

**No. 5208**

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**CZECHOSLOVAKIA  
and  
ALBANIA**

**Treaty concerning the provision of legal assistance in civil,  
family and criminal matters. Signed at Prague, on  
16 January 1959**

*Official texts : Czech and Albanian.*

*Registered by Czechoslovakia on 30 June 1960.*

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**TCHÉCOSLOVAQUIE  
et  
ALBANIE**

**Traité relatif à l'entraide judiciaire en matière civile,  
familiale et pénale. Signé à Prague, le 16 janvier 1959**

*Textes officiels tchèque et albanais.*

*Enregistré par la Tchécoslovaquie le 30 juin 1960.*

[TRANSLATION — TRADUCTION]

No. 5208. TREATY<sup>1</sup> BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE PEOPLE'S REPUBLIC OF ALBANIA CONCERNING THE PROVISION OF LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL MATTERS. SIGNED AT PRAGUE, ON 16 JANUARY 1959

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The President of the Czechoslovak Republic and

The Presidium of the National Assembly of the People's Republic of Albania,

Being desirous of strengthening friendly relations between the two countries and their peoples and developing co-operation in the sphere of legal relations to the greatest possible extent, have decided to conclude this Treaty concerning the provision of legal assistance in civil, family and criminal matters, and for this purpose have appointed as their plenipotentiaries :

The President of the Czechoslovak Republic :

Dr. Václav Škoda, Minister of Justice ;

The Presidium of the National Assembly of the People's Republic of Albania :

Mr. Behar Shtylla, Minister for Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

PART I

GENERAL PROVISIONS

*Article 1*

LEGAL PROTECTION

1. Nationals and bodies corporate (hereinafter called "nationals") of either Contracting Party shall enjoy in the territory of the other Party, in respect of their personal and property rights, the same legal protection as nationals of the other Party.

2. Nationals of either Contracting Party shall have free and unimpeded access to the courts, procurator's offices and notarial organs (hereinafter called "judicial

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<sup>1</sup> Came into force on 28 May 1960, one month after the exchange of the instruments of ratification which took place at Tirana on 28 April 1960, in accordance with article 74.

authorities") and to other authorities of the other Party having jurisdiction in civil, family or criminal matters, and may appear before, present petitions to and institute proceedings with such authorities under the same conditions as nationals of that Party.

### Article 2

#### PROVISION OF LEGAL ASSISTANCE

1. The judicial authorities of the two Contracting Parties shall provide one another with legal assistance in civil, family and criminal matters.
2. The judicial authorities shall also provide legal assistance to other authorities in the matters referred to in paragraph 1.

### Article 3

#### METHOD OF COMMUNICATION

1. In providing legal assistance, the judicial authorities of the two Contracting Parties shall, save as otherwise provided in this Treaty, communicate with one another through their central organs.
2. Other authorities having jurisdiction in civil or family matters shall communicate with the judicial authorities of the other Contracting Party through the diplomatic channel.

### Article 4

#### SCOPE OF LEGAL ASSISTANCE

The Contracting Parties shall provide one another with legal assistance by performing specific acts required in connexion with judicial proceedings, for example, by furnishing and transmitting documents, carrying out searches and seizures, transmitting or delivering material evidence, conducting expert examinations, taking evidence from accused persons, witnesses, experts, litigants and other persons, carrying out judicial inspections *in situ*, and serving documents.

### Article 5

#### OFFICIAL FORM OF DOCUMENTS

Documents transmitted by judicial or other authorities in connexion with legal assistance shall bear an official seal.

### Article 6

#### CONTENTS OF APPLICATIONS FOR LEGAL ASSISTANCE

1. Applications for legal assistance must contain the following particulars :

- (a) The title of the authority making the application ;
- (b) The title of the judicial authority to which the application is made ;
- (c) The designation of the matter in respect of which legal assistance is applied for ;
- (d) The names of the parties or of the accused, tried or convicted persons, their nationality, occupation and domicile or residence, or, in the case of bodies corporate, their names and head offices ;
- (e) The names and addresses of the legal representatives ;
- (f) The nature of the application and any necessary relevant information, including, in criminal matters, a description of the *corpus delicti*.

2. Applications for the service of documents must indicate in addition the exact address of the recipient and the nature of the document to be served.

#### Article 7

##### PROCEDURE FOR EXECUTING APPLICATIONS

1. In executing an application for legal assistance, a judicial authority shall follow the laws and regulations of its own State. However, at the request of the applicant authority, it may employ judicial procedures in effect in the territory of the applicant Contracting Party, on condition that such procedures do not conflict with the laws and regulations of its own State.

