

No. 7816

**CZECHOSLOVAKIA
and
YUGOSLAVIA**

Treaty regulating legal relations in civil, family and criminal cases. Signed at Belgrade, on 20 January 1964

Official texts: Czech and Serbo-Croat.

Registered by Czechoslovakia on 14 June 1965.

**TCHÉCOSLOVAQUIE
et
YOUgoslavie**

Traité régissant les relations juridiques en matière civile, familiale et pénale. Signé à Belgrade, le 20 janvier 1964

Textes officiels tchèque et serbo-croate.

Enregistré par la Tchécoslovaquie le 14 juin 1965.

[TRANSLATION—TRADUCTION]

No. 7816. TREATY¹ BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA REGULATING LEGAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL CASES. SIGNED AT BELGRADE, ON 20 JANUARY 1964

The Czechoslovak Socialist Republic and the Socialist Federal Republic of Yugoslavia,

Desiring to develop relations between their peoples in a spirit of mutual friendship and co-operation and to facilitate legal relations between the two countries,

Have decided to conclude a Treaty regulating legal relations in civil, family and criminal cases.

The plenipotentiaries appointed for this purpose :

For the Czechoslovak Socialist Republic :

Dr. Pavel Winkler, Chief of the Treaty Law Division of the Ministry of Foreign Affairs;

For the Socialist Federal Republic of Yugoslavia :

Prof. Borislav Blagojević, Chief Legal Counsel in the State Secretariat for Foreign Affairs,

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 of either Contracting Party shall enjoy in the territory of the other Contracting Party, in respect of their persons and property, the same legal protection as nationals of the latter Contracting Party.

¹ Came into force on 2 August 1964, thirty days after the exchange of the instruments of ratification which took place at Prague on 2 July 1964, in accordance with article 85 (1).

(2) In order to exercise their rights and defend their interests, nationals of either Contracting Party may appear, under the same conditions as nationals of the other Contracting Party, before the authorities of the latter Contracting Party having jurisdiction in civil, family and criminal cases.

Article 2

LEGAL ASSISTANCE

The courts, procurators' offices, arbitral bodies and other authorities of the Contracting Parties having jurisdiction in civil, family and criminal cases shall provide one another with legal assistance in such cases under the conditions laid down in this Treaty.

Article 3

SCOPE OF LEGAL ASSISTANCE

Legal assistance in civil, family and criminal cases shall include the service of documents and the performance of specific acts required in connexion with judicial proceedings, such as the interrogation of witnesses, litigants or accused persons, the taking of expert testimony, and inspections *in situ*.

Article 4

METHOD OF COMMUNICATION

Save as otherwise provided in this Treaty, the competent authorities of the Contracting Parties shall, in providing legal assistance, communicate with one another through authorities which the Contracting Parties shall designate to each other through the diplomatic channel.

Article 5

LANGUAGE OF COMMUNICATION

In providing legal assistance, the authorities of the Contracting Parties shall use one or another of the languages of the Contracting Parties.

Article 6

CONTENTS OF APPLICATIONS

(1) An application for legal assistance must state the title of the applicant authority; the title of the authority applied to; the title of the case in which legal assistance is applied for; the given names and surnames or, where applicable, the titles of litigants and accused persons; their nationality, occupation and

domicile or residence (head office); the given names, surnames and addresses of their representatives; the object of the application, and the particulars needed in order to comply with it. In criminal cases, a description and the title of the offence and, where possible, the place and date of birth of the accused persons and the names of their parents must also be given.

(2) The application shall be signed and shall bear an official seal.

(3) The central judicial authorities of the Contracting Parties may by agreement draw up model forms for use in applying for and providing legal assistance.

Article 7

PROCEDURE FOR COMPLIANCE WITH APPLICATIONS

(1) In complying with an application for legal assistance, the authority applied to shall act in accordance with the legal provisions of its own State. At the request of the applicant authority, however, it may employ the procedure for compliance specified in the application.

(2) If the authority applied to is not competent in the matter, it shall transmit the application to the competent authority.

(3) If the address indicated in the application is incorrect or if no address is indicated, the authority applied to shall take steps to ascertain the address.

(4) The authority applied to shall, at the request of the applicant authority, inform it directly, in good time, of the place and time at which action is to be taken.

(5) If it is not possible to comply with the application, the authority applied to shall return the documents and indicate the reasons for non-compliance.

Article 8

SERVICE OF DOCUMENTS

(1) The authority applied to shall serve documents in accordance with the legal provisions of its own State, provided that they are drawn up in a language of the Contracting Party applied to or are accompanied by a certified translation into such a language. Otherwise, the authority applied to shall serve the document on the recipient only if he is willing to accept it.

(2) The translation of a document which is to be served shall be certified by an authorized translator or State authority or, where appropriate, by the diplomatic mission or consular office of one of the Contracting Parties.

Article 9

CERTIFICATE OF SERVICE

A certificate of service shall be prepared in accordance with the legal provisions of the Contracting Party applied to. The certificate must indicate the place and date of receipt and bear the signature of the recipient or, if service was effected in some other manner, must give particulars thereof.

Article 10

SERVICE OF DOCUMENTS ON OWN NATIONALS

The Contracting Parties shall also be entitled to serve documents on their own nationals through their diplomatic missions or consular offices. No compulsion shall be used in such cases.

