

No. 5236

**YUGOSLAVIA
and
GREECE**

Convention concerning mutual legal relations (with exchange of letters). Signed at Athens, on 18 June 1959

Official text: French.

Registered by Yugoslavia on 12 July 1960.

**YOUGOSLAVIE
et
GRÈCE**

Convention sur les relations juridiques mutuelles (avec échange de lettres). Signée à Athènes, le 18 juin 1959

Texte officiel français.

Enregistrée par la Yougoslavie le 12 juillet 1960.

[TRANSLATION — TRADUCTION]

No. 5236. CONVENTION¹ BETWEEN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE KINGDOM OF GREECE CONCERNING MUTUAL LEGAL RELATIONS. SIGNED AT ATHENS, ON 18 JUNE 1959

The Government of the Federal People's Republic of Yugoslavia and the Royal Government of Greece, with a view to the development of their mutual legal relations, have agreed as follows :

PART I

LEGAL ASSISTANCE IN CIVIL CASES

LEGAL PROTECTION

Article 1

Nationals of either Contracting State shall enjoy free access to the courts in the territory of the other Contracting State and may institute proceedings and avail themselves of legal protection, in respect of their persons and property, under the conditions applying to nationals of the other State.

Article 2

(1) Where a national of one of the Contracting States, who has his domicile or place of business in one Contracting State, appears before a court of the other Contracting State as plaintiff or intervener in proceedings, he shall be exempt from the deposit of security for legal costs and from the advance payment of legal stamp tax.

(2) Any advance payment of costs for which a party is liable may be required from nationals of the other Contracting State under the same conditions and in the same amount as from nationals of the State in which the proceedings are conducted.

(3) Final and enforceable decisions of the courts of one Contracting State whereby plaintiffs or interveners who are nationals of the other Contracting State are ordered to pay stamp tax and costs in respect of the proceedings shall upon application be made enforceable in the territory of the other Contracting State in regard to such stamp tax and costs, irrespective of the enforcement of the other clauses of such decisions. The application must be made either directly

¹ Came into force on 31 March 1960, thirty days after the exchange of the instruments of ratification which took place at Belgrade, in accordance with article 68.

to the competent court by the party in whose favour the decision has been made, or through the diplomatic channel. It must be accompanied by certificate to the effect that the judgement is final and enforceable.

(4) Decisions made pursuant to paragraph (1) by a court of the other State shall be made enforceable in the same way as decisions of the home courts, without any obligation to hear the parties beforehand.

EXEMPTION FROM PAYMENT OF STAMP TAX AND OTHER COSTS

Article 3

Nationals of either Contracting State shall have the right before the courts of the other State, under the conditions applying to nationals of the other State, to exemption from the payment of stamp tax and costs (free legal aid).

Article 4

(1) The certificate required for recognition of the rights referred to in article 3 of this Convention shall be issued by the competent authority of the Contracting State in which the applicant has his regular residence.

(2) If the applicant has no regular residence in the territory of either Contracting State, a certificate issued by the diplomatic or consular mission of the State of which he is a national shall be acceptable.

Article 5

(1) The State authority competent to issue the certificate referred to in article 4, paragraph (1), of this Convention may request from the State authorities of the other Contracting Party information concerning the applicant's means and property status.

(2) The court which rules on an application for recognition of the rights referred to in article 3 of this Convention may, within the limits of its competence, verify the certificates and information submitted to it and may require additional information.

PROVISIONS CONCERNING LEGAL ASSISTANCE IN CIVIL AND COMMERCIAL CASES

Article 6

(1) The Contracting States undertake to render each other legal assistance in civil and commercial cases, both adversary and non-adversary, *inter alia* in matters affecting family and guardianship law. This shall also apply where such cases are within the jurisdiction of the administrative authorities.

(2) In the provisions of this part of the Convention, the term "courts" shall be deemed to include administrative authorities where such authorities have jurisdiction in the cases referred to in paragraph (1) of this article.

(3) The legal assistance in question shall include : (a) the service of judicial and extra-judicial documents; (b) the execution of letters rogatory.