2. If the judicial authority applied to is not competent to execute the application, it shall transmit the application to the competent judicial authority and shall notify the applicant authority accordingly.

3. The judicial authority applied to shall, if requested to do so, notify the applicant authority of the time and place of execution of the application.

4. After executing an application, the judicial authority applied to shall return the documents to the applicant authority ; if it has not been able to provide the legal assistance requested, it shall at the same time inform the applicant authority of the circumstances which prevented the execution of the application.

#### Article 8

##### IMMUNITY OF WITNESSES AND EXPERTS

1. No person of whatsoever nationality who, in response to a summons served by a judicial authority of the Contracting Party applied to, appears as a witness or an expert before an authority of the applicant Party may be prosecuted, detained or punished in the territory of that Party for an offence committed before he crossed the frontier.

2. The witness or expert shall forfeit this protection if he fails to quit the territory of the applicant Contracting Party within one week from the date on which the authority taking evidence from him informs him that his presence is no longer

necessary. Such period of one week shall not be deemed to include any period of time during which the witness or expert is unable to quit the territory of the applicant Contracting Party for reasons beyond his control.

#### *Article 9*

##### SERVICE OF DOCUMENTS

1. In effecting the service of documents, the judicial authority applied to shall follow the laws and regulations in effect in its own State, on condition that the documents in question are drawn up in the language of that State or are accompanied by a certified translation. Otherwise, the judicial authority applied to shall serve the documents only if the recipient is willing to accept them.

2. The translation may be certified by the translator himself, the applicant authority or a diplomatic or consular authority of one of the Contracting Parties.

3. If a document cannot be served at the address indicated in the application, the judicial authority applied to shall of its own motion take the necessary steps to determine the recipient's address.

#### *Article 10*

##### CONFIRMATION OF SERVICE

Service shall be officially confirmed in accordance with the regulations in effect in the territory of the Contracting Party applied to.

#### *Article 11*

##### SERVICE OF DOCUMENTS ON OWN NATIONALS

Each Contracting Party shall be entitled to serve documents on its own nationals through its diplomatic or consular missions.

#### *Article 12*

##### EVIDENTIAL VALUE OF DOCUMENTS

1. Documents which, in the territory of either Contracting Party, have been drawn up or attested in the prescribed form by State organs or public officials within the limits of their official powers, and which bear an official seal, shall be accepted in the territory of the other Party without further authentication. The same shall apply to signatures attested in accordance with the laws and regulations of either Contracting Party.

2. Documents which are considered official in the territory of either Contracting Party shall have the evidential value of official documents in the territory of the other Party.

*Article 13*

## COSTS OF LEGAL ASSISTANCE

1. The Contracting Party to which an application for legal assistance is addressed shall make no claim for repayment of the costs incurred in providing such assistance. Each Party shall assume all costs incurred in providing legal assistance in its territory.

2. The judicial authority applied to shall communicate to the applicant authority the amount of the costs incurred. If the applicant authority recovers these costs from the person liable therefor, the sums recovered shall accrue to the Contracting Party of that authority.

*Article 14*

## INFORMATION ON LEGAL QUESTIONS

The Ministries of Justice of the two Contracting Parties shall furnish each other on request with information concerning legal questions.

*Article 15*

## LANGUAGES

In communicating with one another under the terms of this Treaty, the authorities of the Contracting Parties shall use their own or the Russian language.

## PART II

## SPECIAL PROVISIONS

## CHAPTER I

*LEGAL ASSISTANCE IN CIVIL AND FAMILY MATTERS*

## Section I

## LEGAL COSTS

*Article 16*

## EXEMPTION FROM SECURITY FOR LEGAL COSTS

Nationals of one Contracting Party appearing before the courts of the other Party and living in the territory of either Party shall not be required to deposit security for legal costs on the sole ground that they are aliens or have no permanent domicile, residence or abode in the territory of the said other Party.

## EXEMPTION FROM CHARGES AND DEPOSITS

*Article 17*

Nationals of either Contracting Party shall, in the territory of the other Party, be exempt from the payment of charges and deposits and receive legal assistance free of charge, to the same extent and under the same conditions as nationals of the other Party.

*Article 18*

1. Documents relating to personal, family, income and property status which are required for exemption from the payment of charges or deposits, or for the provision of legal assistance free of charge, shall be issued by the competent authority of the Contracting Party in whose territory the petitioner has his domicile or residence.

2. If the petitioner has no domicile or residence in the territory of either Contracting Party, a document issued or attested by a diplomatic or consular mission of his State shall be acceptable.