Article 11

PROTECTION OF WITNESSES AND EXPERTS

(1) If, in proceedings before the authorities of either Contracting Party, the need arises for a person who is in the territory of the other Contracting Party to appear in person for interrogation as a witness or expert, a summons shall be transmitted to him through the competent authority of the other Contracting Party.

(2) The person summoned shall not be bound to appear, and the summons shall contain no threat of compulsion in the event of his failure to appear.

(3) No person of whatsoever nationality who, in response to a summons, appears as a witness or expert before an authority of the other Contracting Party shall, in its territory, be prosecuted, taken into custody or made to serve a sentence previously passed by a court for an offense which he committed before crossing the frontier of the applicant Contracting Party. Nor shall he be prosecuted either in connexion with the evidence or expert opinion which he has given or for the offense which is the subject of the proceedings.

(4) A witness or expert shall forfeit the protection specified in paragraph (3) if he fails to quit the territory of the applicant Contracting Party within a period of seven days from the date on which he is informed that his presence is no longer necessary. Such period shall not be deemed to include any time during which the witness or expert is prevented by circumstances beyond his control from quitting the territory of the said Contracting Party.

(5) The persons summoned shall be entitled to compensation for their travelling and subsistence expenses and for loss of earnings, and experts shall also be entitled to a fee for their opinion. The summons shall specify what compensation is payable to the said persons, and an advance to cover their expenses shall be paid to them at their request.

Article 12

COSTS OF LEGAL ASSISTANCE

(1) The Contracting Parties shall make no claim for reimbursement of the cost of action taken in response to applications for legal assistance or of the cost of serving documents, apart from expert fees and other expenses incurred in connexion with the taking of expert testimony.

(2) The taking of expert testimony may be made conditional upon the advance deposit of security if the cost of taking the said testimony is to be borne by a litigant.

(3) The authority applied to shall communicate to the applicant authority the amount of the costs incurred in complying with the application.

Article 13

REFUSAL OF LEGAL ASSISTANCE

Legal assistance in civil, family and criminal cases may be refused if the Contracting Party applied to considers that compliance with the application would violate its sovereign rights or the basic principles of its legislation.

Article 14

LEGAL INFORMATION

The central judicial authorities of the Contracting Parties shall provide each other on request with information concerning legal provisions in force or formerly in force in their States, together with the texts thereof, and with information on specific legal questions.

Article 15

DOCUMENTS

(1) Documents issued or certified by a competent authority of either Contracting Party and bearing an official seal and a signature may be used in the territory of the other Contracting Party without further certification. The same shall apply to copies and translations of documents which have been certified by a competent authority.

(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 Contracting Party as well.

Article 16

COMMUNICATION OF ADDRESSES

The central judicial authorities of the Contracting Parties shall, on application, assist each other in ascertaining the addresses of persons who are in the territory of their State, if that is essential to the exercise of the rights of their nationals.

Article 17

BODIES CORPORATE

The provisions of this Treaty shall also apply *mutatis mutandis* to bodies corporate.

PART II

CIVIL AND FAMILY CASES

Chapter 1

*CASES RELATING TO PERSONAL STATUS**Article 18*

LEGAL CAPACITY AND CAPACITY TO PERFORM ACTS IN LAW

(1) The legal capacity of an individual and his capacity to perform acts in law shall be determined by the law of the Contracting Party of which he is a national.

(2) The legal capacity of a body corporate shall be determined by the law of the Contracting Party under whose law it was constituted.

Article 19

DECLARATION OF DEATH

(1) The court competent to declare a person dead shall be that of the Contracting Party of which the person concerned was a national at the time when he was last known to be alive.

(2) A court of either Contracting Party may declare a national of the other Contracting Party dead :

(a) Upon petition by a person wishing to exercise a claim, by right of succession or marriage, to immovable property of the missing person situated in the territory of the Contracting Party whose court is conducting the proceedings, or

(b) Upon petition by the spouse of the missing person, where the said spouse has an interest in establishing the extinction of the marriage and, at the time of filing the petition, is domiciled in the territory of the Contracting Party whose court is conducting the proceedings.

(3) The declaration of death in accordance with the provisions of paragraph (2) shall be governed by the law of the Contracting Party of which the missing person was a national at the time when he was last known to be alive.

(4) A decision rendered in accordance with paragraph (2) shall have legal effects only in the territory of the Contracting Party whose court rendered the decision.

(5) At the request of a person having an interest in the case, the competent court of the Contracting Party in whose territory a decision was rendered in accordance with paragraph (2) shall set aside or modify such decision if that is necessary having regard to another decision rendered in the same case by the court referred to in paragraph (1).

FORFEITURE AND LIMITATION OF CAPACITY TO PERFORM ACTS IN LAW

Article 20

Save as otherwise provided by this Treaty, the court competent to take away and to limit capacity to perform acts in law shall be that of the Contracting Party of which the person whose capacity is to be determined is a national.

Article 21

(1) If a court of either Contracting Party finds, in the case of a national of the other Contracting Party who is resident in its territory, that grounds exist for the forfeiture or limitation of his capacity to perform acts in law, it shall so notify the competent court of the other Contracting Party. In urgent cases, it may make such temporary arrangements as are necessary to protect the said person or his property. It shall notify such arrangements to the court of the Contracting Party of which the said person is a national.

