

N° 768.

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**ROYAUME DES SERBES,  
CROATES ET SLOVÈNES,  
ET TCHÉCOSLOVAQUIE**

Convention relative au règlement des  
rapports judiciaires, signée à Bel-  
grade le 17 mars 1923.

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**KINGDOM OF THE SERBS,  
CROATS AND SLOVENES  
AND CZECHOSLOVAKIA**

Convention concerning the Regula-  
tion of Legal Relations, signed at  
Belgrade, March 17, 1923.

<sup>1</sup> TRANSLATION.

No. 768. — CONVENTION CONCERNING THE REGULATION OF LEGAL RELATIONS, CONCLUDED BETWEEN THE KINGDOM OF THE SERBS, CROATS AND SLOVENES AND THE CZECHOSLOVAK REPUBLIC, SIGNED AT BELGRADE, MARCH 17, 1923.

THE CZECHOSLOVAK REPUBLIC and THE KINGDOM OF THE SERBS, CROATS and SLOVENES, being desirous of regulating their legal relations in contentious and non-contentious civil affairs, of providing for the enforcement of executory documents and of regulating their legal relations in penal affairs have decided to conclude a Convention for this purpose.

They have accordingly appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

DR. EMILE SPIRA, Head of Department at the Ministry of Justice, Prague ;

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

DR. Dragolioube ARANDJELOVITCH, Professor in the Faculty of Law at the University of Belgrade, and

DR. Janko BABNIK, President of the Court of Appeal, Lioubliana ;

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

## CHAPTER I.

## GENERAL PROVISIONS.

*Article I.**Equality of treatment.*

Each of the Contracting Parties undertakes to grant nationals of the other Party within its territory free and ready access to its Courts under the same conditions as apply to its own nationals, and not to subject them in this respect to any restrictions not imposed on its own nationals.

Nothing in the present Convention shall in any way affect the provisions in force in the territory of either of the Contracting Parties concerning the language to be used.

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

## CHAPTER II.

## I. GRANTING OF LEGAL ASSISTANCE.

*Article 2.**Direct relations.*

Each of the two Contracting Parties shall, if requested to do so, give the other Contracting Party legal assistance in civil affairs and in non-contentions matters, including questions relating to guardianship and trusteeship, by facilitating direct communication between the Courts and the authorities responsible for guardianship.

All Courts within the territory of the Czechoslovak Republic shall be competent to receive requests for service and "commissions rogatoires"; in questions relating to guardianship and trusteeship application shall be made to them only by the office of the President of a court of first instance or by the authorities of second instance responsible for guardianship. All judicial authorities within the territories of the Kingdom of the Serbs, Croats and Slovenes shall be competent both to receive and to request documents for service and "commissions rogatoires".

Should the authority applied to not be competent to deal with the matter, the request shall be transmitted *ex officio* to the competent authority of the same State and the authority making application shall be notified forthwith.

The reply to a request shall always be communicated direct to the authority making application.

*Article 3.**Language to be used in submitting applications.*

Requests for service and "commissions rogatoires" shall be drawn up in the official language of the State making application. They shall not require legalisation and shall bear the official seal of the authority submitting them.

The said requests and any documents attached thereto shall be accompanied by a translation in the official language of the State to which application is made; such translation shall be made or certified correct by an official translator of the Party making application and shall bear his signature and official seal; it shall not require further legalisation.

The authority applied to may have it translated on the request of the authority making application, the cost being borne by the last-named authority.

*Article 4.**Contents of requests.*

Every request shall mention the object of the request and will, if necessary, contain a brief statement of the question; it shall give the names and the trade or profession of the parties and if possible, their permanent domicile, or, failing such, their place of habitual residence or the place where they are actually living.

Requests for service shall also give the name of the recipient and the nature of the document to be served.

*Article 5.**Execution of requests.*

Requests for service and "commissions rogatoires" shall be executed in accordance with the procedure laid down in the laws of the State to which application is made.

If the authority making application so requests, execution may be effected in accordance with a special procedure, provided that such procedure is not contrary to the law of the State applied to.

The documents and other papers necessitated by execution will not be accompanied by a translation in the language of the party making application.

## II. SERVICE OF LEGAL DOCUMENTS.

### *Article 6.*

In cases in which a legal document is to be served in accordance with the procedure laid down for the service of such documents in the laws of the State to which application is made, the said document shall be drawn up in the official language of the Party applied to or shall be accompanied by a translation in that language (Article 3).

In other cases, the authority applied to may merely make the communication by handing over the document to the recipient, provided that the latter agrees to accept it.

### *Article 7.*

The execution of a request for service may be refused if the State in whose territory it is to be effected considers it such as to compromise its sovereignty or safety.

The State to which application is made shall immediately inform the authority, making application, of such refusal and shall give the grounds of its decision.