3. The judicial authority ruling on a petition for exemption from the payment of charges or deposits, or for the provision of legal assistance free of charge, may require additional data to be furnished.

*Article 19*

1. A national of one Contracting Party who wishes to petition a competent authority of the other Party for exemption from the payment of charges or deposits, or for the provision of legal assistance free of charge, may make such petition in the form of an oral statement before the competent judicial authority of the place in which he has his domicile or residence. The said authority shall draw up a record of such statement and shall transmit the same, together with the documents referred to in article 18, paragraph 1, of this Treaty, to the judicial authority of the other Party.

2. A petition for exemption from the payment of charges or deposits, or for the provision of legal assistance free of charge, may be accompanied by an application for the institution of judicial or other proceedings, and such application shall be entered in the record.

## Section II

## PERSONAL STATUS AND FAMILY LAW

*Article 20*

## LEGAL CAPACITY

The legal capacity of a person shall be determined according to the law of the Contracting Party of which he is a national.

*Article 21*

## DIVORCE

1. If both spouses are nationals of one Contracting Party but, at the time when divorce proceedings are instituted, reside in the territory of the other Party, the applicable law with respect to such proceedings shall be that of the Party of which the spouses are nationals. The courts of both Parties shall have jurisdiction. If, however, one spouse resides, at the time when divorce proceedings are instituted, in the territory of one Party and the other spouse in the territory of the other Party, jurisdiction shall vest in the courts of the Party of which the spouses are nationals.

2. If, at the time when divorce proceedings are instituted, one spouse is a national of one Contracting Party and the other spouse a national of the other Party, the courts of both Parties shall have jurisdiction with respect to the divorce. The courts shall apply the law of their own State.

*Article 22*

## ANNULMENT OF MARRIAGE

1. In proceedings for the annulment of a marriage or for a declaration of nullity of marriage, the applicable law shall be that of the Contracting Parties of which the spouses were nationals at the time when the marriage was contracted.

2. A procedural defect in the contracting of a marriage shall not, however, constitute grounds for an annulment or a declaration of nullity if the law of the Contracting Party in whose territory the marriage was contracted was complied with.

3. The courts of both Contracting Parties shall have jurisdiction.

## LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

*Article 23*

The legal relations between parents and children shall be determined by the law of the Contracting Party of which the child is a national. The same shall apply to the legal relations between the mother and father of a child born out of wedlock.

*Article 24*

1. Actions to contest or establish paternity or to establish that a child is the issue of a particular marriage shall be decided in accordance with the law of the Contracting Party of which the child is a national by birth.

2. Actions to contest or establish paternity or to establish that a child is the issue of a particular marriage shall be within the jurisdiction of the courts of the Contracting Party whose law is applicable under the terms of paragraph 1. If both



plaintiff and defendant have their domicile in the territory of the same Contracting Party, such actions shall also be within the jurisdiction of the courts of that Party, without prejudice to the provisions of paragraph 1.

#### *Article 25*

#### DECLARATION OF PERSONS AS MISSING OR DEAD ; ESTABLISHMENT OF THE FACT OF DEATH

1. Proceedings for declaring a person missing or dead or for the establishment of the fact of death shall be within the jurisdiction of the judicial authorities of the Contracting Party of which the person was a national at the time when he was last known to be alive.

2. The judicial authorities of one Contracting Party may declare a national of the other Party missing or dead, or establish the fact of his death, upon the application of any person resident in its territory who is entitled under its law to make such application.

3. In proceedings for declaring a person missing or dead, or for the establishment of the fact of his death, the judicial authorities of each Contracting Party shall apply the law of their own State.

#### GUARDIANSHIP AND CURATORSHIP

#### *Article 26*

1. Save as otherwise hereinafter provided, jurisdiction in matters relating to guardianship or curatorship over nationals of the Contracting Parties shall vest in the authorities of the Party of which the ward is a national.

2. The legal relations between guardians or curators and their wards shall be determined by the law of the Contracting Party by an authority of which the guardian or curator was appointed.

3. With respect to the obligation to accept the office of guardian or curator, the applicable law shall be that of the Contracting Party of which the person to be appointed guardian or curator is a national.

#### *Article 27*

1. Where the need arises to provide for guardianship or curatorship in the interests of a national of one Contracting Party whose domicile, residence or property is in the territory of the other Party, the relevant authority of the latter Party shall forthwith notify the authority which under article 26, paragraph 1, has jurisdiction.

2. In cases admitting of no delay, the authority of the other Party may itself take measures under its own law on condition that it forthwith notifies the authority

which under article 26, paragraph 1, has jurisdiction. Such measures shall remain in effect until the latter authority decides otherwise.