Article 7

Applications for legal assistance shall be made through the competent Ministry or State Secretariat of Justice; the said Ministry and State Secretariats (in the case of Yugoslavia, the State Secretariats of Justice of the People's Republics of Serbia, Croatia, Slovenia, Bosnia-Herzegovina, Macedonia and Montenegro) shall correspond with one another directly for this purpose.

Article 8

(1) Letters rogatory and applications for the service of documents shall be drawn up in the French language.

(2) Documents and other instruments relating to the letters rogatory referred to in the preceding paragraph shall be drawn up in the language of their State of origin but must be accompanied by a translation into the French language. The translation must be official or be certified by a sworn translator.

Article 9

A letter rogatory must state the subject to which it relates and the surnames, given names, occupations and residences of the parties. It must indicate the circumstances concerning which evidence is sought and, where necessary, the questions to be put to the person who is to be interrogated. An application for the service of documents must state the address of the person who is to receive, and the nature of, the document to be served.

Article 10

(1) Letters rogatory and documents transmitted by the courts and other authorities of the Contracting States must bear the seal of the court or authority which issued them. They need not be legalized.

(2) Letters rogatory shall be drawn up in the form, if any, prescribed by the law of the Contracting State of origin.

Article 11

A letter rogatory shall be executed in accordance with the laws of the country applied to. However, if the applicant court so requests, it may be executed by a

special procedure provided that such procedure does not conflict with the public policy provisions of the State applied to.

Article 12

(1) A letter rogatory shall be transmitted to the competent court by the Ministry or State Secretariat of Justice of the State applied to. If the said court declares itself not competent in the matter, it shall *ex officio* transmit the letter rogatory to the court which is competent.

(2) Execution of a letter rogatory may not be refused unless the State applied to considers such execution prejudicial to its sovereign rights or its security or at variance with its public policy.

Article 13

(1) Courts to which letters rogatory are transmitted shall execute them as soon as possible and shall, where necessary, apply the same measures of coercion as are applied in executing letters rogatory from other domestic courts. Measures of coercion shall not be applied in connexion with attendance in person by the parties to the case.

(2) The applicant court shall, if it so requests, be notified promptly of the time and place at which the action requested is to be taken, in order that any interested party may be able to attend. The courts shall give such notice by post.

Article 14

(1) Records of the execution of a letter rogatory or of the service of documents shall be transmitted to the applicant State through the channel prescribed in article 7.

(2) In any case in which a letter rogatory is not executed or documents are not served, the applicant court shall without delay be notified of such non-execution and of the reasons therefor.

Article 15

(1) Documents to be served must be drawn up in the language of the court applied to or must be accompanied by a translation into the French language. The translation must either be official or be certified by a sworn translator of one of the Contracting States or by another legally competent person. The translator's signature need not be legalized.

(2) If the document in question is not drawn up in the language of the court applied to and no translation into the French language is annexed, the said court shall merely deliver the document to the recipient if he is willing to accept it.

Article 16

(1) The service of documents shall be effected in accordance with the laws of the State applied to. If the applicant State so requests, service may be effected by a special procedure provided that such procedure does not conflict with the laws of the State applied to.

(2) Proof of service shall take the form either of a receipt bearing the date, the signatures of the server and recipient and the seal of the court, or of a certificate from the court applied to attesting to the fact, manner and date of service. If the documents to be served are supplied in duplicate, the record of service shall be entered on the second copy.

Article 17

Each Contracting State reserves the right to serve documents on its nationals in the territory of the other Contracting State through its own diplomatic or consular representatives. Measures of coercion shall not be applied in such cases.

COST OF ASSISTANCE

Article 18

(1) The applicant State shall not be required to pay any taxes or to reimburse any costs in connexion with the service of documents or the execution of letters rogatory. The foregoing shall not apply to fees for experts.

(2) Payment of a deposit to the court applied to may not be required in connexion with the taking of expert evidence unless one of the parties is liable for the expert's fee.