### *Article 8.*

Proof of service shall be furnished either by a dated and legalised receipt given by the recipient or by an attestation of the authority of the State to which application is made certifying the fact, the manner and the date of service.

If the document to be served is transmitted in duplicate, the receipt or attestation should be given on one of the copies or be attached thereto.

### *Article 9.*

Either of the Contracting Parties may serve notices by post within the territory of the other ; it may also serve notices on its own nationals through its diplomatic representatives or consular agents. In the latter case, however, it may not resort or threaten to resort to compulsion.

## III. EXECUTION OF " COMMISSIONS ROGATOIRES ".

### *Article 10.*

In the execution of " commissions rogatoires " the competent authority shall employ the same compulsory measures as would be applied in the case of the execution of a commission emanating from the authorities of its own State or of a request to that effect made by an interested party.

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

*Article 11.*

Execution of a " commission rogatoire " may be refused if, in the State to which application is made, such execution does not lie within the competence of the legal authorities, or if the said State considers that its sovereignty or safety might be affected thereby.

*Article 12.*

*Expenses arising out of the execution of " commissions rogatoires ".*

No fees or charges of any description may be levied for the service of documents or the execution of " commissions rogatoires ", except expenses payable to witnesses and experts and costs occasioned by the adoption of a special form of procedure at the request of the authority making application.

The authority applied to may not refuse execution of a " commission rogatoire " on the ground that the authority making application has not advanced the necessary sums which must be repaid under the first paragraph of this article, unless it requires its own nationals to advance these sums for the execution of the same official act.

Postal charges shall be borne by the authority despatching the communication.

## CHAPITRE III.

## EXEMPTION FROM SURETY AND DEPOSITS.

*Article 13.*

Nationals of either of the Contracting Parties appearing as plaintiffs or interveners before the Courts of the other Contracting Party shall not be required to give any surety or make any deposit by reason either of their being foreigners or of their not being domiciled or resident in the country.

Plaintiffs or interveners shall also be exempt from the obligation to make advances to cover the costs of the case.

*Article 14.*

Orders without appeal to pay the costs of an action made by the Courts of one of the Contracting Parties against a plaintiff or intervener exempted from giving surety, making a deposit or paying advances in virtue either of Article 13 of the present Convention or of the law of the State in which the action was brought, shall be made executory within the territory of the other Contracting Party without the parties to the case being heard, provided that such orders are in conformity with Article 3 and provided that the competent authority which gave judgment attests officially that the decision has acquired the force of law.

The same rule shall apply to decisions of the Courts as to the subsequent payment of costs.

## CHAPTER IV.

## FREE LEGAL ASSISTANCE TO THE POOR.

*Article 15.*

Nationals of either of the Contracting Parties shall, in the territories of the other Contracting Party, be given free legal assistance in accordance with the same rules as nationals of that State.

When a national of one of the Contracting Parties receives free legal assistance, he shall also be entitled to free legal assistance before the Courts of the other Party in respect of all proceedings relating to the same case.

The provisions of Article 12 shall apply to the costs of such proceedings.

*Article 16.*

The certificate of insufficient means shall be issued by the authorities of the State in which the applicant's habitual residence is situated, or, in default of such residence, by the authorities of the State in which he is residing for the time being.

Should the applicant not be resident in the territory of either of the Contracting Parties, it will be sufficient if a declaration is issued by a diplomatic agent or consular official of the country to which the applicant belongs.

*Article 17.*

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

The authority appointed to adjudicate upon an application for free legal assistance shall be entitled, within the limits of its competence, to verify the declarations and information submitted to it.

CHAPTER V.

SUCCESSION.

*Article 18.*

Nationals of either of the Contracting Parties may dispose by will, codicil, contract of succession, *donatio mortis causa*, or otherwise, of all property which they possess within the territory of the other Contracting Party. Similarly, nationals of either of the Contracting Parties shall be qualified to receive within the territory of the other Contracting Party, under the same conditions as the nationals of the latter, any property devolving upon them by right of succession.

By right of succession within the meaning of the preceding paragraph shall be understood : succession as decreed by law, succession to the " reserved " portion of the estate, succession by will, codicil, contract of succession, *donatio mortis causa* and reversion to the State of an unclaimed or repudiated estate.

The regulations in force in the Contracting States concerning the acquisition and possession of immovable property, and more particularly the provisions concerning agrarian reforms, shall not be affected by the present provisions.

*Article 19.*

Each of the Contracting Parties undertakes to hand over to the other Contracting Party the movable property left by nationals of that Party in order that the procedure and decision concerning succession may be settled by the laws of the country to which the deceased belonged.

*Article 20.*

The Court or authority of the Contracting Party within whose territory the movable property contained in the estate is situated shall be bound :

(1) to draw up an official report concerning the death of a national of the other Contracting Party within its territory.