#### *Article 28*

1. The authority having jurisdiction under the terms of article 26, paragraph 1, may transfer a guardianship or curatorship to an authority of the other Contracting Party if the ward has his domicile or residence or owns property in the territory of the latter Party. The transfer shall become effective when the authority receiving the request for the transfer assumes the guardianship or curatorship and notifies the requesting authority accordingly.

2. The authority assuming the guardianship or curatorship in accordance with paragraph 1 shall exercise it in the manner prescribed by the law of its own State. However, in the matter of legal capacity it shall apply the law of the Party of which the ward is a national. It may not decide questions of personal status.

#### *Article 29*

##### ADOPTION

1. Matters of adoption or termination of adoption shall be dealt with in accordance with the law of the Contracting Party of which the adopter is a national at the time of the adoption or termination of adoption.

2. If the child is a national of the other Contracting Party, the adoption or termination of adoption shall be subject to the consent of that Party.

3. If the child is adopted by a married couple of whom one spouse is a national of one Contracting Party and the other spouse a national of the other Party, the adoption or termination of adoption shall be carried out in accordance with the law of both Parties.

4. In matters of adoption or termination of adoption, jurisdiction shall vest in an authority of the Contracting Party of which the adopter is a national at the time of the adoption or termination of adoption. In the case specified in paragraph 3, jurisdiction shall vest in an authority of the Contracting Party in whose territory the married couple have, or had, a common domicile or residence.

#### Section III

##### TRANSMITTAL OF CIVIL REGISTRATION AND OTHER DOCUMENTS

#### *Article 30*

Each Contracting Party shall, upon a request submitted through the diplomatic channel, transmit to the other Party civil registration certificates, documents con-

cerning educational qualifications and employment experience and other documents relating to the personal rights and interests of nationals of the other Party. Such documents, in their untranslated form, shall be sent free of charge through the diplomatic channel.

#### Section IV

#### SUCCESSION

##### *Article 31*

#### PRINCIPLE OF EQUALITY

Nationals of either Contracting Party shall be placed on a footing of equality with nationals of the other Party as regards the capacity to make or revoke wills disposing of property situated in the territory of the other Party or of rights to be exercised in the territory of the other Party, and as regards the capacity to succeed, as heirs or legatees, to such property or rights. The property or rights shall descend under the same conditions as apply to the nationals of the said other Contracting Party resident in its territory.

##### *Article 32*

#### LAW OF SUCCESSION

1. Succession to movables shall be determined by the law of the Contracting Party of which the testator was a national at the time of his death.
2. Succession to immovables shall be determined by the law of the Contracting Party in whose territory the immovable is situated.

##### *Article 33*

#### WILLS

1. The capacity to make or revoke a testamentary disposition, and the legal effects of defective testamentary dispositions, shall be determined by the law of the Contracting Party of which the testator was a national at the time of making or revoking the testamentary disposition. The same law shall also be decisive for determining the admissible types of testamentary dispositions.

2. The form in which a testamentary disposition is made or revoked shall be determined by the law of the Contracting Party of which the testator was a national at the time of making or revoking the testamentary disposition ; it shall, however, be deemed sufficient if the law of the Party in whose territory these acts were performed is complied with.

*Article 34*

## JURISDICTION

1. Proceedings in matters of succession to movables shall, subject to the provisions of paragraph 4, be conducted by the judicial authorities of the Contracting Party of which the testator was a national at the time of his death.

2. Proceedings in matters of succession to immovables shall be conducted by the judicial authorities of the Contracting Party in whose territory the immovable is situated.

3. The provisions of paragraphs 1 and 2 shall apply, *mutatis mutandis*, to disputes arising in connexion with rights of succession.

4. If the entire movable estate of a deceased national of one Contracting Party is situated in the territory of the other Party, proceedings in matters of succession to such estate shall, upon petition by an heir or a legatee, and subject to the consent of all the heirs, be conducted by the judicial authorities of the latter Party.

*Article 35*

## NOTIFICATION OF DEATH

1. If a national of one Contracting Party dies in the territory of the other Party, the competent authority shall notify the diplomatic or consular authority of the former Party thereof without delay, communicating to it whatever information is available concerning the heirs and legatees, their domicile or residence, the size and value of the estate, and the existence of a will. The same shall apply in cases where the competent authority of one Contracting Party learns that a national of the other Party who has died outside the territories of both Parties has left property in its territory.

2. If the diplomatic or consular authority learns of the death before receiving notice from the competent authority, it shall notify the judicial authority competent to take measures for the protection of the estate.

