

N° 2725.

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

Convention concernant la protection
légale et judiciaire des sujets res-
pectifs. Signée à Rome, le 6 avril
1922.

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

Convention concerning Legal and
Judicial Protection of their res-
pective Subjects. Signed at Rome,
April 6, 1922.

TEXTE ITALIEN. — ITALIAN TEXT.

N^o 2725. — CONVENTION ¹ ENTRE L'ITALIE ET LE ROYAUME DES SERBES, CROATES ET SLOVÈNES CONCERNANT LA PROTECTION LÉGALE ET JUDICIAIRE DES SUJETS RESPECTIFS. SIGNÉE A ROME, LE 6 AVRIL 1922.

No. 2725. — CONVENZIONE ¹ FRA L'ITALIA ED IL REGNO SERBO-CROATO-SLOVENO, RIGUARDANTE LA PROTEZIONE LEGALE E GIUDIZIARIA DEI RISPETTIVI SUDDITI. FIRMA-TA A ROMA, IL 6 APRILE 1922.

Textes officiels français et italien, communiqués par le délégué permanent du Royaume de Yougoslavie auprès de la Société des Nations et le ministre des Affaires étrangères d'Italie. L'enregistrement de cette convention a eu lieu le 10 juin 1931.

French and Italian official texts communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations and the Italian Minister for Foreign Affairs. The registration of this Convention took place June 10, 1931.

LE ROYAUME SERBE-CROATE-SLOVÈNE et L'ITALIE, désireux de régler les questions qui ont trait à la protection légale et judiciaire des sujets respectifs, voulant conclure une convention à cet effet, les Hautes Parties contractantes ont nommé pour leurs plénipotentiaires :

L'ITALIA, IL REGNO SERBO-CROATO-SLOVENO, desiderosi di regolare le questioni che riguardano la protezione legale e giudiziaria dei rispettivi sudditi, volendo concludere una convenzione a questo riguardo, le Alte Parti Contraenti hanno nominato come loro plenipotenziari :

SA MAJESTÉ LE ROI DES SERBES, CROATES ET SLOVÈNES :

M. Ottokar RYBÁŘ, ancien député ;

SUA MAESTA IL RE D'ITALIA :

S. E. il Marchese Guglielmo IMPERIALI, Senatore del Regno, Ambasciatore ;

SA MAJESTÉ LE ROI D'ITALIE :

S. E. le Marquis Guglielmo IMPERIALI, sénateur du Royaume, ambassadeur ;

SUA MAESTA IL RE DEI SERBI, CROATI E SLOVENI :

Il Signor Ottokar RYBÁŘ, ex deputato ;

Lesquels, ayant déposé leurs pleins pouvoirs reconnus en bonne et due forme, ont convenu de ce qui suit :

I quali, dopo aver depositato i loro Pieni Poteri trovati in buona e debita forma, hanno convenuto quanto segue :

¹ L'échange des ratifications a eu lieu à Rome, le 6 février 1931.

¹ The exchange of ratifications took place at Rome, February 6, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 2725. — CONVENTION BETWEEN ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES CONCERNING LEGAL AND JUDICIAL PROTECTION OF THEIR RESPECTIVE SUBJECTS. SIGNED AT ROME, APRIL 6, 1922.

THE SERB-CROAT-SLOVENE KINGDOM and ITALY being desirous of settling the questions connected with the legal and judicial protection of their respective subjects, and
Wishing to conclude a Convention for this purpose, the High Contracting Parties have appointed as their Plenipotentiaries :

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

M. Ottokar RYBÁŘ, Former Deputy ;

HIS MAJESTY THE KING OF ITALY :

His Excellency the Marquis Guglielmo IMPERIALI, Senator, Ambassador ;

Who, having deposited their full powers, found in good and due form, have agreed as follows ;

{PART I.

LEGAL PROTECTION OF SUBJECTS.

Article 1.