(2) to take the necessary measures for the safeguarding and proper administration of the estate in order to prevent waste or any other risk to which it might be exposed ;

The authority shall be bound more particularly to make an official inventory of the estate and, if necessary, to affix seals, to deposit the property in a safe place or to appoint a trustworthy person as trustee (*curateur*).

The Court or competent authority shall take the measures mentioned in § 1 and 2 in conformity with the regulations in force in the State to which it belongs. Nevertheless such measures may, at the request of the other Party, be made subject to special procedure, provided that such procedure is not contrary to the laws of the State to which the Court or competent authority belongs.

(3) If the successors or legatees are nationals of the Contracting Parties on whose territory the succession is declared open, or if they reside in that territory, the Court or competent authority shall have power to hold back, if requested to do so by one of the interested persons, the whole or part of the estate until the Court competent to wind up the deceased's estate has given a decision concerning their title as successors or legatees.

(4) Similar measures may be taken at the request of creditors who are nationals of the Contracting Party within whose territory the movable property contained in the estate is situated, or who reside in such territory, provided that previous notice of their claims has been given to the Court. The Courts of the State within whose territory the movable property is situated shall alone be competent to give decisions concerning such applications.

#### Article 21.

With a view to ensuring the execution of the measures laid down in §§ 3 and 4 of the preceding Article, a period not exceeding five months shall be fixed during which the claims of the aforementioned persons must be submitted to the Court or authority in question. If no claim is submitted before the expiration of this period, the application for the handing over of the movable property in the estate shall be complied with.

A notice shall be inserted in the newspapers of the two States in which official notices are published, and a legalised copy of the notice, shall be transmitted immediately to the Court or authority appointed to wind up the estate in the country to which the deceased belonged. Should this Court or authority not be known, the copy shall be transmitted to the competent consular authority, or, failing such, to some other authority representing the State concerned.

#### Article 22.

In the event of the death of a national of one Contracting Party in the territory of the other, the competent authority shall immediately notify the deceased's consular authority and shall as soon as possible forward to the latter the notice of death and a legalised copy of the death certificate.

If the consular authority has its seat in the district in which the movable property contained in the estate is situated, the measures referred to in § 2 of Article 20 shall not be taken unless such authority has been notified in time to be present at these measures.

In other cases the consular authority shall be informed without delay of all measures ordered for the purpose of safeguarding and administering the estate. Should the consular authority so desire, such measures may be modified or abandoned provided that the interests of nationals are not prejudiced thereby.

*Article 23.*

If the persons interested in an estate are nationals of the State within whose territory the movable property in the estate is situated or if they are permanently established there, the Court appointed to wind up the estate, or the authority of the State to which the deceased belonged, may, at the request of such persons, transfer its right to deal with the estate to the Court or authority of the district where the movable property is situated, provided that the proposal is made within the period laid down in Article 21.

*Article 24.*

Movable property shall be property so considered by the law of the State in which the movable property forming part of the estate is situated. The movable property in the estate shall be handed over to the nearest consular authorities in order that it may be sent to the country of the deceased.

Nothing in the present Convention shall in any way modify the regulations concerning any prohibition to export certain articles which is now in force within the territories of the Contracting Parties.

*Article 25.*

Nothing in the present Convention concerning the restitution of the movable portion of an estate shall affect any financial convention which may be concluded between the two Contracting Parties with a view to preventing double taxation of the movable property forming part of the estate surrendered, in conformity with the preceding articles, to the Court appointed to wind up the estate or to the authority of the State to which the deceased belonged.

*Article 26.*

Pending the conclusion of the convention referred to in Article 25, each of the Contracting Parties shall reserve the right, before handing over the movable property in the estate to the authorities of the other Party, to collect the succession duty and other taxes to which, under its legislation, the estate is liable.

*Article 27.*

Succession in regard to immovable property shall be governed by the laws of the country in which the immovable property is situated, and the courts of that country shall possess exclusive competence concerning all claims or disputes relating to succession to immovable property.

## CHAPTER VI.

## GUARDIANSHIP AND TRUSTESHIP.

*Article 28.*

It shall be the duty of the authorities of the two Contracting Parties to provide guardianship and trusteeship for their nationals and for property of every description belonging to their nationals.

In the case of nationals of one of the two Contracting Parties residing in the territory of the other Contracting Party, or possessing property there, the authorities shall merely adopt the mea-



tures of guardianship (trusteeship) which are indispensable, and shall as soon as possible inform the competent authority of the other Contracting Party of such action.

The competent authority of the State of which the ward is a national may, however, annul such measures if the interests of the ward render such action necessary, and after the said ward and his legal representative have been heard, may, in accordance with the regulations in force, charge the authorities of the other Party with the provision of measures of guardianship (trusteeship) both in regard to the person and property of the ward.