*Article 36*

## COMPETENCE OF DIPLOMATIC AND CONSULAR AUTHORITIES IN SUCCESSION PROCEEDINGS

1. In all succession proceedings arising in the territory of one Contracting Party, the diplomatic or consular authorities of the other Party shall be entitled to represent their nationals before the judicial or other authorities concerned if such nationals are not present and are not otherwise represented; in such cases no special power of attorney shall be necessary.

2. If a national of one Contracting Party not domiciled or resident in the territory of the other Party dies while in transit through such territory, his personal effects

shall be delivered without any formal proceedings to the diplomatic or consular authority of the Party of which he was a national.

#### *Article 37*

##### OPENING AND PUBLICATION OF WILLS

The opening and publication of a will shall be within the jurisdiction of the judicial authorities of the Contracting Party in whose territory the will is situated. A certified copy of the will, the minute concerning the condition and content thereof and, according to circumstances, a certified copy of the minute of opening and publication of the will and, on request, the original will itself shall be transmitted to the judicial authority of the State of which the testator was a national or to such judicial authority of the other Contracting Party as is conducting the proceedings in the case.

#### *Article 38*

##### MEASURES FOR THE PROTECTION OF THE ESTATE

1. The authorities of each Contracting Party shall, in accordance with the law of the respective Party, take such measures as are necessary to ensure the protection or the administration of estates left in their territory by deceased nationals of the other Party.

2. The measures taken under paragraph 1 shall be immediately reported to a diplomatic or consular authority of the other Party, and the said authority shall be entitled to participate in carrying out such measures. On the proposal of such diplomatic or consular authority, the measures taken under paragraph 1 may be modified, rescinded or postponed.

3. The authority of the Contracting Party of which the testator was a national, being the authority having jurisdiction under the terms of article 34, paragraph 1, may propose that measures taken under paragraph 1 of the present article should be rescinded.

#### *Article 39*

##### DELIVERY OF THE ESTATE

If, after the completion of succession proceedings in the territory of one Contracting Party, the deceased's movable estate or the proceeds from the sale of his movable or immovable estate are to be delivered to heirs or legatees domiciled or resident in the territory of the other Party, such estate or proceeds shall be delivered to the diplomatic or consular authority of the latter Party, on condition that :

- (a) Where the law of the Party in whose territory the estate is situated so provides, the competent judicial authority has duly summoned the deceased's creditors to present their claims within a period of three months ;

- (b) All estate duties and all claims presented by creditors have been paid or secured ; and
- (c) The competent authorities have given their approval, where such is required, for the export of the items constituting the estate or for the transfer of the proceeds from the sale thereof.

#### Section V

### RECOGNITION AND ENFORCEMENT OF JUDGEMENTS

#### *Article 40*

#### RECOGNITION OF JUDGEMENTS IN FAMILY MATTERS NOT RELATING TO PROPERTY CLAIMS

1. Final decisions of judicial authorities and of guardianship or curatorship authorities of either Contracting Party in family matters not relating to property claims shall be recognized in the territory of the other Party without further proceedings, on condition that no judicial authority and no guardianship or curatorship authority of the said other Party has previously rendered a final decision in the case or has exclusive jurisdiction under this Treaty.

2. The provisions of paragraph 1 shall also apply to decisions rendered before the entry into force of this Treaty.

#### RECOGNITION AND ENFORCEMENT OF JUDGEMENTS RELATING TO PROPERTY CLAIMS

#### *Article 41*

The Contracting Parties shall recognize and, in accordance with the provisions of the following articles, authorize the enforcement in their respective territories of :

- (a) Such final judgements relating to property claims in civil and family matters as were rendered in the territory of the other Party after the entry into force of this Treaty ;
- (b) Final judgements of courts, rendered in the territory of the other Party after the entry into force of this Treaty and relating to damages in criminal cases ;
- (c) Final awards of arbitration tribunals and amicable arrangements arrived at before such tribunals in cases relating to foreign trade, on condition that at least one of the parties to the proceedings was a body corporate established in the territory of one of the Contracting Parties.

#### *Article 42*

1. The power to authorize enforcement shall vest in the courts of the Contracting Party in whose territory enforcement is sought.

2. An application for enforcement shall be made to the court which rendered judgement at first instance. The application shall then be transmitted to the court which is competent to authorize enforcement. The application may also be made direct to the latter court.

3. The formal requirements for the application shall be determined by the law of the Contracting Party in whose territory enforcement is sought. The application shall be accompanied by a translation either in the language of the Party to which the application is directed or in the Russian language ; the translation shall be certified in the manner specified in article 9, paragraph 2.