GUARDIANSHIP AND CURATORSHIP

Article 19

Save as otherwise provided by this Convention, the Contracting State having jurisdiction in matters relating to guardianship (guardianship and curatorship) shall be the Contracting State of which the legally incapable person is a national.

Article 20

(1) Where, in the territory of one Contracting State, it is essential for a guardianship authority to take measures in the interests of a national of the other Contracting State whose domicile, residence or property is in the territory of the

State in which the said measures must be taken, the competent authority of the latter State shall so notify, at once, the diplomatic or consular mission of the Contracting State of which the person concerned is a national.

(2) In a case admitting of no delay, the competent authority of the first-named Contracting State may itself take such provisional measures as are required, at the same time notifying thereof the diplomatic or consular mission. Such measures shall remain in effect until the authority of the Contracting State of which the legally incapable person is a national has taken the necessary decision and the authority *in situ* which ordered the provisional measures has been informed of that decision.

CAPACITY OF PERSONS

Article 21

Capacity to perform acts in law shall be determined by the law of the Contracting State of which the person concerned is a national.

ACTIONS TO ESTABLISH OR CONTEST PATERNITY

Article 22

(1) Actions to establish paternity, and the legal relations between a child born out of wedlock and the person presumed to be his father, shall be decided in accordance with the law of the Contracting State of which the child was a national at birth.

(2) Actions to contest paternity shall be decided in accordance with the law of the Contracting State of which the child was a national at birth.

Article 23

Actions to establish or contest paternity (article 22) shall be tried in the courts of the Contracting State of which the child was a national at birth, or in the courts of the Contracting State in whose territory the child is domiciled when the action is brought. Nevertheless, an action brought by the child may be tried in the courts of the father's State of domicile.

ADOPTION

Article 24

(1) Where the adopter is a national of one Contracting State and the child adopted is a national of the other Contracting State, adoption or termination

of adoption shall be subject to fulfilment of the material requirements laid down by the domestic law both of the adopter and of the child adopted.

(2) Proceedings relating to adoption or termination of adoption shall be conducted by the authorities of the Contracting State of which the child adopted is a national.

DECLARATION OF PERSONS AS MISSING OR DEAD

Article 25

(1) Proceedings for declaring a person missing or dead shall be within the jurisdiction of the courts of the Contracting State of which the person concerned was a national at the time of his disappearance.

(2) The courts of one Contracting State may declare a national of the other State missing or dead :

- (a) Upon application by a person wishing to exercise rights of succession, or rights deriving from property relations between spouses, with respect to immovable property of the missing person which is situated in the territory of the first-named Contracting State; or
- (b) Upon application by the spouse, submitted with reference to the existence of the marriage, provided that at the time of application the said spouse is domiciled in the territory of the first-named Contracting State and that the spouses had their last joint domicile in the territory of that State.

(3) No person shall be declared missing or dead pursuant to paragraph (2) of this article unless the conditions prescribed by the domestic law of the missing person concerned are met.

EXCHANGE OF CIVIL REGISTRATION DOCUMENTS

Article 26

(1) Each Contracting State shall transmit to the other Contracting State, free of charges or costs, copies of or extracts from civil registration documents relating to nationals of the latter State and copies of or extracts from any relevant documents subsequently drawn up. Such documents shall be transmitted to the diplomatic or consular mission.

(2) The copies of documents referred to in the preceding paragraph shall be transmitted without delay at the end of each quarter.

TRANSMITTAL OF CIVIL REGISTRATION DOCUMENTS

Article 27

(1) Each Contracting State undertakes to transmit to the other Contracting State, free of charges or costs, copies of any civil registration documents requested for administrative purposes.

(2) Such requests shall be submitted through the diplomatic or consular channel.

(3) The request for and issue of such copies shall not affect the question of nationality.

Article 28

For the purpose of articles 26 and 27, the expression "civil registration documents" shall mean extracts from registers of births, marriages and deaths.