The last named authorities shall decide this matter in accordance with the laws of their country. They may not, however, give a decision in any matter concerning personal status. When their decisions have acquired the force of law, they shall be recognised as valid in the territory of the other Contracting Party.

## CHAPTER VII.

### LEGALISATION OF DOCUMENTS AND THEIR VALUE AS EVIDENCE.

#### *Article 29.*

Documents drawn up, issued, or legalised by the judicial authorities, or documents emanating from the supreme or central administrative authorities or other equivalent authorities of one of the two Contracting Parties and intended to be used in the Courts or by the guardianship (trusteeship) authorities of the other Party shall not require legalisation if they bear the official seal.

Documents drawn up or legalised by notaries public and intended to be used for the purposes mentioned in the preceding paragraph shall be legalised by the judicial authorities.

Documents bearing the signature of the Clerk of the Court's Office shall be regarded as legal documents if such signature is valid according to the laws of the Contracting Party within whose territory the Court is situated.

A list of the central authorities referred to in the first paragraph of this article shall be annexed to the present Convention. The Contracting Parties shall inform one another of any subsequent changes which may be made in this list.

#### *Article 30.*

The value as evidence of official documents drawn up in the territory of one of the Contracting Parties, and likewise the value as evidence of tradesmen's books kept in such territory, shall be determined in the Courts of the other Party in accordance with the laws of the country in which they were drawn up or kept. They shall not, however, have greater value as evidence than that conferred upon them by the laws of the State in which the proceedings take place.

## CHAPTER VIII.

### DECLARATION OF DEATH.

#### *Article 31.*

The declaration of death shall be made by the authorities of the State of which the deceased was a national at the time of his death.

Decisions given by such authorities which have acquired the force of law shall also be valid in the territory of the other Contracting Party.

## CHAPTER IX.

INFORMATION CONCERNING LEGAL PROVISIONS AND THE INTERPRETATION  
OF LEGAL PROVISIONS.*Article 32.*

The Ministries of Justice of the two Contracting Parties shall, on requisition, give one another information concerning the legal provisions in force in their respective territories.

Applications for this purpose shall indicate the legal provisions concerning which information or an interpretation is required.

## CHAPTER X.

## CASES CONCERNING LEGITIMACY OF CHILDREN.

*Article 33.*

The authorities of the Contracting Party of which the person against whom the action is brought is a national shall be competent in cases concerning the legitimacy of children.

Decisions of such authorities which have acquired the force of law shall be valid in the territory of the other Contracting Party.

## CHAPTER XI.

## PROVISIONS CONCERNING MARRIAGE.

*Article 34.*

The authorities of the State of which the parties are nationals when the suit is brought or the application made shall have exclusive competence to give decisions on the validity of marriages and on suits for divorce or judicial separation. Should the parties at such time be of different nationalities, the authorities of the State of which they were last both nationals shall have exclusive competence.

Should the parties have changed their nationality, no fact which occurred before such change may be adduced as a plea for divorce or judicial separation unless it could have been brought forward as a reason for divorce or judicial separation under the laws to which the parties were previously subject.

Decisions of the authorities mentioned in the first paragraph of this article which have acquired the force of law shall be recognised as valid in the territory of the other Contracting Party.

## CHAPTER XII.

## BANKRUPTCY.

*Article 35.*

If in the territory of one Contracting Party a declaration of bankruptcy is made in regard to a national of the other Contracting Party, the competent Court of the latter Party shall, if known, immediately be notified.

When there is reason to believe that there are creditors in the territory of the other Contracting Party, the competent Court shall receive, at the same time as the aforesaid notification, a copy of the document announcing the commencement of bankruptcy proceedings, which shall be published in the special newspapers for that purpose.

If bankruptcy proceedings are instituted by the Court or competent authority in the territory of one of the Contracting Parties and if the bankrupt possesses movable property in the territory of the other Contracting Party, although he is not established there, provision shall be made, if the competent Court so requests, for the safe keeping of the said property, its inventorying and its transfer to the Court in question.

As from the date on which the competent authority of the other Contracting Party receives this request, no rights of ownership, no pledges and no liens may be constituted in respect of the movable property of the bankrupt.

As regards the measures to be taken for the exclusion and separation of the articles comprised in the movable property in the bankrupt's estate, the Courts of the State in whose territory the movable property is situated shall have exclusive competence. Any surplus of movable property shall be handed over to the Court of the other Contracting Party, which is competent to liquidate the bankruptcy.

#### *Article 36.*

A declaration of bankruptcy made by the competent authorities of one of the Contracting Parties shall not affect the immovable property of the bankrupt which is situated in the territory of the other Party.

#### *Article 37.*

In bankruptcy and composition proceedings, the creditors who are nationals of either Contracting Party shall, in so far as they are creditors, enjoy the same rights as nationals of the other Contracting Party.