(2) If the court which has been notified in accordance with paragraph (1) does not itself institute proceedings within three months, or if it fails to reply within that period, the proceedings for forfeiture or limitation of capacity to perform acts in law shall be conducted by the court of the Contracting Party in whose territory the person concerned is resident. In such cases, capacity to perform acts in law may be taken away or limited only on grounds which are prescribed by the law of both Contracting Parties. The decision taking away or limiting capacity to perform acts in law shall be transmitted to the competent court of the other Contracting Party.

Article 22

The provisions of articles 20 and 21 of this Treaty shall also apply *mutatis mutandis* to the restoration of capacity to perform acts in law.

Chapter 2

FAMILY CASES

Article 23

MARRIAGE

(1) The conditions determining capacity to marry shall be, for every person, those prescribed by the law of the Contracting Party of which he is a national.

(2) In the case of absolute impediments to marriage, nothing in paragraph (1) shall preclude application of the law of the Contracting Party in whose territory the marriage is to take place.

(3) The form of marriage shall be that prescribed by the law of the Contracting Party in whose territory the marriage is to take place.

PERSONAL AND PROPERTY RELATIONS OF SPOUSES

Article 24

(1) The personal and property relations of spouses shall be governed by the law of the Contracting Party of which both spouses are nationals.

(2) Where one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, their personal and property relations shall be governed by the law of the Contracting Party whose nationality both spouses last possessed at the same time.

(3) Where the spouses do not possess and have never possessed in common the nationality of one of the Contracting Parties, their personal and property relations shall be governed by the law of the Contracting Party in whose territory they have or last had their joint domicile.

Article 25

(1) The court competent to rule on the personal and property relations of spouses shall be that of the Contracting Party of which the spouses are nationals.

(2) Where one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, the court competent to rule in such

cases shall be that of the Contracting Party in whose territory the spouses have or last had their joint domicile.

Article 26

DIVORCE

(1) If both spouses are nationals of one Contracting Party at the time when the petition is filed, jurisdiction in divorce proceedings shall vest in the court of that Contracting Party, which shall apply the law of its own State. If the said spouses are domiciled in the territory of the other Contracting Party at the time when the petition is filed, the court of that Contracting Party shall also have jurisdiction in divorce proceedings. In that event, the marriage may be dissolved by divorce only on grounds and under conditions prescribed by the law of both Contracting Parties.

(2) If one spouse is a national of one Contracting Party and the other a national of the other Contracting Party at the time when the petition is filed, jurisdiction in divorce proceedings shall vest in the court of the Contracting Party in whose territory both spouses are domiciled. If one spouse is domiciled in the territory of one Contracting Party and the other in the territory of the other Contracting Party, jurisdiction shall vest in the court of the Contracting Party in whose territory the respondent spouse is domiciled. In either case, the marriage may be dissolved by divorce only on grounds and under conditions prescribed by the law of both Contracting Parties.

Article 27

NULLITY OF MARRIAGE

The provisions of article 26 of this Treaty shall apply *mutatis mutandis* to proceedings to establish the existence or non-existence of a marriage and to proceedings to declare a marriage null and void.

Article 28

LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

(1) Actions to establish or contest paternity or maternity shall be governed by the law of the Contracting Party of which the child was a national at birth.

(2) The formal requirements for acknowledgement of paternity or maternity shall be deemed to have been satisfied if the proceedings are conducted in

accordance with the law of the Contracting Party in whose territory the acknowledgement is made.

(3) Other legal relations between parents and children, especially the regulation of the child's upbringing and maintenance, shall be governed by the law of the Contracting Party of which the child is a national.

(4) Both the authority of the Contracting Party of which the child is a national and the authority of the Contracting Party in whose territory the child lives shall be competent to rule on legal relations in accordance with paragraphs (1) and (3).

Article 29

ADOPTION

(1) If the adopter and the adoptee are nationals of the same Contracting Party, adoption and the termination of adoption shall be subject to the conditions laid down by the law of that Contracting Party.

(2) If the adopter is a national of one Contracting Party and the adoptee a national of the other Contracting Party, adoption or the termination of adoption shall be subject to satisfaction of the conditions laid down by the law of both Contracting Parties.

(3) The authority competent to rule on adoption and on the termination of adoption in accordance with the provisions of paragraph (1) shall be that of the Contracting Party of which the adopter and adoptee are nationals; however, if they are domiciled in the territory of the other Contracting Party, the authority of that Contracting Party shall also have jurisdiction. Competence to rule on adoption and on the termination of adoption in accordance with the provisions of paragraph (2) shall vest in the authorities of both Contracting Parties.

CURATORSHIP

Article 30

(1) The authority competent to rule on the institution or termination of curatorship shall, save as otherwise provided in this Treaty, be that of the Contracting Party of which the ward is a national.

(2) The institution and termination of curatorship shall be governed by the law of the Contracting Party of which the ward is a national.

(3) The legal relations between a curator and his ward shall be governed by the law of the Contracting Party whose authority appointed the curator.