LEGALIZATION OF DOCUMENTS

Article 29

(1) Official documents drawn up or issued by the judicial authorities in one Contracting State and bearing an official seal shall require no legalization for use before courts and other State authorities of the other Contracting State. Documents issued by administrative authorities or organs shall likewise be exempt from legalization if they have been legalized :

- (a) In the Kingdom of Greece, by the central authorities or by the Office of any Governor-General;
- (b) In the Federal People's Republic of Yugoslavia, by the Federal authorities or by the authorities of one of the People's Republics.

(2) The foregoing shall likewise apply to copies of official documents legalized by the judicial or administrative authorities.

Article 30

Private documents legalized by a court or other competent authority of one Contracting State shall not require further legalization for use before the courts and other authorities of the other Contracting State.

TRANSMITTAL OF RULES OF LAW

Article 31

The State Secretariat of Foreign Affairs of the Federal People's Republic of Yugoslavia and the Ministry of Foreign Affairs of the Kingdom of Greece shall exchange, on request, the texts of provisions in force in the territory of their respective States and, where necessary, information on specific legal questions.

PART II

LEGAL ASSISTANCE IN CRIMINAL CASES

Article 32

The Contracting States undertake to render each other legal assistance in criminal cases.

Article 33

Legal assistance in a criminal case shall not be rendered if the act in respect of which criminal proceedings are brought is not punishable under the laws of the State applied to or if it constitutes a political offence or a purely military or fiscal offence.

Article 34

Legal assistance may be refused :

- (1) If the State applied to considers that the provision of such assistance would prejudice its sovereign rights or its integrity, or if the execution of the letter rogatory would conflict with its public policy;
- (2) If the accused is a national of the State applied to and is not in the territory of the applicant State.

Article 35

Legal assistance in criminal cases shall include :

- (a) The service of documents relating to criminal proceedings on persons in the territory of the Contracting States, and
- (b) The execution of letters rogatory concerning operations connected with judicial examinations and inquiries, such as the interrogation of accused persons, witnesses and experts, the examination of the *locus delicti* and the accused's domicile, the seizure of articles and the surrender of documents and articles connected with a particular criminal case. However, such documents and articles shall not be surrendered unless they are in the custody of the authorities of the State applied to and there are no special reasons for withholding them; they must be returned as soon as possible.

Article 36

(1) A person of whatsoever nationality who, in response to a summons received in the territory of one Contracting State in connexion with a criminal or civil case, voluntarily appears as a witness or expert before a court of the other Contracting State may not be prosecuted or deprived of his liberty in the latter

State for a previously committed criminal offence, or in virtue of a conviction, or as an accomplice in the offence in the trial of which he appears as a witness or expert. Punishable acts which are tried by administrative authorities shall be deemed equivalent to criminal offences, and the decisions of such authorities imposing penalties shall be deemed equivalent to convictions.

(2) However, the person referred to in paragraph (1) of this article shall forfeit this privilege if, within a period of five days after the court before which he appeared has informed him that he is at liberty to quit the territory of the State, he fails to do so even though he is materially able to leave.

(3) The letter rogatory must state the amount allotted for travelling and subsistence expenses. The State issuing the letter rogatory shall pay to the person summoned, at his request, an advance on his travelling and subsistence expenses.

(4) Witnesses shall be entitled to compensation for loss of earnings, and experts shall in addition be entitled to a fee.

Article 37

(1) Where it is necessary for a court of one Contracting State to interrogate directly, as an expert or witness, a person who is under detention in the territory of the other Contracting State, a request for the temporary surrender of such person may be made to the State Secretariat of Foreign Affairs of the Federal People's Republic of Yugoslavia or to the Ministry of Foreign Affairs of the Kingdom of Greece.

(2) Such request shall be granted if the person concerned gives his consent and there are no special reasons for rejecting the request. The said person must be returned as soon as possible. In such cases the provisions of article 36, paragraph (1), of this Convention shall apply.

(3) Subject to the conditions laid down in article 36, paragraph (1), and in the preceding paragraphs of this article, authorization may also be granted for the conveyance through the territory of one Contracting State, for the purpose of interrogation in the other Contracting State, of a person detained in a third State.