### CHAPTER XIII.

#### CARRYING OUT OF EXECUTORY ACTS AND DEEDS.

#### *Article 38.*

Each of the Contracting Parties undertakes, in its territory, to allow and effect, in accordance with the provisions of the present Convention, the execution of the acts enumerated hereinafter which have been drawn up in the territory of the other Contracting Party and are executory acts within the meaning of the laws in force there.

#### *Article 39.*

##### *Executory acts.*

The following are executory acts within the meaning of the preceding article :

(1) Judgments, orders for payment, decisions and other decrees pronounced by the civil courts, including municipal courts, referring to sums of money or other property, provided that no suspensive appeal is admissible under the laws applied by the Court which pronounced them. The Court shall further certify that no suspensive appeal is admissible and shall confirm the fact that the act is duly authenticated.

(2) Compromises concerning such claims arrived at before the civil courts, including the municipal courts, if they are accompanied by a declaration from the Court certifying that they are executory and authentic ;

(3) Judgments and decisions given by arbitrators or arbitral tribunals or compromises arrived at before arbitrators or arbitral tribunals in so far as the latter have to adjudicate on the case, either in virtue of a legal provision or pursuant to an arbitration agreement drawn up in writing in the form laid down by law. Such documents shall be accompanied by a declaration from the competent Court of first instance within whose area the arbitrator or arbitral tribunal was established when the judgment or decision was pronounced or the compromise was effected; this declaration shall certify that no suspensive appeal is admissible in regard to the said acts, and shall establish their authenticity.

*Article 40.*

Except as otherwise provided in the present Convention, the admissibility and carrying into effect of the application for execution shall be governed by the laws of the State in which such execution is to be admitted or effected.

*Article 41.*

*Procedure concerning the submission of requests for execution and the procedure to be followed by the Court to which application for execution is made.*

Application for execution shall be made by the Party concerned to the Court of the district where the executory act was drawn up. As regards executory acts arising out of proceedings before municipal Courts, or before arbitrators or arbitral tribunals, application shall be made to the competent Court of first instance in the place where the executory act was drawn up. The Court to which the application for execution has been submitted shall transmit it without delay to the competent Court of the other Contracting Party, and shall attach thereto the declarations mentioned in Article 39 and the other relevant documents required under the provisions regulating the exchange of communications between Courts of the two countries.

The party concerned may submit a request for execution direct to the competent Court of the other Contracting State.

The Court competent to grant execution shall examine the documents forwarded to it in order to decide whether the conditions necessary for the application for execution to be admitted and carried into effect have been complied with. This examination, which shall be concluded within a period of not more than 30 days from the date on which the Court received the documents, shall bear on the following points only :

(1) Is the authority which gave the decision in the case to be regarded as competent? Competence shall be regarded as established if, under the laws of the State to which application was made, a Court of the State making application can take cognisance of the case.

(2) Is the act in question an executory act within the meaning of Article 39?

(3) Has the defendant, if so required by law, been duly and regularly summoned to take part in the proceedings in which the decision was given? More especially, has the request in virtue of which proceedings were taken in the territory of the other Contracting Party been served on the defendant in person, or has the judgment or decision on which the executory act is based been served on him in accordance with the regular procedure? In case of judgment by default, it will be necessary to consider, at the request of the defendant, whether the latter has been prevented by any irregularity from taking part in the proceedings or being properly represented at them.

When the points mentioned in the previous paragraph are being examined, the defendant or his representative may be heard before a decision is given.

(4) Does the exequatur granted for the execution involve measures which are prohibited or not applicable under the laws in force in the State to which application is made or does it involve recognition of a *de jure* situation or recovery of a claim which might affect the sovereign rights

of the State to which application is made, which would be *contra bonos mores* or which could not form the subject of judicial action or have executory force under the laws of the State to which application is made.

The Court to which application is made shall not enter into the merits of the case.

*Article 42.*

As soon as the Court has received the documents (Article 41), the Court competent to give a decision on the application for execution shall, in accordance with the provisions in force in its territory, take provisional measures with a view to ensuring recovery from the defendant of the claim which forms the subject of the executory act. Such provisional measures may not be cancelled unless the defendant deposits security for the recovery of the whole claim which forms the subject of the said executory act.

CHAPTER XIV.

EXTRADITION OF CERTAIN OFFENDERS.

*Article 43.*

Each of the Contracting Parties undertakes to deliver to the other Contracting Party, if requested to do so, any persons in its territory proceeded against by the judicial authorities of the State making application for an offence punishable under the laws of the two Contracting States, even if the offence is punishable only in part of their territories, or any persons sentenced for such an offence, if under the laws of the two States the offender is liable to imprisonment for at least six months or to a heavier penalty, or if the person whose extradition is demanded has been sentenced for such an offence to imprisonment for at least six months or to a heavier penalty.

