

No. 5256

**SWEDEN
and
FRANCE**

**Convention (with exchange of letters) concerning mutual
judicial assistance in criminal matters. Signed at
Paris, on 7 March 1956**

Official text: French.

Registered by Sweden on 22 July 1960.

**SUÈDE
et
FRANCE**

**Convention (avec échange de lettres) relative à l'aide
mutuelle judiciaire en matière pénale. Signée à Paris,
le 7 mars 1956**

Texte officiel français.

Enregistrée par la Suède le 22 juillet 1960.

[TRANSLATION — TRADUCTION]

No. 5256. CONVENTION¹ BETWEEN THE KINGDOM OF SWEDEN AND THE FRENCH REPUBLIC CONCERNING MUTUAL JUDICIAL ASSISTANCE IN CRIMINAL MATTERS. SIGNED AT PARIS, ON 7 MARCH 1956

His Majesty the King of Sweden and the President of the French Republic, desiring to regulate by agreement between their two countries questions relating to mutual judicial assistance in criminal matters, have decided to conclude a convention for the purpose and have appointed as their plenipotentiaries :

His Majesty the King of Sweden :

His Excellency Mr. Westman, Ambassador of Sweden in Paris,

The President of the French Republic :

His Excellency Mr. Massigli, Ambassador of France, General Secretary of the Ministry of Foreign Affairs,

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

Article 1

The High Contracting Parties undertake to lend each other judicial assistance in all criminal cases which the Party applied to regards as not being of a political nature or calculated to impair its sovereignty or security or the maintenance of law and order.

I

TRANSMISSION AND SERVICE OF JUDICIAL DOCUMENTS AND OF NOTIFICATIONS
OF JUDICIAL DECISIONS*Article 2*

Judicial documents and notifications of judicial decisions to be served on persons present in the territory of one of the Contracting Parties shall be drawn up in the language of the applicant authority and transmitted through the diplomatic channel.

¹ Came into force on 25 May 1959, upon the exchange of the instruments of ratification which took place at Stockholm, in accordance with article 16.

Article 3

Applications for service shall be drawn up in French or accompanied by a translation into that language, and shall contain the following particulars :

- The name of the authority which issued the document or pronounced the decision;
- The nature of the document or decision;
- The legal classification of the offence;
- The name of the accused or convicted person;
- The name and address of the person on whom the document or notification is to be served.

Article 4

The State applied to shall cause service to be effected by simple delivery of the document or decision to the person named in it, either through the administrative channel or by registered mail against acknowledgement of receipt, unless the applicant State expressly asks for service to be effected in the form prescribed by the law of the Party applied to. Proof of service shall consist either of a dated receipt signed by the person named, or of a postal receipt, or of a certificate by the authority applied to confirming that service has been effected and indicating the manner and date of service; one or the other of these documents shall be sent immediately to the applicant State through the diplomatic channel.

If it has not been possible to effect service, the State applied to shall return the document to the applicant authority through the diplomatic channel, indicating the reasons. If the person named refused to accept service of the document, the State applied to shall state, so far as possible, the circumstances of, and the reasons for, his refusal.

Article 5

A person domiciled in one of the two countries who has communicated his address to the judicial authorities of the other country may not be convicted by those authorities *in absentia* before the expiry of one month following the delivery of a writ of summons to the Government of the country of domicile.

II**TRANSMISSION AND EXECUTION OF LETTERS ROGATORY***Article 6*

Letters rogatory shall be issued by the judicial authorities. They shall be drafted in French or accompanied by a translation into French; however, the Swedish Government shall be entitled to ask for translations into Swedish of appended documents.

Letters rogatory shall be transmitted through the diplomatic channel; in case of urgency they may be transmitted direct:

In Sweden, to the Legal Division of the Ministry of Foreign Affairs;

In France, to the *parquet* of the authority having territorial jurisdiction; however, the applicant authority shall be required to send a duplicate through the diplomatic channel.

Article 7

Letters rogatory shall be executed in accordance with the law of the State applied to and in the language of that State.

Article 8

At its express request, the applicant State shall be informed in good time by the State applied to of the date and place of execution of the letters rogatory, so that interested authorities or parties may be present.

Article 9

After execution, letters rogatory shall in all cases be returned without delay through the diplomatic channel together with the documents relating to their execution.

The latter documents shall not be translated.

Where letters rogatory cannot be executed, the State applied to shall immediately notify the applicant State accordingly through the diplomatic channel, stating the reasons.