(4) The obligation to accept the office of curator shall be governed by the law of the Contracting Party of which the prospective curator is a national.

(5) Decisions rendered in curatorship cases by the competent authority of either Contracting Party in respect of its own nationals shall be recognized and shall have legal effects in the territory of the other Contracting Party as well.

Article 31

Where arrangements must be made to protect the interests of a national of one Contracting Party whose residence or property is in the territory of the other Contracting Party, the diplomatic mission or consular office of the Contracting Party of which he is a national shall be so notified forthwith. In urgent cases, the authority of the other Contracting Party shall make appropriate temporary arrangements in accordance with the law of its own State and shall so notify the competent diplomatic mission or consular office forthwith. Such arrangements shall remain in effect until such time as the authority having jurisdiction under article 30, paragraph (1), of this Treaty decides otherwise.

Article 32

(1) The authority having jurisdiction under article 30, paragraph (1), of this Treaty may transfer curatorship to an authority of the other Contracting Party if the ward is domiciled or resident or owns property in the territory of that Contracting Party. The transfer shall take effect as soon as the authority applied to assumes curatorship and notifies the applicant authority accordingly.

(2) The authority assuming curatorship under paragraph (1) shall exercise it in accordance with the law of its own State. The said authority shall not, however, be entitled to make decisions affecting the personal status of the ward.

Chapter 3

CASES RELATING TO PROPERTY

Article 33

(1) The form of acts in law shall be determined by the law which governs the act in law itself. The requirements with regard to form shall, however, be deemed to have been met if the law of the place where the act is performed is complied with.

(2) The form of acts in law relating to immovable property shall be determined by the law of the Contracting Party in whose territory the property is situated.

Article 34

Rights *in rem* to immovable property shall be governed by the law of the Contracting Party in whose territory the property is situated, and competence to rule on such rights shall vest in the authority of that Contracting Party.

Chapter 4

*CASES RELATING TO SUCCESSION**Article 35*

PRINCIPLE OF EQUALITY

(1) Nationals of either Contracting Party may acquire property or other rights in the territory of the other Contracting Party by statutory or testamentary succession under the same conditions and to the same extent as nationals of the latter Contracting Party.

(2) Nationals of either Contracting Party may dispose by will of property which they own in the territory of the other Contracting Party.

Article 36

APPLICATION OF THE LAW OF SUCCESSION

Relations in matters of succession shall be governed by the law of the Contracting Party of which the decedent was a national at the time of his death.

Article 37

ESCHEAT

If, according to the law of a Contracting Party which governs relations in matters of succession, there are no heirs, movable property shall be handed over to the Contracting Party of which the decedent was a national at the time of his death, and immovable property to the Contracting Party in whose territory it is situated.

Article 38

WILLS

(1) The capacity to make or revoke a will and the legal effects of informality in 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 will.

(2) The form of a will shall be determined by the law of the Contracting Party of which the testator was a national at the time of making the will. It shall however, be deemed sufficient if the law of the Contracting Party in whose territory the will was made has been complied with. The same shall apply to the revocation of a will.

Article 39

JURISDICTION IN CASES RELATING TO SUCCESSION

(1) Except in the case specified in paragraph (4) of this article, jurisdiction with respect to movable estate shall vest in the authority of the Contracting Party of which the decedent was a national at the time of his death.

(2) Jurisdiction with respect to immovable estate shall vest in the authority of the Contracting Party in whose territory the property is situated.

(3) The provisions of paragraphs (1) and (2) shall also govern jurisdiction in disputes concerning succession.

(4) If a decedent who was a national of one Contracting Party was last domiciled in the territory of the other Contracting Party, heirs who are domiciled or resident in the territory of the latter Contracting Party may, within six months after his death, request the competent authority of that Contracting Party to conduct the proceedings relating to movable property of the estate which is in the said territory. If none of the heirs lodges an objection within three months after being notified of such request, it shall be complied with.

(5) The question whether property is to be regarded as movable or immovable shall be decided in accordance with the law of the Contracting Party in whose territory the property is to be found.

Article 40

MEASURES TO PROTECT THE ESTATE

(1) The authority of a Contracting Party in whose territory an estate has been left by a national of the other Contracting Party shall take, in accordance with the law of its own State, such measures as are necessary for the protection and administration of the estate. The competent authorities of each Contracting Party shall take similar action in cases where a national of the other Contracting Party comes forward as an heir.

(2) Measures taken in accordance with paragraph (1) shall be reported to the diplomatic mission or consular office of the other Contracting Party, which may participate, either directly or through a representative, in carrying out the measures to protect the estate. At the request of the diplomatic mission or consular office, the said measures may be postponed, modified or rescinded.

(3) At the request of the authority competent to conduct the succession proceedings, measures taken in accordance with paragraph (1) shall be modified or rescinded.

Article 41

NOTIFICATION OF DEATH

If a national of one Contracting Party dies in the territory of the other Contracting Party, the competent authority shall without delay report such death directly to the diplomatic mission or consular office of the former Contracting Party and shall communicate all available information concerning the heirs, their domicile or residence, the things constituting the estate, and the will, if any. If the said authority learns that the deceased has left property in another State as well, it shall also report that fact.