The nationals of each of the High Contracting Parties shall receive in the territory of the other the same treatment as nationals of the country with regard to the legal and judicial protection of their persons and property. For this purpose they shall have free access to the Courts and may sue or be sued on the same conditions and with the same formalities as nationals of the country, especially as regards admission to sue *in forma pauperis* and security for costs.

Article 2.

Certificates of inadequate means shall be issued to nationals of the two High Contracting Parties by the authorities of the applicant's place of habitual residence, or failing such, by the authorities of his place of temporary residence.

Where these authorities are not subject to either Contracting State, the certificate may be issued by a diplomatic or consular agent of the country of which the applicant is a national.

If the applicant does not reside in the country in which the application is made, the certificate of inadequate means shall be legalised free of charge by a diplomatic or consular agent of the country in which it is to be produced.

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.

The authority competent to issue a certificate of inadequate means may apply to the authorities of the other Contracting Party for information regarding the applicant's financial position.

The authority responsible for taking a decision on an application for permission to sue *in forma pauperis* shall have the right, within the limits of its competence, to verify the certificates and information supplied.

Article 3.

A party who has been permitted to sue *in forma pauperis* by the competent authority of one of the Contracting Parties shall also enjoy the same right in all proceedings relating to the same case before the judicial authorities of the other Contracting Party.

Article 4.

Judgments for costs delivered in one of the Contracting States against plaintiffs or interveners who are nationals of the other Contracting Party shall be made executory without charge by the competent authority in the other Contracting State on receipt of an application made through the Ministry of Justice or, if necessary, direct by the interested party.

The same rule shall apply to subsequent decisions of the judicial authorities taxing the amount of the costs.

Article 5.

Decisions regarding costs shall be declared executory without the parties being heard, but also without prejudice to the right of subsequent appeal by the losing party in accordance with the laws of the country in which execution is to take place.

The authority competent to decide upon an application for execution shall only consider :

- (1) Whether, under the laws of the country in which judgment was given, the copy of the decision fulfils the requirements necessary for it to be considered as authentic ;
- (2) Whether, under the same laws, the decision is final.

The conditions laid down in paragraph 2, sub-sections 1 and 2, shall be satisfied by a declaration from the competent authority of the applicant State certifying that the decision is final.

The authority in question shall be certified competent by the Ministry of Justice of the applicant State.

PART II.

COOPERATION OF THE JUDICIAL AUTHORITIES.

Article 6.

The judicial authorities of the High Contracting Parties shall correspond through the Ministries of Justice of their respective States in all matters concerning the service of documents and the transmission of letters of request in civil, commercial and criminal matters.

In civil and commercial matters, however, where there is extreme and genuine urgency, the judicial authorities may correspond direct with each other.

The judicial authorities of the Kingdom of Italy, subject to the Courts of Appeal at Trieste and Zara, and the judicial authorities of the Kingdom of the Serbs, Croats and Slovenes, subject to the High Courts at Lubiana, Zagabria, Spalato and Sarajevo, may correspond direct with each other in their respective languages in all civil, commercial and criminal matters, without using the channel of their respective Ministries.

Article 7.

The judicial authorities of each Contracting Power may draw up the requests and documents referred to in the preceding Article in the languages of their respective States.

Nevertheless, in the cases provided for in paragraph 2 of the preceding Article, a translation in the language of the State of the authority applied to shall be attached to the documents or letters of request.

Article 8.

Requests for service and letters of request shall be executed in accordance with the laws of the country applied to.

Nevertheless, in civil and commercial matters documents may be served, if so desired, according to a special procedure, provided it is not contrary to the laws of the State applied to.

Subject to the same condition, letters of request, in civil and commercial matters may also be executed according to a special procedure if the authority making application so desires.

The applicant authority, if it so desires, shall be informed of the date and place at which the letters of request will be executed, in order that the interested parties may be able to attend.

Article 9.

Papers furnished as evidence of the service of documents and the execution of letters of request shall be transmitted by the Ministry of Justice of the State to which application is made to the Ministry of Justice of the applicant State.

Article 10.

