracting Parties undertake not to grant to a third State the extradition of subjects of the other Party who are being prosecuted or who have been sentenced for any of the offences mentioned in the preceding Article.

*Article 6.*

Extradition shall also not take place :

(1) If the accused has been discharged after proceedings for the same offence before the authorities of the Party applied to, or if proceedings led to a final judgment, save where the law of the Party applied to permits criminal proceedings to be re-opened on the production of new facts by the applicant Party ;

(2) If the authorities of the Party applied to are, under the laws of that Party, competent to try the offence ;

(3) If the offence was committed in the territory of a third State and the laws of the Party applied to do not permit prosecution for such an offence committed abroad ;

(4) If, by the law of one of the Contracting Parties, the offence alleged or the sentence passed is deemed to be barred by limitation or to have lapsed at the time of presentation of the requisition for extradition, or if at the moment in question there are other legal grounds which prevent the prosecution of the person claimed ;

(5) If the complaint or motion of the injured Party, being by the law of one Contracting Party required for the prosecution of the offence, has not been submitted or has been withdrawn.

#### Article 7.

##### REQUISITION FOR EXTRADITION.

The requisition for extradition shall be submitted through the diplomatic channel and shall be accompanied by a judgment, or a charge or a warrant of arrest, or any other judicial document having the same authority and stating the nature and gravity of the offence, its title and the provisions of the criminal law in force in the applicant State that are relevant to the offence and mention the penalty involved.

If the judicial documents in support of the requisition for extradition do not conform to the provisions of the preceding paragraph, the applicant Party shall add thereto a judicial document giving the necessary information and the full text of the law referred to above.

In the case of offences against property, the amount of the actual damage done, or of that which the offender desired to cause, shall always be mentioned.

The necessary documents shall be drawn up in the form prescribed by the law of the applicant Party. They must be legalised by the diplomatic agent of the applicant Party and must be accompanied by a translation in the language of the Party applied to, or in French, certified correct by the diplomatic agent of the applicant Party or by a sworn translator of the applicant Party or the Party applied to.

If the information contained in the documents produced is not sufficient to allow of judgment in accordance with the laws of the Party applied to, the documents shall be completed on request. Similarly, where the identity of the person is doubtful, proof shall be furnished.

#### Article 8.

##### STEPS TO CARRY OUT EXTRADITION.

When a requisition for extradition has been made, steps shall at once be taken if extradition does not appear *a priori* inadmissible, to provide for its execution. The person arrested shall be detained until a decision has been taken on the requisition for extradition, and if extradition be granted, until its execution, unless the requisition is withdrawn through the diplomatic channel. If it be necessary, with a view to discovering a person to be arrested, to seize postal matter or telegrams or to obtain information as to their despatch or contents, the required steps shall be taken without further formality in accordance with the law of the Party applied to.

A person whose extradition is applied for may be set at liberty if the additional information referred to in Article 7 is not furnished to the Government applied to within two months of the date on which application therefore is made to the diplomatic representative of the applicant State.

## Article 9.

## PROVISIONAL ARREST.

A person whose extradition is applied for shall be provisionally arrested before the presentation of the requisition for extradition if provisional arrest is asked for and unless extradition appears *a priori* inadmissible. The application for provisional arrest shall be submitted through the diplomatic channel or, in cases of extreme urgency, addressed direct by the consul of the applicant Party having competence *ratione loci*, to the authorities of the other Party having power to arrest.

In urgent cases, provisional arrest may be granted on a declaration, even by telegraph, of the existence of a sentence or of a warrant of arrest or any other document equivalent to a warrant, which shall mention the nature and gravity of the offence charged. This declaration must be confirmed within fifteen days by the diplomatic or consular authority of the applicant Party.

Persons provisionally arrested may be set at liberty if the requisition for extradition has not been submitted within two months of the arrest, not including the day of arrest.

## Article 10.

POSTPONEMENT OF EXTRADITION.  
TEMPORARY SURRENDER OF A PERSON CLAIMED.