COMPETENCE OF THE DIPLOMATIC MISSION OR CONSULAR OFFICE IN CASES RELATING TO SUCCESSION

Article 42

In cases relating to succession, including disputes concerning succession, the diplomatic mission and consular offices of each Contracting Party shall be entitled, without any special power of attorney, to represent their nationals before the authorities of the other Contracting Party if such nationals are absent and have not appointed a representative.

Article 43

If a national of one Contracting Party dies while temporarily resident in the territory of the other Contracting Party, his personal effects shall, after his debts have been paid, be delivered without further formalities, together with an inventory thereof, to the diplomatic mission or consular office of the Contracting Party of which he was a national.

Article 44

PUBLICATION OF WILLS

The authority competent to publish a will shall be that of the Contracting Party in whose territory the will is to be found. A certified copy of the will and of the minute concerning its publication and, if requested, the original of the will shall be transmitted to the authority competent to conduct the succession proceedings.

Article 45

DELIVERY OF THE ESTATE

(1) If, after the completion of succession proceedings, the movable estate or the proceeds of sale of the movable or immovable estate are to be delivered to heirs domiciled or resident in the territory of the other Contracting Party, and if the estate or the proceeds thereof cannot be delivered directly to an heir or to his representative, such estate or proceeds shall be delivered to the diplomatic mission or consular office of that Contracting Party.

(2) The estate shall be delivered on condition that :

(a) All claims of the decedent's creditors presented within the time-limit prescribed by the law of the Contracting Party in whose territory the estate is to be found have been paid or secured;

(b) The estate duties have been paid or secured; and

(c) The competent authority has given its consent to the export of the articles or to the transfer of the funds.

Chapter 5

*LEGAL COSTS**Article 46*

EXEMPTION FROM DEPOSIT OF SECURITY FOR LEGAL COSTS

(1) Regardless of their domicile or residence, nationals of either Contracting Party who appear before a court of the other Contracting Party shall not be required to deposit security for legal costs.

(2) A court of either Contracting Party may require nationals of the other Contracting Party, under the same conditions and to the same extent as its own nationals, to pay a deposit towards the cost of taking evidence.

EXEMPTION FROM FEES AND COSTS

Article 47

Nationals of either Contracting Party shall be entitled in the territory of the other Contracting Party, under the same conditions as nationals of the latter Contracting Party, to exemption from judicial and notarial fees and costs and to free legal aid in the course of proceedings.

Article 48

(1) Exemption in accordance with article 47 of this Treaty shall be granted on the basis of a certificate concerning the personal, family and property status of the applicant. The said certificate shall be issued by the competent authority of the Contracting Party in whose territory the applicant is domiciled or resident.

(2) If the applicant is not domiciled or resident in the territory of either Contracting Party, the certificate may be issued by the diplomatic mission or consular office of the Contracting Party of which he is a national.

(3) The authority ruling on an application for exemption may request additional information or any necessary explanations from the authority which issued the certificate.

Article 49

(1) A national of either Contracting Party wishing to secure exemption in accordance with the provisions of article 47 of this Treaty may also file the application with the competent authority of the Contracting Party of which he is a national. The said authority shall transmit the application, together with a certificate in accordance with article 48 of this Treaty, to the competent authority of the other Contracting Party in the manner prescribed in article 4 of this Treaty.

(2) At the same time as an application for exemption, a petition may be filed for the institution of proceedings in the case in respect of which exemption is sought.

Chapter 6

*RECOGNITION AND ENFORCEMENT OF DECISIONS**Article 50*

(1) Each Contracting Party shall recognize and enforce in its territory, under the conditions laid down in this Treaty, the following decisions rendered in the territory of the other Contracting Party :

(a) Judicial decisions in civil and family cases, as well as judicial settlements arrived at in such cases concerning property claims;

(b) Judicial decisions in criminal cases concerning property claims;

(c) The awards of arbitral bodies, as well as settlements arrived at before them.

(2) Decisions concerning succession rendered by an authority of either Contracting Party which is competent under the law of its own State to conduct succession proceedings shall also be deemed to be judicial decisions within the meaning of paragraph (1).

(3) In the succeeding provisions of this chapter, the settlements referred to in paragraph (1), sub-paragraphs (a) and (c), shall also be deemed to be decisions.

Article 51

The decisions referred to in article 50 of this Treaty shall be recognized and enforced on condition that :

(a) The decision in question is final and enforceable according to the law of the Contracting Party in whose territory it was rendered;

(b) The court of the Contracting Party in whose territory the decision was rendered had jurisdiction in the case under this Treaty or under the law of the Contracting Party in whose territory recognition or enforcement is sought;

(c) If the losing party did not participate in the proceedings, he was nevertheless summoned, in due time and proper form in accordance with the law of the Contracting Party in whose territory the decision was rendered, to participate in the proceedings and, if he was under an incapacity, he was properly represented;

(d) A final decision has not been rendered previously, by a court or an arbitral body of the Contracting Party in whose territory the decision is to be recognized and enforced, in an action between the same parties relating to the same matter;

(e) Recognition or enforcement of the decision does not conflict with the provisions of article 13 of this Treaty.