Article 38

(1) Each Contracting State shall return to the other Contracting State at its request, even in cases where extradition is not permitted, articles which, during the commission of a criminal offence, were taken by the author of the said offence from the territory of the applicant State to the territory of the State applied to, or articles acquired by him in exchange for the articles referred to. Any dispute concerning the custody of articles taken in charge shall be decided by the courts of the State in which the said articles are held.

(2) The State applied to may temporarily retain possession of the articles referred to in the preceding paragraph if such action is necessary in connexion with criminal proceedings in its territory.

Article 39

For purposes of the service of documents and letters rogatory in criminal cases, the provisions of articles 7 to 12, article 13, paragraph (1), and articles 14 to 17 of this Convention shall apply.

NOTIFICATION OF SENTENCES

Article 40

(1) Each Contracting State shall transmit to the other through the diplomatic channel, at quarterly intervals, copies of final sentences relating to nationals of the other Contracting State.

(2) Similarly, each Contracting State shall transmit to the other subsequent decisions which relate to such sentences and which are entered in the register of convictions.

(3) In addition, each Contracting State shall transmit to the other in particular cases, on request, extracts from the sentences referred to in paragraph (1) of this article.

Article 41

Each Contracting State shall supply the other on request, through the diplomatic channel, with information concerning entries made in the register of convictions :

- (a) Which relate to nationals of the State requesting the information;
- (b) Which relate to other persons who are charged with a criminal offence in the territory of the requesting State and who are in the territory of the other State. The State applied to may refuse to supply such information with respect to its own nationals.

Article 42

(1) Each Contracting State undertakes to supply the other with information concerning any offence committed in its territory by nationals of the other State who, after committing the offence, have entered the territory of their State of nationality.

(2) Copies, photographic prints and negatives of all available documentary evidence, together with a description of all articles placed in evidence and any relevant autopsy reports, shall be transmitted with the information referred to in the preceding paragraph.

COSTS

Article 43

(1) Costs incurred in the service of documents and the provision of legal assistance in criminal cases and in the transmission of information shall be borne by the State in whose territory they are incurred.

(2) However, costs incurred in the execution of a letter rogatory requesting expert evidence or the extradition of a person under detention in the territory of the State applied to shall be borne by the applicant State.

EXTRADITION AND CONVEYANCE IN TRANSIT OF ACCUSED AND CONVICTED PERSONS. CONDITIONS FOR EXTRADITION

Article 44

Each Contracting State undertakes to extradite to the other, under the conditions laid down in this Convention, any person who is charged with an offence or against whom final sentence has been pronounced in the State submitting the requisition for extradition.

Article 45

(1) The State applied to shall grant the extradition of any person charged in the applicant State with a crime or offence for which, under the criminal law of both Contracting States, he is liable to a penalty of deprivation of liberty for two years or to a heavier penalty.

(2) As proof of the validity of the requisition for extradition in the cases referred to in paragraph (1) it shall be sufficient to produce the document, issued by the competent authority of the applicant State, ordering the prosecution or arrest of the person concerned, his remand in custody or his committal for trial before the criminal court, or any other document having the same effect. The said document must contain a description of the offence in respect of which extradition is sought, the text of the criminal law of the applicant State that defines the offence and prescribes the penalty therefor, the time and place of commission and the legal designation of the offence.

Article 46

Where an offence punishable under the laws of one of the two States by the death penalty is punishable under the laws of the other State by deprivation of liberty only, extradition shall not be granted unless the authorities of the applicant State give a formal undertaking that the death sentence will not be carried out in the case in question.

Article 47

(1) Subject to the conditions laid down in article 45 of this Convention, the State applied to shall also grant the extradition of any person finally sentenced to deprivation of liberty for not less than six months or to a heavier penalty.

(2) Final judicial decisions shall constitute proof of the validity of a requisition for extradition, whether the decision in question was delivered in the presence or in the absence of the accused. The Contracting States agree that, where a final decision was delivered *in absentia*, they shall not enforce the said decision against the person extradited but shall order a re-trial to be held in his presence.