If the person claimed is being prosecuted or has been convicted by the authorities of the Party applied to in respect of an act other than that for which extradition is demanded, extradition may, without prejudice to the immediate decision to be given on the application, be postponed until criminal proceedings are concluded and the sentence pronounced has been carried out or remitted.

Similarly, when proceedings other than criminal proceedings involving the compulsory appearance or the detention of the person claimed are pending before the authorities of the Party applied to, extradition may be postponed until the proceedings are concluded or the person is set at liberty.

Nevertheless, if such postponement might, under the law of the Party applying for extradition, lead to prescription or other serious difficulties as regards the prosecution of the offender, the person may, failing special reasons to the contrary, be temporarily handed over, provided he is sent back as soon as proceedings in the applicant State have terminated.

If the person applied for is prevented by reason of his extradition from fulfilling obligations entered into by him towards individuals, his extradition shall nevertheless take place, and the latter may bring their claims before the competent authority.

## Article 11.

## REQUISITIONS FROM MORE THAN ONE STATE.

If the person whose extradition is applied for by one of the Contracting Parties is also claimed by one or more other States in respect of the same act, he shall be delivered up to the State of which he is a national.

If the person whose extradition is applied for by one of the Contracting Parties is also claimed by one or more other States for other offences, he shall be delivered up first to the State in whose territory the most serious offence was committed, and in cases of equal gravity, to the State of which he is a national.

When the person claimed is not a subject of any of the applicant States, he shall, in case of offences of equal gravity, be delivered up to that State whose requisition first reached the State applied to. It is agreed that the law of the State applied to shall determine the gravity of the offence.

*Article 12.*

## METHOD OF EXECUTION.

When extradition is granted, if the person to be surrendered is to be conveyed by land out of the territory of the Party applied to, he shall be brought to the point on the frontier determined by previous agreement with the third State undertaking the transit as soon as arrangements have been made there for his reception. In the case of transport by sea, the person surrendered shall be brought to the port of the Party applied to at which embarkation is to take place.

If the applicant State does not, for its part, provide for the carrying out of extradition within three months of the day of notification that extradition is granted, the person applied for may be set at liberty.

*Article 13.*

## HANDING OVER OF ARTICLES SERVING AS PROOF OF THE OFFENCE.

Objects obtained by the offender as the result of the offence or seized on his person, appliances and instruments used in the commission of the offence, and any other article which may serve as proof of the offence, shall, subject to the rights of third parties and at the discretion of the competent authority, be handed over to the Government applying for extradition at the same time as the offender, and even when extradition, though allowable, cannot take place owing to his death or escape.

Any such objects hidden or deposited by the offender in the country granting extradition and subsequently discovered shall also be handed over.

The State requested to hand over such objects may retain them provisionally if it considers them necessary for criminal proceedings; it may also in forwarding them require their return for the same purpose, on undertaking, for its part, to send them back as soon as possible.

*Article 14.*

## EXTRADITION IN TRANSIT.

The provisions for extradition contained in Articles 1 to 7, 10 and 13 shall apply to the extradition in transit of persons extradited to one of the Contracting Parties by a third State or to be re-extradited or extradited to that State across the territory of the other Party, and also to transit by sea or by ship of the latter Party.

Extradition in transit shall be carried out by the authorities of the Party applied to by the method which they judge most convenient.

*Article 15.*

## LIMITS TO THE RIGHT OF PROCEEDING AGAINST A SURRENDERED PERSON.

A person who has been surrendered may not be proceeded against or punished in the country to which he has been surrendered, nor surrendered to a third State, for an offence committed previous to extradition, unless extradition has been granted for such offence or unless the Party applied to gives its consent to the proceedings or the conviction.

In cases referred to in paragraph 1, if the person surrendered states that he agrees to the continuation of the proceedings and to his conviction, the consent of the Party applied to may be requested, the statement in question being attached to the request. In the latter case, if the Party

applied to does not give its consent, or failing the communication of such a statement, the request for consent must be submitted with the same formality as the requisition for extradition itself, and may be refused for the same reasons as extradition itself.