Article 52

The awards of arbitral bodies shall be recognized and enforced subject to the conditions laid down in article 51 of this Treaty and to the following conditions :

(a) That the award in question is based on an agreement in writing concerning the competence of the arbitral body and was made by an arbitral body appointed by agreement and acting within the agreed limits of its competence;

(b) That the agreement concerning the competence of the arbitral body is valid under the law of the Contracting Party in whose territory the award is to be recognized or enforced.

Article 53

The court competent to recognize and to authorize the enforcement of a decision shall be that of the Contracting Party in whose territory the decision is to be recognized or enforced.

Article 54

(1) An application for recognition or for authorization of the enforcement of a decision may be submitted direct to the competent court of the Contracting Party in whose territory the decision is to be recognized or enforced, or to the court which ruled in the case at first instance; in the latter event, the application shall be transmitted to the court of the other Contracting Party in the manner prescribed in article 4 of this Treaty.

(2) The application must be accompanied by :

(a) A certified copy of the decision and, if the text does not show that the decision is final and enforceable, a certificate to that effect;

(b) If the losing party did not participate in the proceedings, proof that he was nevertheless summoned, in due time and proper form, to participate therein;

(c) A certified translation of the documents specified in sub-paragraphs (a) and (b) into the language of the Contracting Party in whose territory enforcement is to be authorized.

(3) Where authorization is sought for enforcement of the award of an arbitral body, a certified translation of the agreement concerning the competence of the arbitral body in the case in which authorization of enforcement is sought shall be attached to the application.

Article 55

(1) Save as otherwise provided in this Treaty, the court of the Contracting Party in whose territory a decision is to be enforced shall rule on the authorization of enforcement and enforce the decision in accordance with the law of its own State.

(2) The court ruling on the authorization of enforcement shall confine itself to determining whether the conditions laid down in articles 50, 51 and 52 of this Treaty have been satisfied and, if it finds that the said conditions have been satisfied, shall authorize enforcement.

Article 56

(1) Decisions rendered by the courts of either Contracting Party which relate to the personal status of nationals of the other Contracting Party shall be recognized in the territory of the latter Contracting Party subject to the conditions laid down in article 51, sub-paragraphs (a) to (d), of this Treaty and to the

condition that they do not conflict with the provisions of this Treaty or with the legal provisions applicable in such cases in the said territory.

(2) Application for recognition of the decisions referred to in paragraph (1) may be made by any person having a legal interest therein.

(3) The provisions of articles 53, 54 and 55 of this Treaty shall apply *mutatis mutandis* to recognition of the decisions referred to in paragraph (1).

Article 57

(1) Final decisions of the courts of either Contracting Party relating to the personal status of the said Contracting Party's own nationals shall be recognized in the territory of the other Contracting Party without any investigation.

(2) Each Contracting Party may investigate, in accordance with the provisions of article 56 of this Treaty, the decisions referred to in paragraph (1) in so far as the said decisions relate to the personal status of its own nationals.

(3) Decisions of the courts of one Contracting Party relating to the personal status of nationals of a third State shall be recognized in the territory of the other Contracting Party only on condition that the State whose nationals are affected also recognizes the said decisions.

Article 58

(1) If a litigant exempt under article 46, paragraph (1), of this Treaty from the deposit of security for legal costs is required by the final award of a court of either Contracting Party to pay such costs, the said award shall, on the application of the person entitled to the costs, be enforced free of charge in the territory of the other Contracting Party.

(2) The provisions of article 54 of this Treaty shall apply *mutatis mutandis* to the submission of the application and to the documents accompanying it.

(3) The court ruling on the authorization of enforcement in accordance with paragraph (1) shall confine itself to determining whether the award of costs is final and enforceable.

Article 59

The authority of a Contracting Party in whose territory costs have been advanced by the State shall apply to the competent court of the other Contracting Party for recovery of costs and fees. The court shall remit the sum recovered to the diplomatic mission or consular office of the former Contracting Party.

Article 60

The provisions of this Treaty concerning the enforcement of decisions shall not affect the legal provisions of the Contracting Parties relating to the transfer of funds or the export of articles recovered by enforcement.

Chapter 7

*TRANSMITTAL OF DOCUMENTS RELATING TO PERSONAL STATUS**Article 61*

(1) The Contracting Parties shall transmit to each other extracts from the civil registers relating to their nationals. Such extracts shall be transmitted free of charge through the diplomatic channel.

(2) Each Contracting Party shall transmit to the other Contracting Party for official use, at the request of the competent authorities, extracts from the civil registers and other documents relating to nationals of the latter Contracting Party. Such documents shall be transmitted free of charge through the diplomatic channel.

(3) Applications by nationals of either Contracting Party for the transmittal of extracts from the civil registers or other documents may be sent direct to the competent authority of the other Contracting Party. The documents requested shall be transmitted to the applicant through the diplomatic mission or consular office of the Contracting Party whose authority released the document in question. On handing over the document, the diplomatic mission or consular office shall collect the prescribed fee.

Article 62

(1) If the competent authority of either Contracting Party makes additional entries in or corrections to the civil register which relate to the personal status of a national of the other Contracting Party, an extract from the civil register containing the additional data entered or the corrections made shall be transmitted to the latter Contracting Party.

(2) Each Contracting Party shall transmit to the other Contracting Party copies of final decisions relating to the personal status of nationals of the latter Contracting Party.