Article 48

The State applied to may reject a requisition for extradition :

- (a) If the offence in respect of which extradition is sought was committed in its territory;
- (b) If extradition is sought in respect of an offence committed in the territory of a third State and sentence has already been pronounced in the latter State;
- (c) If the offence was committed outside the territory of the applicant State by a person who is not a national of that State, and a person committing such an offence outside the territory of the State applied to is not liable to prosecution under its laws.

Article 49

A requisition for extradition shall be rejected :

- (a) If the person claimed is a national of the State applied to;
- (b) If the person claimed has already been sentenced, for the offence involved, by a court of the State applied to and such sentence has become final. However, extradition shall be granted if, under the law of the State applied to, the statutory conditions for re-trial for the same offence are met;

- (c) If, under the law of either Contracting State, the statutory time-limit on prosecution or punishment expired before the requisition for extradition was made and, in general, whenever the time-limit for official proceedings in the applicant State has expired;
- (d) If no proposal has been submitted or complaint lodged with a view to criminal proceedings in cases where, under the law of the applicant State or of the State in which the offence was committed, such proceedings are instituted in response to a proposal or complaint.

Article 50

Extradition shall not be granted in respect of political crimes or offences.

Article 51

Extradition shall not be granted in respect of purely military offences, Press offences in the strict sense of the term, or fiscal offences.

EXTRADITION PROCEEDINGS

Article 52

(1) A requisition for extradition must be made through the diplomatic channel in all cases. The Contracting States shall communicate to each other in the same manner all information and decisions relating to such extradition.

(2) In addition to the documentation specified in article 45, paragraph (2), and article 47, paragraph (2), of this Convention, a requisition for extradition must be accompanied by :

- (a) Proof of the nationality of the person claimed, or information relating thereto;
- (b) Where the person claimed has not yet been identified in the State applied to, any particulars which may serve to establish his identity and any other information available which will assist in finding him rapidly;
- (c) The text of the criminal law, both of the applicant State and of the State in which the offence was committed, relating to the offence in respect of which extradition is sought.

(3) Where extradition is sought under article 47 of this Convention, the requisition must also be accompanied by evidence that the sentence has become final.

(4) The requisition and all accompanying documents must be translated into the official language of the State applied to. All the said documents shall be submitted in the original or in certified copy.

(5) In determining whether documents have been submitted in proper form, the law of the applicant State shall apply.

Article 53

(1) Where the conditions for extradition specified by this Convention are met, the State applied to shall take, immediately upon receipt of the requisition for extradition, all necessary steps to find the person claimed and to execute the requisition and, where necessary, shall order the arrest of the said person as soon as he is found.

(2) Where it cannot be established with certainty, from the documents accompanying the requisition for extradition, that all the statutory conditions for extradition have been met, the State applied to shall request the applicant State to furnish further particulars and information within a specified time-limit. This time-limit may be extended if the applicant State so asks.

(3) If no action is taken within the specified time-limit on the request of the State applied to, the extradition proceedings shall be halted and the person claimed shall be released. This shall not preclude resumption of the extradition proceedings in the event that the request of the State applied to is subsequently granted.

Article 54

(1) On the direct application, in writing or by telegraph, of the competent court or prosecuting authority of one Contracting State, the State applied to shall, in accordance with its laws, take provisional security measures, including detention, against the person claimed, provided that the said application mentions one of the documents referred to in article 45, paragraph (2), and article 47, paragraph (2), of this Convention and states the issuing authority, number and date of the said document.

(2) The proceedings referred to in paragraph (1) of this article shall be halted if a requisition for extradition is not transmitted within the time-limit specified by the competent authority of the State applied to. If the applicant State so requests, at the same time stating the reasons for such request, the said time-limit may be extended.

(3) The application referred to in paragraph (1) of this article shall be subject to confirmation through the diplomatic channel.

(4) The applicant State shall, without delay, be informed of the provisional detention of the person claimed or the other provisional security measures carried out, or of the circumstances which prevented the execution of its application.