#### *Article 43*

An application for enforcement shall be accompanied by :

- (a) The complete text of the judgement, and, if the judgement itself does not show that it has become final, a certificate to that effect ;
- (b) If the person liable under the judgement did not participate in the proceedings, the originals or certified copies of documents showing that he was, in due time and in a lawful manner, served with a summons at least once ;
- (c) Translations of the documents specified in (a) and (b), duly certified in the manner prescribed by article 9, paragraph 2.

#### *Article 44*

If the court has any doubts as to authorizing enforcement, it may summon the applicant to appear and to furnish clarification, or it may require him to correct any defects in the application. It may also interrogate the debtor concerning the application and may request the court which rendered the judgement to furnish clarification.

#### *Article 45*

1. The enforcement procedure shall be determined by the law of the Contracting Party in whose territory enforcement is sought.

2. The court called upon to authorize enforcement may entertain objections from the debtor with regard either to the admissibility of such authorization or to the claim satisfied by the judgement, in so far as such objections are admissible under the law of the Contracting Party in whose territory the judgement was rendered.

#### *Article 46*

### REFUSAL TO RECOGNIZE OR ENFORCE JUDGEMENTS

Recognition or enforcement of a judgement may be refused :

- (a) If the person liable under the judgement did not participate in the proceedings either because he or his representative was not served, in due time and in a lawful

manner, with a summons at least once, or because he was summoned only by public notice or in some other form not in accordance with the provisions of this Treaty ; or

- (b) If the judgement conflicts with an earlier judgement which has become final and which was, in an action between the same parties relating to the same claim and based on the same grounds, rendered by a court of the Contracting Party in whose territory recognition or enforcement is sought. This provision shall not, however, apply where there has been a material change in the circumstances which in the earlier judgement determined the nature of the enforcement provisions or the time of enforcement.

#### *Article 47*

#### AMICABLE JUDICIAL ARRANGEMENTS

The provisions of articles 41 to 46 shall also apply to amicable arrangements arrived at before judicial authorities.

#### ENFORCEMENT OF DECISIONS RELATING TO THE PAYMENT OF COSTS CONNECTED WITH THE CONDUCT OF JUDICIAL PROCEEDINGS

#### *Article 48*

1. If a party to proceedings who, under article 16 of this Treaty, has been exempted from depositing security for legal costs is made liable in the territory of one Contracting Party for the payment of costs connected with the conduct of the proceedings, the competent court in the territory of the other Contracting Party shall, on application and without charge, authorize enforcement for the purposes of the recovery of such costs.

2. Costs connected with the conduct of judicial proceedings shall include the costs of certification and translation referred to in article 50 of this Treaty.

#### *Article 49*

The costs of certification and translation of documents under the terms of article 50 of this Treaty shall be determined by the court which dealt with the case at first instance or by the court competent to authorize enforcement. The court competent to authorize enforcement shall also determine the costs of enforcement.

#### *Article 50*

1. The court authorizing the enforcement of a decision relating to the payment of costs connected with the conduct of judicial proceedings shall confine itself to determining whether the decision has become final and is enforceable.

2. An application for the enforcement of a decision relating to the payment of costs connected with the conduct of judicial proceedings shall be accompanied by a



copy of the said decision certified by the court of first instance, by a document issued by the same court certifying that the decision has become final and is enforceable, and by a certified translation of the said copy and document.

*Article 51*

COSTS CONNECTED WITH ENFORCEMENT PROCEEDINGS

With respect to costs connected with enforcement proceedings, the law of the Contracting Party in whose territory the judgement is enforced shall apply.

CHAPTER II

LEGAL ASSISTANCE IN CRIMINAL CASES

*Article 52*

OBLIGATION TO EXTRADITE

1. Each Contracting Party undertakes to extradite to the other, on request, persons in its territory whose presence is required for the purpose of criminal prosecution or for the execution of a sentence.

2. Extradition shall be admissible only in respect of offences (hereinafter called "extraditable offences") which, under the law of both Contracting Parties, are punishable by deprivation of liberty for a period of more than one year or by a heavier penalty.

*Article 53*

REFUSAL OF EXTRADITION

Extradition shall not take place if :

- (a) The person claimed is a national of the Contracting Party applied to ;
- (b) The offence was committed in the territory of the Party applied to ;
- (c) Under the law of the Party applied to, exemption from prosecution or punishment has been acquired by lapse of time or for other legal reasons ;
- (d) Prosecution is within the exclusive jurisdiction of the judicial authorities of the Party applied to ;
- (e) The person claimed has already been prosecuted in the territory of the Party applied to for the same offence and has been sentenced or discharged, and such sentence or discharge has become final.