III

EXPENSES

Article 10

Apart from expenses incurred for the services of experts or of officers of justice, where such services have been requested by the applicant State, no refund of expenses shall be made in connexion with the service of documents or of notifications of judicial decisions or in connexion with the execution of letters rogatory.

IV

PERSONAL APPEARANCE OF WITNESSES AND EXPERTS

Article 11

If, in a criminal case, the personal appearance of a witness or an expert is necessary, a request shall be made, in French or with a translation into French,

through the diplomatic channel. The witness or expert shall be invited to comply with the said request. If he does, his travel expenses and subsistence allowance, which shall be calculated from his place of residence, shall be at least equal to those provided for under the scales and regulations in force in the country in which his appearance is required.

A witness or expert of whatever nationality who is summoned to appear in one of the two countries and who voluntarily appears before the judicial authorities of the other country may not be prosecuted or detained for criminal offences or convictions antedating his departure from the territory of the State applied to. This immunity shall cease if the witness or expert, having had the opportunity to leave the territory of the applicant State at any time during an uninterrupted period of thirty days after the date on which his presence ceased to be required by the judicial authorities, nevertheless fails to leave that territory during the said period.

V

EXCHANGE OF JUDICIAL RECORDS

Article 12

The High Contracting Parties shall report to each other all criminal convictions, pronounced by the judicial authorities of either of them against nationals of the other, which are required to be entered in the judicial records in their respective territories. Such reports shall be made even where the convicted person proves to be a national of both High Contracting Parties.

The reports shall be transmitted without translation through the diplomatic channel.

Article 13

The High Contracting Parties shall communicate to each other extracts from judicial records requested by members of the judiciary or the procuratorate in connexion with judicial proceedings.

Such requests and such extracts from judicial records shall be transmitted without translation through the diplomatic channel; the expenses incurred shall not be reimbursable.

VI

FINAL PROVISIONS

Article 14

For the purposes of this Convention, the term "national" means :

1. In the case of Sweden, a Swedish national;

2. In the case of France, a French national, a national of the French Union, or a national of a State or territory for whose international representation France is responsible.

Article 15

This Convention shall apply, so far as concerns the French Republic, to metropolitan France, Algeria and the French overseas departments.

It may be extended, by simple exchange of letters between the two Governments, to non-metropolitan territories of the French Republic and to territories for whose international representation France is responsible.

Article 16

This Convention shall be ratified and shall enter into force on the exchange of the instruments of ratification, which shall take place at Stockholm as soon as possible.

It shall continue in force until the expiry of a period of six months from the date on which either High Contracting Party gives notice of its desire to terminate it.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE in duplicate in Paris, on 7 March 1956.

For Sweden :

K. I. WESTMAN
[L.S.]

For France :

R. MASSIGLI
[L.S.]

EXCHANGE OF LETTERS

I

ROYAL EMBASSY OF SWEDEN

Paris, 7 March 1956

The Ambassador of Sweden
to the Minister for Foreign Affairs

Sir,

With reference to the Convention concerning mutual judicial assistance in criminal matters signed this day¹ between the Kingdom of Sweden and the French Republic, I have the honour to inform you that the Government of Sweden will waive the refund of expenses incurred for the services of experts or officers of justice, where the sums which it would be entitled to claim on that account under article 10 of the Convention do not exceed the equivalent in Swedish kronor of five thousand French francs (fr. 5,000).

The Swedish Government notes also that the French Government does not propose to claim the refund of the expenses referred to where their amount does not exceed five thousand French francs (fr. 5,000).

I have the honour to be, etc.

K. I. WESTMAN

II

FRENCH REPUBLIC
MINISTRY OF FOREIGN AFFAIRS

Paris, 7 March 1956

The Minister for Foreign Affairs
to His Excellency the Ambassador of Sweden
in Paris

Your Excellency,

With reference to the Convention concerning mutual judicial assistance in criminal matters signed this day between the French Republic and the Kingdom of Sweden, I have the honour to inform you that the Government of the French Republic will waive the refund of expenses incurred for the services of experts

¹ See p. 157 of this volume.

or officers of justice, where the sums which it would be entitled to claim on that account under article 10 of the Convention do not exceed five thousand French francs (fr. 5,000).

The French Government notes also that the Swedish Government does not propose to claim the refund of the expenses referred to where their amount does not exceed the equivalent in Swedish kronor of five thousand French francs (fr. 5,000).

I have the honour to be, etc.

R. MASSIGLI