(5) Even in the absence of the application referred to in paragraph (1) of this article, the competent authorities of either Contracting State may provi-

sionally detain a person in their territory if they learn that he has committed, in the territory of the other Contracting State, an offence for which he is extraditable under this Convention. The other Contracting State shall be notified of such detention forthwith.

Article 55

(1) If a requisition for extradition is totally or partially rejected, or its execution is postponed, the reasons therefor must be stated.

(2) When notifying the applicant State that extradition has been granted, the State applied to shall at the same time indicate when and at what point on the frontier the person claimed is to be surrendered.

Article 56

The applicant State shall, save in case of *force majeure*, accept the extradited person at the appointed place within a period of not more than three days after the date fixed for his surrender; if it fails to do so, the said person shall be released.

Article 57

(1) The State applied to shall rule on a requisition for extradition even if the person claimed is on trial in its territory or has been convicted of another offence; if the requisition is approved, extradition shall be postponed until the person in question has served his sentence or the proceedings are otherwise terminated.

(2) Even in the case referred to in paragraph (1) of this article, the person claimed may be temporarily extradited to the applicant State for the purpose of judicial examination, but the latter State must return him to the State applied to as soon as judgement has been delivered in the case for which he was temporarily extradited and, in any event, not later than three months after his surrender.

Article 58

If a person's extradition is requested by more than one State in respect of the same or different offences, the State applied to shall decide, according to the circumstances of the case, which requisition shall be granted.

Article 59

(1) An extradited person may not be prosecuted or sentenced for an offence, committed before his extradition, other than the offence for which he was

extradited, nor may he be surrendered to a third State for trial or punishment in respect of such an offence, unless the further consent of the Contracting State which granted his extradition has first been obtained. Application for such consent shall be made in the manner prescribed for requisitions for extradition and shall be accompanied by the supporting documents enumerated in article 45.

(2) Such consent shall not be required if the extradited person fails to quit the territory of the State to which he was extradited within a period of one month after the conclusion of the criminal proceedings or, if he was convicted, within a period of one month after the completion or remission of the sentence, or if he returns to the territory of the said State. Such period shall be exclusive of any period during which the person in question is unable, through no fault of his own, to quit the territory of the said State.

Article 60

The State which made the requisition for extradition shall inform the State applied to of the result of the criminal proceedings taken against the extradited person. If the said person is convicted and sentenced, a copy of the judgement shall be transmitted after it has become final.

Article 61

(1) Each Contracting State undertakes to deliver to the other during extradition proceedings, without being specially asked to do so :

- (a) Articles which may be used in evidence against the person claimed. The State applied to may temporarily retain possession of the articles in question if such action is essential to the conduct of other criminal proceedings;
- (b) All articles found in the possession of the person claimed, or of third persons, that he or his accomplice acquired through the commission of the offence in respect of which extradition is granted, or articles that represent value received in exchange for articles acquired through the commission of the said offence or recompense received for the commission of the offence. Any dispute concerning the custody of the articles shall be decided by the courts of the country in which the said articles are held.

(2) The articles in question shall be delivered, to the State which made the requisition for extradition, at the time when the extradited person is surrendered or, if that is impossible, at a later date. The same procedure shall be followed in cases where extradition did not take place by reason of the death or escape of the person claimed.

(3) These provisions shall not affect the rights of third parties to the articles in question. After the conclusion of the criminal proceedings, the said articles

shall be returned free of charge to the person to whom they belong. If it is impossible to determine their ownership, the articles shall be returned free of charge to the State applied to.

Article 62

If an extradited person evades prosecution and returns to the territory of the State applied to, he shall be re-extradited without further formalities upon receipt of a new requisition.

CONVEYANCE IN TRANSIT

Article 63

(1) Each Contracting State shall, on application, permit the conveyance through its territory of any person extradited by a third State to the other Contracting State. It shall not be bound to authorize the conveyance of a person in transit where the conditions laid down by this Convention are not met.

(2) An application for authorization of such conveyance shall be transmitted in the same manner as a requisition for extradition.

(3) The State applied to shall arrange for such conveyance in whatever manner it finds most convenient.