*Article 54*

## OBLIGATION TO PROSECUTE

1. Each Contracting Party undertakes to prosecute under its own law, at the request of the other Party, any of its nationals suspected of having committed an extraditable offence in the territory of the other Party.

2. A request for prosecution shall be accompanied by a memorandum and by all available particulars of the offence and evidence relating thereto.

3. The Contracting Party applied to shall notify the requesting Party of the result of the prosecution and, if sentence has been passed and has become final, shall transmit a copy of the sentence.

*Article 55*

## METHOD OF COMMUNICATION

In matters of extradition or prosecution, the Ministries of Justice or the General Procurator's Offices of the two Contracting Parties shall communicate with each other directly.

*Article 56*

## REQUISITION FOR EXTRADITION

A requisition for extradition shall be accompanied by :

- (a) A duplicate or a certified copy of the warrant of arrest or, if extradition is requested for the purposes of executing a sentence, a duplicate or a certified copy of the final sentence ; these documents shall contain particulars of the act constituting the offence, especially the time and place of its commission and its legal definition, and, if the offence resulted in material loss or injury, the actually determined or probable extent of such loss or injury ;
- (b) The text of the statute of the applicant Party defining the offence ;
- (c) If the person claimed is a convicted person who has already served a part of his sentence, particulars of the part of the sentence still to be served ;
- (d) Such particulars as are available regarding the nationality of the person claimed ; documents and information concerning his domicile or residence ; and particulars of his identity, including a personal description, photographs and finger-prints.

*Article 57*

## SUPPLEMENTARY INFORMATION

1. If any doubts exist as to whether an extraditable offence has been committed, or if the requisition for extradition does not contain all the necessary particulars, the

Contracting Party applied to may request supplementary information, for the receipt of which a time-limit of one to two months shall be fixed ; this time-limit may be extended for serious reasons at the request of the applicant Party.

2. If the applicant Party fails to furnish the supplementary information within the specified time-limit, the Party applied to may release the person claimed from custody.

#### *Article 58*

##### DETENTION PENDING EXTRADITION

Upon receipt of the requisition, the Contracting Party applied to shall take immediate steps to detain the person claimed, save in cases in which extradition may not take place.

#### *Article 59*

##### DETENTION PENDING RECEIPT OF REQUISITION FOR EXTRADITION

1. A person may be detained pending receipt of the requisition for his extradition if an application has been made for his detention. It must be specified in such application that there exists a warrant of arrest or a final sentence in respect of the person claimed and that the application will be followed by a requisition for extradition. An application for detention pending receipt of the requisition for extradition may be transmitted by post, telegraph, telephone or wireless.

2. A person may be detained in the absence of the application referred to in paragraph 1 if there is reason to believe that he has committed an extraditable offence in the territory of the other Party.

3. Notification of detention pending receipt of the requisition for extradition shall be sent immediately to the other Party.

#### *Article 60*

##### RELEASE FROM DETENTION IN THE EVENT OF NON-RECEIPT OF THE REQUISITION FOR EXTRADITION

1. A person detained in accordance with article 59, paragraph 1, of this Treaty may be released if the requisition for his extradition is not received within two months from the date on which notification of his detention was sent.

2. A person detained in accordance with article 59, paragraph 2, of this Treaty may be released if the requisition for his extradition is not received within one month from the date on which notification of his detention was sent.

*Article 61*

## POSTPONEMENT OF EXTRADITION

If the person claimed is being tried or has been convicted in the territory of the Contracting Party applied to in respect of another offence, his extradition may be postponed until the termination of the proceedings or the execution or remission of the sentence.

*Article 62*

## TEMPORARY EXTRADITION

1. If, because of the postponement of extradition as provided in article 61 of this Treaty, exemption from prosecution may be acquired by lapse of time or the investigation of an offence may be seriously prejudiced, the person claimed may be extradited for a temporary period on receipt of an application for such extradition stating the grounds on which it is based.

2. A person who has been temporarily extradited shall be returned as soon as the criminal proceeding for the purpose of which he was extradited is concluded.

*Article 63*

## CONCURRENT REQUISITIONS FOR EXTRADITION

If requisitions for the extradition of a person are received from more than one State, the Contracting Party applied to shall decide to which State the said person shall be extradited.

*Article 64*

## LIMITS TO PROSECUTION

1. An extradited person may not, without the consent of the Contracting Party applied to, be prosecuted or punished or be surrendered to a third State for an offence committed before his extradition other than the offence for which he was extradited.