Extradition shall also be granted when the person has been prosecuted or sentenced for an attempted crime or offence or for participation in a crime or offence, provided that such attempt or participation is punishable under the laws of the two Contracting Parties.

*Article 44.*

Extradition may be granted, should there be strong reasons for it, in respect of punishable offences which, under the laws of the two States, render the offender liable on conviction to imprisonment for less than six months, provided always that the laws of the State to which application is made contain no provision to the contrary.

*Article 45.*

The Contracting Parties shall not surrender their own nationals to each other.

*Article 46.*

*Punishable offences for which extradition will not be granted.*

Extradition will not be granted :

(1) In respect of punishable offences committed in the territory of the State to which application is made or punishable acts in regard to which, under the laws of that State, proceedings can be taken only by the Courts of the said State ;

(2) When a person whose extradition is demanded is proceeded against for the same punishable offence in the territory of the State to which application is made or has been convicted or discharged, and when there is no occasion, under the laws of the State to which application is made, to re-open criminal proceedings ;

(3) When the punishable offence is one in regard to which exemption from prosecution or punishment is acquired by lapse of time under the laws applicable throughout the whole territory of one of the Contracting Parties, or when prosecution or conviction is prohibited for other legal reasons ;

(4) For political offences or acts connected with such offences. Attempts against the life or personal safety of the head of the State of one of the Contracting Parties shall not be regarded as political offences ;

(5) For offences only punishable under military law ;

(6) For offences only punishable under the Press laws ;

(7) For offences in respect of which proceedings can only be taken at the instance of the injured party ;

(8) For offences against Customs, fiscal and other financial laws ;

The State to which application is made shall possess exclusive competence to decide whether the act in respect of which extradition has been applied for constitutes an offence within the meaning of paragraphs 4 to 8 of the present article.

#### *Article 47.*

##### *Suspension of extradition proceedings.*

If the person whose surrender is claimed is prosecuted or sentenced in the State to which application is made for any other offence than that which gave rise to the application for extradition, or if he is in custody for other reasons, the extradition of such person may be postponed until the proceedings are concluded or until the sentence has been served or remitted.

The Party to which application is made shall, however, take a decision as soon as possible concerning the application for extradition.

#### *Article 48.*

##### *Different demands for the surrender of the same person.*

If the extradition of a person for the same punishable offence or for different punishable offences is claimed at the same time by more than one Government, the demand made by the State of which the person whose surrender is claimed is a national shall be complied with.

If the person whose surrender is claimed is not a national of any of the States making application, he shall be surrendered to the State in whose territory he committed the most serious offence, and if the various punishable acts are of equal gravity, he shall be surrendered to the State which first submitted the request.

Undertakings to other States previously entered into by one of the Contracting Parties, shall not be affected by the present Convention.

#### *Article 49.*

##### *Limits of extradition.*

A person surrendered may not be prosecuted, punished or re-extradited for the purpose of being surrendered to a third Power for a punishable offence committed before extradition, unless extradition has been granted expressly in respect of such offence.

The person surrendered may, however, be prosecuted or re-extradited for other punishable offences committed before extradition :

(1) If the State which granted extradition subsequently gives its consent thereto. Such consent may not be refused in cases in which extradition for a punishable offence must be granted under the terms of the present Convention ;

(2) If the person extradited has not, through his own fault, left the territory of the State to which extradition has been granted before the expiry of one month from the date upon which the criminal proceedings taken in respect of the punishable offence which led to the extradition are concluded of the sentence served or remitted, or if the person extradited has voluntarily returned, after having left it, to the territory of the State making application.

#### *Article 50.*

##### *Requests for extradition.*

The request for extradition shall be made direct by the Ministry of Justice (or by the supreme military administrative authority in the case of persons prosecuted by military tribunals) of the State making application to the Ministry of Justice of the State applied to.

The request for extradition shall be accompanied by a warrant for the arrest of the person whose surrender is claimed or by the judgment recording his conviction. These documents shall state the nature of the charge, contain a description of the act and indicate the penal provisions which have been applied or are applicable to the offence in question ; they shall mention more particularly any circumstances relating to the offence or involving a fixed penalty.

A legalised copy of the text of the penal law applicable to the offence in question and fixing the nature of the sentence shall be annexed to the request for extradition.

The request for extradition shall be accompanied when possible by a description and photograph of the person whose surrender is claimed and other particulars which may help to establish his identity.

#### *Article 51.*

##### *Language to be used.*

The documents referred to in the preceding article shall be drawn up in the national (official) language of the Party making application and in accordance with the form laid down in its laws, and shall bear the official seal. A translation in the national (official) language of the Party to which application is made shall be attached thereto. Such translation shall be made or certified correct by a sworn translator of the Party making application, who shall sign it or affix his official seal, or it shall be made officially.