*Article 16.*

The limitations, referred to in the previous Article, on the prosecution or sentencing of persons who have been surrendered shall not apply if the person surrendered does not of his own accord leave the territory of the other Party within thirty days of his final release, or if he returns thereto or is again surrendered thereto after leaving the said territory, or if the person surrendered has, before his first extradition, declared to the competent authorities of the Party applied to that he consents to be surrendered without the fulfilment of the extradition formalities, and if the Party applied to informs the applicant Party accordingly.

*Article 17.*

COSTS OF EXTRADITION AND OF EXTRADITION IN TRANSIT.

The costs of arrest, detention and maintenance of the person whose extradition or provisional arrest has been applied for, and the costs of his transport to the frontier station of a third State appointed to receive him, or until his embarkation, shall be borne by the Party applied to, and likewise the costs of the seizure and safekeeping of objects seized at the time of arrest and the costs of forwarding objects to be handed over with the person applied for.

In the case of extradition in transit, or of temporary surrender, the costs of detention, maintenance and transport of the person and of the transport of the objects to be handed over with him shall be repaid by the applicant Party.

CHAPTER II.

RECIPROCAL ASSISTANCE OF JUDICIAL AUTHORITIES IN CRIMINAL MATTERS.

*Article 18.*

GENERAL PROVISIONS.

Apart from extradition cases, the Contracting Parties also undertake, when requested to do so, to render one another assistance in all criminal matters pending before the judicial authorities of the other Party.

*Article 19.*

NOTIFICATION OF DOCUMENTS AND EXECUTION OF LETTERS OF REQUEST IN CRIMINAL MATTERS.

The judicial authorities of the Contracting Parties shall correspond with one another through the diplomatic channel as regards everything relating to the service of documents and the forwarding of letters of request in criminal matters.

*Article 20.*

Documents for service and letters of request shall be accompanied by a translation, either in the language of the Party applied to or in French, certified correct by the diplomatic agent of the applicant Party or by a sworn translator of the applicant Party or of the Party applied to.

*Article 21.*

Procedure as regards service of notices and summonses, and as regards letters of request, shall conform to the laws of the country applied to.

The State applied to shall forward through the diplomatic channel documents showing that service has been effected and that letters of request have been executed, or shall state the reasons which prevented action from being taken.

*Article 22.*

The execution of a request for service of or letters of request may not be refused unless :

- (1) The authenticity of the document is not established ;
- (2) The execution of the request for service or of the letters of request is not within the powers of the judiciary in the State applied to ;
- (3) The State within whose territory execution was to have taken place considers it such as to affect public order or municipal public law ;
- (4) A national of the State applied to, not being in the territory of the applicant State, is being proceeded against ;
- (5) The offence forming the grounds for the prosecution is not punishable by the law of the State applied to, or is of a political or military character, or one for which extradition is not allowed ;
- (6) The sentence to be notified has been passed on a national of the State applied to ;
- (7) The notice to be served threatens the accused in case of non-appearance with the issue of a warrant or with arrest, or if the subpoena addressed to a witness or an expert refers to the legal consequences of non-appearance, such as a penalty or liability for costs or the issue of a warrant, or arrest.

If the authority applied to is without jurisdiction, the letters of request shall be forwarded without any further request to the competent judicial authority of the same State, in accordance with the rules laid down by the laws of the latter.

*Article 23.*

The judicial assistance referred to in Article 18 includes the service of writs, the notification of judgments and the execution of letters of request for the hearing of accused, of witnesses or of experts, and for the taking of evidence on the spot.

It also includes decisions by the Courts of the State applied to, on application being made, to authorise, in the territory of the State applied to, either a personal search of the inspection of premises, or the seizure of the *corpus delicti* or evidence which may serve as proof of the offence.

It likewise includes the forwarding, on application being made, of articles serving as proof of the offence or documents in possession of the authorities of the State applied to, subject to the undertaking to return them as quickly as possible.

Such applications for assistance shall be complied with, failing special reasons to the contrary and subject to Article 2.