Article 64

The costs of extradition shall be borne by the State in whose territory they are incurred. The costs of conveyance in transit shall be borne by the State applying for such conveyance.

Article 65

The Contracting States undertake not to grant their nationality to persons whose extradition is sought, save where the person in question is released from his previous nationality; that is to say, they undertake to defer decision on the application for nationality until a decision has been taken on the requisition for extradition, particularly if the State requesting extradition indicates that nationality is being sought for the purpose of avoiding extradition.

PART III

FINAL PROVISIONS

Article 66

Any dispute relating to the application of this Convention shall be settled between the Contracting States through the diplomatic channel.

Article 67

This Convention shall be ratified and the instruments of ratification shall be exchanged at Belgrade.

Article 68

(1) This Convention shall enter into force thirty days after the exchange of the instruments of ratification.

(2) This Convention is concluded for an indefinite period and shall cease to have effect upon the expiry of one year from the date of which it is denounced by one of the Contracting States.

DONE at Athens, on 18 June 1959, in duplicate in the French language.

For the Government
of the Federal People's Republic
of Yugoslavia :

(Signed) Koča POPOVIĆ

For the Royal Government
of Greece :

(Signed) E. AVEROF TOSSIZZA

EXCHANGE OF LETTERS

I

Athens, 18 June 1959

Your Excellency,

With reference to the Convention concerning mutual legal relations between the Kingdom of Greece and the Federal People's Republic of Yugoslavia which we have just signed,¹ I have the honour to inform you of the following :

(1) Under Greek law, a person's extradition may not be granted if the Greek courts have jurisdiction in respect of the offence he has committed. This fact must be taken into consideration in applying article 48 of the Convention.

(2) The provision of article 49, sub-paragraph (b), of the Convention is inapplicable where the Greek courts are competent to re-try the accused for the offence in respect of which extradition is sought.

(3) The expression " political crimes and offences " as used in article 50 must also be deemed to include acts connected with such crimes and offences.

¹ See p. 83 of this volume.

I have considered it necessary to give you these explanations concerning the provisions in question, in order to prevent any doubts from arising in the application of the Convention.

I have the honour to be, etc.

(Signed) E. AVEROF TOSSIZZA

His Excellency Mr. Koča Popović
State Secretary for Foreign Affairs
of the Federal People's Republic of Yugoslavia
Athens

II

Athens, 18 June 1959

Your Excellency,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

[See letter I]

I take due note of the foregoing.

I have the honour to be, etc.

(Signed) Koča Popović

His Excellency Mr. Evangelos Averof
Minister for Foreign Affairs
of the Kingdom of Greece

III

No. 92996

The State Secretariat of Foreign Affairs presents its compliments to the Royal Embassy of Greece and, with reference to the Convention between the Federal People's Republic of Yugoslavia and the Kingdom of Greece concerning mutual legal relations, signed on 18 June 1959, has the honour to ask the Embassy to be good enough to confirm that the reservation made by the Greek Government in the letter annexed to the Convention concerning the application of article 48, article 49, sub-paragraph (b), and article 50 will be applied reciprocally, since Yugoslav law makes the application of the aforementioned articles subject to the same restrictions.

The State Secretariat of Foreign Affairs has the honour to be, etc.
Belgrade, 10 November 1959

Royal Embassy of Greece
Belgrade

IV

ROYAL EMBASSY OF GREECE

No. 460

The Royal Embassy of Greece presents its compliments to the State Secretariat of Foreign Affairs of the Federal People's Republic of Yugoslavia and, with reference to its note No. 92996, dated 10 November 1959, to the effect that the reservation made by the Greek Government in the letter annexed to the Convention concerning the application of article 48, article 49, subparagraph (b), and article 50 will be applied reciprocally since Yugoslav law makes the application of the aforementioned articles subject to the same restrictions, has the honour to state that the Greek Government accepts the reservation made by the Yugoslav Government in its aforesaid note.

The Royal Embassy of Greece has the honour to be, etc.

Belgrade, 1 March 1960
State Secretariat of Foreign Affairs
Belgrade