The execution of letters of request can only be refused :

(1) If, in the State applied to, the judiciary is not competent to execute the letters of request ;

(2) If the State in whose territory the execution was to have taken place considers it such as to affect public policy or the public law of the country.

If the authority applied to is without jurisdiction, the letters of request shall be forwarded without any further request to the competent judicial authorities of the same State, in accordance with the law of the above-mentioned State ; the latter shall advise the Ministry of the applicant State if necessary.

Article 11.

In civil and commercial matters each of the High Contracting Parties retains the right to forward documents direct to the parties concerned, so far as these are their respective subjects, either by post or through their diplomatic or consular agents.

Article 12.

No charges or fees of any kind shall be levied in respect of the service of documents and the execution of letters of request in civil and commercial matters.

The State applied to shall, however, be entitled to require the applicant State to refund any allowances paid to witnesses and experts, as also any expenditure entailed by the intervention of a

legal officer to obtain the attendance of witnesses who have not appeared voluntarily, or any expenditure arising out of the use of a special procedure for the service of documents of the execution of letters of request.

Article 13.

In criminal matters the judicial authorities of one State may ask the judicial authorities of the other State, by means of letters of request, to forward articles serving as proof of the crime or documents that may be in possession of the authorities of the State applied to.

Such requests shall be complied with unless there are special reasons against this, and subject to the condition that the articles and documents shall be returned as soon as possible.

Article 14.

If it is necessary in a criminal case that a witness or expert should appear in person, the subpoena of the judicial authorities shall be transmitted in the manner prescribed in the present Convention and shall be served by the State applied to, unless there are special reasons against this.

The expenses involved by the attendance of such witness or expert shall be borne by the applicant State.

The subpoena shall show the amount payable in respect of travelling expenses and subsistence allowance and also such part of the total sum as may be advanced to the witness or expert by the State applied to, subject to refund by the applicant State.

No witness or expert of whatever nationality who is willing to appear before the judicial authorities of the applicant State may be proceeded against or arrested for previous acts and convictions, or for participation in the acts forming the subject of the proceedings in which his evidence or expert testimony is required, during the time necessary for that purpose and for his return to his own country.

If the person required to appear is under arrest in the other State, his provisional surrender may be requested on condition that he is returned as soon as possible.

In this case also the consent of the person in question shall be required if he is not a national of the applicant State.

Article 15.

When a national of one of the High Contracting Parties is convicted of an offence punishable with the loss of personal liberty in the territory of the other Party, the latter undertakes to communicate a summary of the sentence, through the channel prescribed in the present Convention, to the judicial authorities of the country to which the convicted person belongs.

Article 16.

All expenses arising out of the execution of letters of request in criminal matters shall be borne by the Government to which application is made.

Nevertheless, expenses occasioned by the carrying out of expert examinations shall be borne by the applicant State.

PART III.

FINAL PROVISIONS.

Article 17.

The Ministry of Justice of each Contracting Party shall, on receiving an official request from a judicial authority of the other Contracting Party, furnish the latter with the text of the laws in force in its territory and with the necessary information, if any, on the point of law in dispute.

The request should specify the point of law on which information is required.

Article 18.

Public documents drawn up in the territory of one of the High Contracting Parties by the competent public authority and sealed with the official seal shall have the same authenticity in the territory of the other Party as public documents drawn up in that territory, and shall not require legalisation by the diplomatic or consular authorities.

Article 19.

Diplomatic or consular legalisation shall not be required for private documents drawn up in the territory of one of the Contracting Parties and authenticated by the competent authority or by a notary public.

Article 20.

The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

The Convention shall only come into force after the exchange of ratifications and shall remain in force for six months following the date of its denunciation by either High Contracting Party.

In faith whereof the above-named Plenipotentiaries have signed the present Convention.

Done at Rome this sixth day of April, one thousand nine hundred and twenty-two, in French and Italian, both texts being equally authentic, in two copies, one of which shall be transmitted to each of the signatory States.

For the Kingdom of the Serbs, Croats and Slovenes :

Dr. RYBÁŘ, *m. p.*

For Italy

IMPERIALI, *m. p.*