2. Such consent shall not be required if the extradited person, not being a national of the Contracting Party in whose territory he is present, fails to quit such territory within one month after the conclusion of the criminal proceedings or, in the event of his conviction, within one month after the completion of the sentence, or if he returns thereto. Such period of one month shall not be deemed to include any period of time during which the extradited person is unable, for reasons beyond his control, to quit the territory of the applicant Party.

*Article 65*

## SURRENDER OF THE PERSON CLAIMED

The Contracting Party applied to shall notify the applicant Party of the time and place of surrender of the person claimed. If the applicant Party fails to accept that person within one month after the time fixed for his surrender, he may be released from custody.

*Article 66*

## RE-EXTRADITION

If an extradited person evades prosecution or the execution of a sentence and returns to the territory of the Contracting Party applied to, he shall be re-extradited upon receipt of a new requisition, which need not be accompanied or supplemented by the documents and information specified in articles 56 and 57 of this Treaty.

*Article 67*

## NOTIFICATION OF RESULTS OF PROSECUTION

The Contracting Parties shall inform each other of the results of proceedings taken against persons extradited to them. If final sentence has been passed on such persons, a copy of the sentence shall, in addition, be transmitted.

*Article 68*

## CONVEYANCE IN TRANSIT

1. Each Contracting Party shall, on application being made, authorize the conveyance through its territory of any person extradited by a third State to the other Party.
2. An application for authorization of such conveyance shall be made and considered in the same manner as a requisition for extradition.
3. A Contracting Party shall not be bound to authorize the conveyance in transit of a person who is not extraditable under this Treaty.

*Article 69*

## APPEARANCE OF PERSONS HELD IN CUSTODY

1. If need arises for the interrogation as a witness of a person held in custody in the territory of the Contracting Party applied to, the agencies specified in article 55 of this Treaty may arrange for such person to be delivered to the territory of the applicant Party, subject to his being kept in custody and returned as soon as possible after the interrogation is completed.

2. If need arises for the interrogation as a witness of a person held in custody in a third State, the agencies specified in article 55 of this Treaty of the Contracting Party applied to shall authorize the conveyance of such person through the territory of its State, without prejudice to the provisions of article 8 of this Treaty.

#### *Article 70*

##### DELIVERY OF ARTICLES

1. Each Contracting Party undertakes to deliver to the other :

- (a) Articles acquired through the commission of an extraditable offence, or the value of such articles ;
- (b) Articles which may be important as evidence in criminal proceedings ; such articles shall be delivered even if the offender cannot be extradited by reason of death, escape or any other circumstances.

2. If the Contracting Party applied to has need of the claimed articles as evidence in criminal proceedings, it may postpone the delivery thereof until such proceedings are concluded.

3. These provisions shall not affect the rights of third parties to the articles delivered. After the conclusion of the proceedings, such articles shall be returned free of charge to the Contracting Party applied to for transmittal to the person entitled to them.

#### *Article 71*

##### NOTIFICATION OF SENTENCES

Each Contracting Party shall communicate to the other Party information concerning final sentences pronounced by its courts with respect to nationals of the other Party, at the same time transmitting the finger-prints of the convicted persons, if such finger-prints are available.

#### *Article 72*

##### INFORMATION ON PREVIOUS CONVICTIONS

Each Contracting Party shall, at the request of the courts or procurator's offices of the other Party, transmit free of charge information regarding the previous convictions of persons against whom criminal proceedings have been initiated in the territory of the applicant Party.

## PART III

## FINAL PROVISIONS

*Article 73*

## RATIFICATION

The present Treaty shall be subject to ratification. The instruments of ratification shall be exchanged as soon as possible at Tirana.

*Article 74*

## ENTRY INTO FORCE

1. The present Treaty shall enter into force one month after the exchange of the instruments of ratification. It shall remain in force for a period of five years from the date on which it enters into force.

2. Unless either Contracting Party gives notice of the termination of this Treaty not later than six months before the expiry of the aforementioned five-year period, the Treaty shall continue in force indefinitely and shall remain in force until one year's notice of termination is given by either Party.

*Article 75*

## AUTHENTIC TEXTS

This Treaty has been drawn up in duplicate in the Czech and Albanian languages, both texts being equally authentic.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting Parties have signed the present Treaty and have thereto affixed their seals.

DONE at Prague on 16 January 1959.

For the President  
of the Czechoslovak  
Republic :  
V. ŠKODA

For the Presidium  
of the National Assembly  
of the People's Republic of Albania :  
Behar SHTYLLA