#### *Article 52.*

##### *Supplementary information.*

When there is reason to believe that the conditions concerning extradition referred to above have not been satisfied, the Party making application shall be requested to furnish supplementary information within a reasonable time.

When the person whose surrender is claimed has been arrested pursuant to a request for extradition, he may be released if the supplementary information is not communicated within a period of six weeks from the date upon which the Ministry of Justice of the Party applied to forwarded the request for such information.

#### *Article 53.*

##### *Measures for carrying out the extradition.*

When a request for extradition has been submitted to one of the Contracting Parties, the said Party shall immediately take all the measures necessary to effect extradition and shall proceed

to arrest the person whose surrender is claimed, unless it immediately declares that extradition would be contrary to the laws in force.

*Article 54.*

*Temporary arrest.*

In urgent cases, the person whose surrender is claimed may be temporarily placed under arrest even before the application for extradition has been lodged, when such action has been requested in virtue of a warrant of arrest or valid judgment recording the conviction, and when the charge has been stated. Such request may be made direct in writing or by telegram to the competent Party applied to by a Court or other competent authority of the Party submitting the application.

The authorities of one Contracting Party shall proceed, even though no request has been made, to place under temporary arrest any person apprehended in their territory, when the name of such person has, at the request of the other Contracting Party, been entered in the "Legal Proceedings Bulletin" of the first Party, as having committed a punishable act in the territory of the second Party.

*Article 55.*

The arrest of any person under the provisions of the preceding article and his place of detention shall be notified without delay by the Ministry of Justice to the Ministry of Justice (to the supreme military administrative authorities) of the Contracting Party whose authorities are proceeding against the person arrested.

The person arrested may be released if, within a period of eight days after the despatch of the notification referred to in the preceding paragraph, the supreme authority (the supreme administration) of the other Contracting Party has not given notice that a demand will be made for the surrender of the person arrested.

Similarly, the person arrested may be released if, within a period of six weeks as from the receipt of the communication referred to in the second paragraph of the present article, no request has been received for his surrender.

*Article 56.*

The Contracting Party to which the person proceeded against has been surrendered shall, if asked to do so, communicate to the Party applied to the final results of the criminal proceedings and shall forward to it a certified copy of the Court's decision.

*Article 57.*

*Conveyance of offenders.*

At the request of one of the Contracting Parties, the other Contracting Party shall permit the conveyance across its territory of an extradited person surrendered by a third Power to the Party making application.

The provisions applicable to extradition shall also be applicable, *mutatis mutandis*, to the extradition of persons conveyed across the territory of one of the Contracting Parties.

The authorities of the Party to which application is made shall convey these persons under such conditions and in such direction as they may think fit.

*Article 58.*

Any difference of opinion which may arise as to the extradition procedure and the procedure relating to the conveyance of offenders through the territories of the Contracting Parties shall be settled through the diplomatic channel.



## CHAPTER XV.

## LEGAL ASSISTANCE IN CRIMINAL PROCEEDINGS.

*Article 59.*

The Contracting Parties shall, if requested to do so, render each other legal assistance in criminal matters by facilitating direct relations between the judicial authorities making application and the judicial authorities to whom application is made.

More especially, they shall, on behalf of each other, effect the service of documents connected with criminal proceedings, and shall themselves take preliminary proceedings: for example, they shall examine the accused, witnesses and experts, make legal attestations, carry out searches, effect sequestration and hand over documents and articles connected with the criminal proceedings.

The sentences passed by the Courts of one of the Contracting Parties on nationals of the other Party, and summonses issued by the Courts of one Contracting Party to nationals of the other Party, shall not, however, be served on the latter. Similarly, a national of one of the Contracting Parties may not, at the request of the other Party, be examined as an accused person.

*Article 60.**Reasons for refusal.*

Legal assistance in criminal matters may be refused if, under the provisions of the present Convention, the extradition of the person proceeded against is not obligatory.

*Article 61.**Summonses served by Foreign Authorities.*

No witness or expert, whatever his nationality may be, who appears of his own free will in answer to a summons before the authorities of the State making application can be prosecuted or detained in that State for previous criminal offences or convictions. Such persons may not claim this privilege, however, if, through their own fault, they failed to leave the territory of the State making application within forty-eight hours from the time when their presence before the Court was no longer required.

The summonses shall show the amount allowed for travelling and subsistence expenses. The person summoned shall, if he so desires obtain an advance to cover his travelling and subsistence expenses in the territory of the State making application.

If the person summoned is undergoing imprisonment in the State to which application is made, the supreme authority of the judicial administration of such State may be requested to extradite him temporarily on condition that he is sent back as soon as possible.

Such applications shall not be refused except for important reasons, in particular if the prisoner objects to extradition.