(3) The documents referred to in paragraphs (1) and (2) shall be transmitted free of charge through the diplomatic channel.

PART III
CRIMINAL CASES

Chapter 1

EXTRADITION

Article 63

OBLIGATION TO EXTRADITE

(1) Each Contracting Party undertakes to extradite to the other on application, under the conditions laid down in this Treaty, persons in its territory who are required to answer a criminal charge or to serve a sentence.

(2) Extradition to answer a criminal charge shall be admissible only for offenses which, under the law of both Contracting Parties, are punishable by deprivation of liberty for a term exceeding one year.

(3) Extradition to serve a sentence shall be admissible only for acts which are punishable under the law of both Contracting Parties and for which the person claimed has been sentenced to deprivation of liberty for a term of not less than one year or to a heavier penalty.

Article 64

REFUSAL OF EXTRADITION

Extradition shall not take place if :

- (a) At the time of receipt of the requisition for extradition, the person claimed is a national of the Contracting Party applied to;
- (b) The offence was committed in the territory of the Contracting Party applied to;
- (c) Under the law of the Contracting Party applied to, exemption from prosecution or punishment has been acquired by lapse of time or on other statutory grounds;
- (d) Extradition is not admissible under the law of one of the Contracting Parties;
- (e) The person claimed has already been prosecuted for the same offence in the territory of the Contracting Party applied to and has been sentenced or discharged, and such sentence or discharge has become final.

Article 65

REQUISITION FOR EXTRADITION

(1) A requisition for extradition to answer a criminal charge shall be accompanied by the warrant of arrest, a description of the offence, particulars

of the evidence and the text of the legal provisions relating to the offence; if the offence resulted in material damage, the extent of such damage shall be specified.

(2) A requisition for extradition to serve a sentence shall be accompanied by a copy of the final sentence and by the text of the legal provisions relating to the offence. If the convicted person has already served a part of his sentence, the particulars in that regard shall also be transmitted.

(3) A requisition for extradition shall also be accompanied, in so far as possible, by a description of the person claimed, his photograph and—where such information is not to be found in the sentence or the warrant of arrest—information concerning his nationality, personal circumstances and place of residence.

(4) The applicant Contracting Party shall not be bound to enclose with the requisition proof of the guilt of the person claimed.

Article 66

INFORMATION TO SUPPLEMENT A REQUISITION FOR EXTRADITION

If the requisition for extradition does not contain all the necessary particulars, the Contracting Party applied to may request supplementary information and for that purpose may set a time-limit not exceeding two months. Such time-limit may be extended on request.

Article 67

DETENTION PENDING EXTRADITION

Upon receipt of a requisition for extradition, the Contracting Party applied to shall take immediate measures to detain the person claimed. Such measures shall not be necessary if it is apparent that extradition is precluded under this Treaty.

PROVISIONAL DETENTION

Article 68

(1) A person liable to extradition under this Treaty may be provisionally detained pending receipt of the requisition for his extradition if either Contracting Party applies for such detention, citing a warrant of arrest or a final sentence; such an application may be made by post, telegraph, telephone or wireless.

(2) Even in the absence of such an application, the authorities of either Contracting Party may provisionally detain a person who is in its territory if he

is known to have committed in the territory of the other Contracting Party an offence which is extraditable under the provisions of this Treaty.

(3) The other Contracting Party shall be notified immediately of any provisional detention under the provisions of paragraphs (1) and (2).

Article 69

(1) The Contracting Party applied to may release the person detained if supplementary information is not transmitted within the time-limit set under article 66 of this Treaty.

(2) A person detained under the provisions of article 68 of this Treaty may be released if the requisition for his extradition is not received within two months from the date on which the other Contracting Party was notified of his provisional detention.

Article 70

POSTPONEMENT OF EXTRADITION

If the person claimed is on trial for or has been convicted of another offence in the territory of the Contracting Party applied to, his extradition may be postponed pending the conclusion of the proceedings or the execution of the sentence.

Article 71

TEMPORARY EXTRADITION

(1) If the postponement of extradition would result in exemption from prosecution being acquired by lapse of time or would seriously prejudice the investigation of the offence committed by the person claimed, such person may be extradited temporarily, so as to permit specific investigative measures to be taken, upon submission by the applicant Contracting Party of a requisition accompanied by a statement of grounds.

(2) A person temporarily extradited shall be returned as soon as the investigative measures for which he was extradited are concluded, and in any case not later than three months after the date of his temporary extradition.

Article 72

CONCURRENT REQUISITIONS FOR EXTRADITION

If requisitions for a person's extradition are received from more than one State, the Contracting Party applied to shall decide which requisition shall be complied with. In so doing, it shall take into account the nationality of the person claimed, the place of commission of the offence and the nature of the offence.

LIMITS TO THE PROSECUTION OF EXTRADITED PERSONS

Article 73

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

(2) The consent of the Contracting Party applied to shall not be required if :

(a) The extradited person, not being a national of the applicant Contracting Party, fails to quit its territory within one month after the conclusion of the criminal proceedings or the execution of the sentence; such period of one month shall not be deemed to include any time during which the extradited person is prevented by circumstances beyond his control from quitting the territory of the applicant Contracting Party;

(b) The extradited person quits the territory of the applicant Contracting Party but subsequently returns thereto.