*Article 24.*

## SUBPOENA AND ATTENDANCE OF PERSONS RESIDING IN THE OTHER STATE.

If the appearance in person of a witness or an expert is necessary in criminal proceedings, the subpoena of the judicial authority shall be forwarded through the diplomatic channel and shall



be served by the State applied to, failing special reasons to the contrary. The authorities in question shall ask the person subpoenaed whether he is prepared to comply with the decision.

The subpoena shall mention the sum to be paid for travelling expenses and subsistence and the amount of advance out of the total sum which the State applied to may make to the witness or expert, subject to repayment by the applicant State.

A witness or expert of whatever nationality who consents to appear before a judicial authority of the applicant State may not be prosecuted or arrested either for previous offences or convictions or, under any circumstances, for participation in acts forming the subject of the proceedings in which he has been ordered to appear as witness or expert. He shall lose the advantage of such immunity after eight days from the moment when the Courts have declared that his presence is no longer necessary, and from the moment when he is free to depart.

If the person for whose attendance an application has been made is under detention in the other State, such State may be asked to hand him over provisionally, but he must be sent back as soon as possible. In this case also the consent of such person will be necessary if he is not a national of the applicant State.

*Article 25.*

COSTS OF JUDICIAL ASSISTANCE IN CRIMINAL MATTERS.

The costs of assistance and of the return of persons and objects provisionally handed over shall be borne by the Party applied, to in so far as they are incurred in its territory.

The costs of the taking of expert evidence and sums paid to witnesses subpoenaed in virtue of Article 24 shall be borne by the applicant State.

*Article 26.*

NOTIFICATION OF SENTENCES.

If a national of one of the Contracting Parties is sentenced for an offence punishable by deprivation of personal liberty in the territory of the other Party, the latter undertakes to forward, within six months of the date of the judgment, an extract from the decision to the judicial authority of the country to which the convicted person belongs.

CHAPTER III.

*Article 27.*

LEGAL INFORMATION AND CERTIFICATES AS TO LAWS IN FORCE.

Each High Contracting Party shall, on application being made through the diplomatic channel by a judicial authority, of the other Party, supply the text of the laws in force within its territory and any other legal information that may be necessary.

The application shall mention the point of law on which information is to be given.

## CHAPTER IV.

## FINAL PROVISIONS.

*Article 28.*

The present Treaty shall be ratified and the ratifications shall be exchanged at Angora as soon as possible. It shall come into force three months after the exchange of ratifications and shall remain in force until six months after the date of its denunciation by either High Contracting Party.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Treaty.

Done in duplicate at Prague, August 22, 1930.

(L. S.) Dr. WELLNER.

(L. S.) Dr. KOUKAL.

(L. S.) M. NUMAN.

## PROTOCOL OF SIGNATURE.

At the moment of signing the Extradition Treaty between Czechoslovakia and Turkey of to-day's date, the undersigned Plenipotentiaries have agreed on the following provisions :

*Ad Article 2.* — It is understood that the endeavour to harmonise the laws of the two Contracting Parties with a view to determining the conditions of extradition shall, as regards Czechoslovakia, be made in conformity with the laws in force in the territory of the Czechoslovak Republic in which extradition proceedings are to take place.

The same shall apply as regards anything in this Treaty which concerns the applicability of the laws of the Czechoslovak Republic.

*Ad Article 7, third paragraph.* — The two Parties agree that the abolition of the formalities relating to the legalisation of judicial documents may, if this is deemed to be desirable, form the subject of a special agreement between the two Governments.

*Ad Article 9.* — It is agreed that, in respect of applications for provisional arrest, either High Contracting Party, if it thinks fit, may ask for the abolition of the consular jurisdiction ; the principle of ordinary law, consisting in the exclusive employment of the diplomatic channel, would then again apply.

*Ad Article 11.* — Nothing in this Article shall affect undertakings entered into prior to the signature of the Treaty of this day's date between one of the High Contracting Parties and other States.

Done in duplicate at Prague, August 22, one thousand nine hundred and thirty.

Dr. WELLNER.

Dr. KOUKAL.

M. NUMAN.