*Article 62.**Handing over of incriminating evidence.*

The authorities of the two Contracting Parties shall, if requested to do so, hand over to each other articles, possession of which was acquired as a result of the punishable offence, or which constitute incriminating evidence, even if an order has been issued for the confiscation or destruction of such articles.

If application has been made for the handing over of the articles in question in connection with the extradition of a criminal, whether direct or across the territory of a Contracting Party, it shall be complied with as far as possible at the same time as the extradition is effected.

The death or escape of the accused after his extradition has been granted shall not cancel the obligation to hand over the incriminating evidence. Such obligation shall also apply to incriminating evidence hidden or deposited, and subsequently found, in the territory of the State which has granted extradition.

The authority appointed to hand over these articles may keep them temporarily should they be indispensable for its own criminal proceedings.

The rights of third parties to these articles shall not be affected.

The Party handing over the articles may annex conditions as to their return at the earliest possible date. In such cases and also in the case of third parties having acquired rights over them, the said articles shall be returned without delay, as soon as they are no longer required for the criminal proceedings in the State making application.

#### *Article 63.*

*Language to be used in the drawing up of applications for legal assistance.*

Requests for legal assistance will be drawn up in the national (official) language of the State making application and shall bear the official seal of the authority making application.

The provisions of Article 3 shall apply as regards the translation of requests and the annexes thereto.

Any difference of opinion which may arise concerning legal assistance shall be settled through the diplomatic channel.

### CHAPTER XVI.

#### COMMUNICATION OF JUDGMENTS AND EXTRACTS FROM RECORDS OF PREVIOUS CONVICTIONS.

#### *Article 64.*

The two Contracting Parties shall communicate to each other copies of records of previous convictions or extracts from final criminal judgments relating to nationals or the other Contracting Party which must, under the provisions of the regulations in force, be entered in records of previous convictions.

Similarly, they shall communicate to each other supplementary decisions which refer to the said judgments and are included in the records of previous convictions.

The Ministries of Justice of the two Contracting Parties shall communicate the said copies and extracts to each other every three months.

#### *Article 65.*

The authorities of each of the two Contracting Parties appointed to keep records of previous convictions shall, on the direct request of the authorities of the other Party, communicate extracts from such records concerning individual cases.

## CHAPTER XVII.

## COSTS OF LEGAL ASSISTANCE IN CRIMINAL MATTERS.

*Article 66.*

The costs arising from a request for extradition or any other request for legal assistance in criminal matters shall be borne by the Contracting Party in whose territory they have been incurred.

The costs arising from a request for expert advice or a medical opinion or for notification of the penalty imposed on a person undergoing imprisonment in the territory of the State to which application is made and also the costs of the extradition over the territory of a Contracting Party of a person who is being proceeded against, shall be refunded by the Party making application.

## CHAPTER XVIII.

## RATIFICATION AND DENUNCIATION OF THE CONVENTION.

*Article 67.*

The present Convention shall be drawn up in the official language of each of the two Contracting Parties and both texts shall be authentic.

It shall be ratified and the instruments of ratification shall be exchanged at Prague at the earliest possible date.

It shall come into force one month after the exchange of the instruments of ratification and shall remain in force until six months after the date upon which it is denounced by one of the two Contracting Parties.

In faith whereof, the Plenipotentiaries have signed the present Convention and have affixed their seals thereto.

Done in duplicate, at Belgrade, on March 17, 1923.

Dr. EMILE SPIRA. m. p.  
Dr. D. ARANDJELOVIĆ. m. p.  
Dr. JANKO BABNIK. m. p.

## ADDITIONAL PROTOCOL

TO THE CONVENTION CONCERNING THE REGULATION OF RECIPROCAL LEGAL RELATIONS, CONCLUDED BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The Plenipotentiaries of the Czechoslovak Republic and the Kingdom of the Serbs, Croats and Slovenes, being about to sign the Convention concerning the regulation of reciprocal legal relations, have agreed as follows :

*1. Concerning Article 2.*

The Contracting Parties shall communicate to each other a list of the territorial areas of jurisdiction of Courts of first instance.

A map showing the territorial areas of jurisdiction of the Courts shall, if possible, be attached to this list.

2. *Concerning Article 65.*

The Contracting Parties shall also communicate to each other a list of the authorities appointed to keep records of previous convictions and to communicate extracts therefrom.

3. The Contracting Parties shall communicate to each other a list of the places at which, and the authorities by which, the handing over and taking into custody of criminals may be effected on the frontier between Czechoslovakia and the Kingdom of the Serbs, Croats and Slovenes.

In faith whereof, the Plenipotentiaries have signed the present Additional Protocol, which shall have the same validity as the Convention itself.

Done in duplicate, at Belgrade, on March 17, 1923.

Dr. EMILE SPIRA. m. p.

Dr. D. ARANDJELOVIĆ. m. p.

Dr. JANKO BABNIK. m. p.