Article 74

In the case of extradition to serve a sentence which has been passed in proceedings conducted in the absence of the extradited person, the Contracting Parties may make extradition conditional upon the holding of a new trial at which the extradited person is present.

Article 75

COMMUNICATION OF THE RESULTS OF PROSECUTION

The Contracting Parties shall inform each other of the results of criminal proceedings taken against an extradited person. If an extradited person is convicted, a copy of the sentence shall also be transmitted after it has become final.

Article 76

SURRENDER

The Contracting Party applied to shall notify the other Contracting Party of the place and time of surrender of the person claimed. The person claimed may be released from custody if the applicant Contracting Party fails to accept him within fifteen days after the date fixed for his surrender.

Article 77

RE-EXTRADITION

If an extradited person in some manner evades prosecution or punishment and is to be found in the territory of the Contracting Party applied to, he shall be

extradited upon receipt of a new requisition without production of the documents referred to in article 65 of this Treaty.

Article 78

CONVEYANCE IN TRANSIT

(1) Each Contracting Party shall, on application by the other Contracting Party, authorize the conveyance through its territory of any person extradited by a third State to the applicant Contracting Party. An application for authorization of conveyance in transit may be rejected on the grounds specified in article 64, sub-paragraphs (a) and (d), of this Treaty.

(2) An application for authorization of conveyance in transit shall be made and dealt with in the same manner as a requisition for extradition.

(3) The authorities of the Contracting Party applied to shall effect conveyance in transit in whatever manner they find most convenient.

Article 79

COSTS OF EXTRADITION

The costs of extradition and of conveyance in transit shall be borne by the Contracting Party in whose territory they were incurred.

Article 80

DELIVERY OF ARTICLES

(1) Articles that have been used in the commission of an offence which is extraditable under article 63 of this Treaty, articles acquired by the offender through the commission of such an offence or, where applicable, the value thereof, and all other property of the offender which may be used as evidence shall be delivered to the applicant Contracting Party; such articles shall be delivered even if, owing to his death or for any other reason, the offender is not extradited.

(2) The Contracting Party applied to may temporarily retain the articles claimed if it has need of them in other criminal proceedings.

(3) The rights of third persons to the articles delivered shall not be affected. After the conclusion of the criminal proceedings, the applicant Contracting Party shall return such articles to the Contracting Party applied to, so that they may be handed over to the persons entitled to them. In justified cases, however, it may, with the consent of the Contracting Party applied to, hand them over directly to the persons entitled to them.

Chapter 2

*SPECIAL PROVISIONS CONCERNING LEGAL ASSISTANCE IN CRIMINAL CASES**Article 81*

OBLIGATION TO PROSECUTE

(1) Each Contracting Party undertakes to prosecute under its own law, on application by the other Contracting Party, any of its nationals who have committed in the territory of the applicant Contracting Party an offence which is extraditable under the provisions of this Treaty.

(2) An application for prosecution shall be accompanied by a document containing particulars of the offence and by all available evidence.

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

Article 82

REFUSAL OF LEGAL ASSISTANCE

It shall be permissible to refuse legal assistance in criminal cases not only on the grounds specified in article 13 of this Treaty but also in the event that it is applied for :

(a) In connexion with an act which is not an offence under the law of the Contracting Party applied to;

(b) In connexion with an act in respect of which, under article 64, subparagraph (d), of this Treaty, extradition is not admissible;

(c) In criminal proceedings against a national of the Contracting Party applied to who is not in the territory of the applicant Contracting Party.

Article 83

COMMUNICATION OF CONVICTIONS

(1) At the beginning of each year, each Contracting Party shall notify the other Contracting Party of final sentences passed by its courts during the past year on nationals of the latter Contracting Party.

(2) On application by the authorities of either Contracting Party, the authority of the other Contracting Party shall furnish information concerning final sentences passed by its courts on nationals of the applicant Contracting

Party. In justified cases, such information shall be furnished even if the person sentenced is not a national of the applicant Contracting Party.

PART IV

FINAL PROVISIONS

Article 84

This Treaty shall be ratified. The instruments of ratification shall be exchanged at Prague.

Article 85

(1) This Treaty shall enter into force thirty days after the date of the exchange of the instruments of ratification and shall remain in force for a term of five years.

(2) Unless this Treaty is denounced in writing by one of the Contracting Parties six months before the expiry of the said term, it shall be extended for an indefinite period of time and shall remain in force until denounced in writing by one of the Contracting Parties on one year's notice.

(3) On the date of the entry into force of this Treaty, the Convention between the Czechoslovak Republic and the Kingdom of the Serbs, Croats and Slovenes concerning the Regulation of Legal Relations, concluded at Belgrade on 17 March 1923,¹ shall cease to have effect.

DONE at Belgrade on 20 January 1964 in two original copies, each in the Czech and Serbo-Croat languages, both texts being equally authentic.

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

For the Czechoslovak Socialist
Republic :

P. WINKLER

For the Socialist Federal Republic
of Yugoslavia :

B. BLAGOJEVIĆ

¹ League of Nations, *Treaty Series*, Vol. XLV, p. 107.