

No. 10367

**FRANCE
and
TOGO**

Legal Convention. Signed at Paris on 10 July 1963

Authentic text: French.

Registered by France on 18 March 1970.

**FRANCE
et
TOGO**

Convention judiciaire. Signée à Paris le 10 juillet 1963

Texte authentique: français.

Enregistrée par la France le 18 mars 1970.

[TRANSLATION — TRADUCTION]

LEGAL CONVENTION¹ BETWEEN THE FRENCH REPUBLIC
AND THE TOGOLESE REPUBLIC

The President of the French Republic and
The President of the Togolese Republic
Have decided to conclude this Convention.

To that end, they have appointed as their plenipotentiaries :

The President of the French Republic :

Mr. Michel Habib-Deloncle, Secretary of State for Foreign Affairs;

The President of the Togolese Republic :

Mr. Apedo-Amah, Minister for Foreign Affairs,

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

TITLE I

RECIPROCAL LEGAL ASSISTANCE

Chapter I

TRANSMITTAL AND SERVICE OF WRITS
AND EXTRA-JUDICIAL DOCUMENTS

Article 1

Writs and extra-judicial documents, both in civil and commercial and in criminal and administrative matters, to be served on persons resident in the territory of one of the Contracting Parties shall be transmitted direct by the competent authority to the *parquet* having jurisdiction over the person on whom the document is to be served.

The provisions of this article shall be without prejudice to the right of the Contracting Parties to cause writs and extra-judicial documents addressed to their own nationals to be served direct by their representatives or deputies. Where there is a conflict between the legislation of the two countries, the nationality of the addressee shall be determined by the law of the country in which service is to be effected.

¹ Came into force on 8 February 1964 by the exchange of the instruments of ratification, which took place at Lomé, in accordance with article 62.

Article 2

If the requested authority is not the competent body, it shall automatically transmit the document to the competent authority and inform the requesting authority immediately.

Article 3

The requested authority shall confine itself to having the document served on the addressee.

If the addressee accepts it voluntarily, proof of service shall consist either of a dated receipt signed by him, or of a certificate by the requested authority confirming that service has been effected and indicating the manner and date of service.

One or other of these documents shall be sent direct to the requesting authority.

If an addressee refuses to accept the document, the requested authority shall return it to the requesting authority forthwith and shall state the reason why service could not be effected.

Article 4

The cost of serving writs and extra-judicial documents shall not be refunded.

Article 5

The provisions of the preceding articles shall, in civil, administrative and commercial matters, be without prejudice to the right of interested parties resident in the territory of one of the two Contracting Parties to have documents served on persons in one of the two States through law officials.

Chapter II

TRANSMITTAL AND EXECUTION OF LETTERS ROGATORY

Article 6

Letters rogatory in civil and commercial matters to be executed in the territory of one of the two Contracting Parties shall be executed by the judicial authorities.

They shall be sent direct to the competent *parquet*. If the requested authority is not the competent body, it shall automatically transmit the letter rogatory to the competent authority and inform the requesting authority forthwith.

Article 7

Letters rogatory in criminal matters to be executed in the territory of one of the two Contracting Parties shall be transmitted between the Ministries of Justice. They shall be executed by the competent authorities of the requested State.

Requests for information in administrative matters shall also be transmitted to the competent authorities by the Ministries of Justice.

Article 8

The provisions of articles 6 and 7 shall be without prejudice to the right of the Contracting Parties to cause letters rogatory concerning the hearing of their nationals to be executed direct by their representatives or deputies.

Where there is a conflict between the legislation of the two countries, the nationality of the person in respect of whom the hearing is requested shall be determined by the law of the State in which the letter rogatory is to be executed.

Article 9

The requested authority may refuse to execute a letter rogatory if, under its national legislation the letter rogatory does not fall within its competence or is liable to impair the sovereignty, security or public policy of the State in which it is to be executed.

Article 10

Persons whose testimony is requested shall be invited to appear by a regular administrative notice; if they refuse to comply with such notice, the requested authority shall employ the means of coercion provided for in its national legislation.

Article 11

The requested authority shall, at the express wish of the requesting authority, with all due dispatch :

- (1) Execute the letter rogatory by means of a special formality, if that formality does not conflict with its national legislation;
- (2) Inform the requesting authority in good time of the date and place of execution of the letter rogatory, so that the interested parties may be present, in accordance with the legislation of the requested State.

Article 12

The execution of letters rogatory shall not give rise to the refunding of any costs save the fees of experts.

Chapter III

APPEARANCE OF WITNESSES IN CRIMINAL MATTERS

Article 13

If, in a criminal case, the personal appearance of a witness is necessary, the Government of the State in which he is resident shall call upon him to answer the summons. 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 State in which the hearing is to take place; at his request, he shall be advanced all or part of the travel expenses by the consular authorities of the requesting State.

No witness who is summoned in one of the two States and voluntarily appears before the judicial authorities of the other State may be prosecuted or detained in the latter State for offences or convictions antedating his departure from the territory of the requested State. This immunity shall cease thirty days after the date on which the testimony has been completed and/or the return of the witness has become possible.

Article 14

Requests for the sending of witnesses who are in custody shall be addressed direct to the competent *parquet*.

Such requests shall be complied with, unless there are special objections, on the understanding that the said persons in custody are returned promptly.

Chapter IV

JUDICIAL RECORDS

Article 15

The two Contracting Parties shall report to each other all convictions for crimes and offences pronounced by their courts against nationals and persons born in the territory of the other State. Extracts from the judicial records exchanged for that purpose shall be addressed direct by one *parquet* to the other.

Article 16

In proceedings before a court of one of the Contracting Parties, the *parquet* of that court may obtain direct from the competent authorities of the other Party an extract from the judicial records relating to the person against whom the proceedings are being taken.

Article 17

Where, other than in the case of proceedings, the judicial authorities of one of the Contracting Parties or the administrative authorities of that Party wish to receive an extract from the judicial records of the other Party, they may obtain it direct from the competent authorities, in the instances and within the limits prescribed in the legislation of the requested State.

Chapter V

CIVIL REGISTER AND AUTHENTICATION

Article 18

The Government of the French Republic shall, at the times specified below, transmit to the Government of the Togolese Republic a copy or the original of certificates of recognition of natural children, marriage certificates, death certificates and certificates of legitimation issued in France, as well as extracts of judgements and decisions rendered in France in matters of divorce, separation, filiation, civil registration and deprivation of legal capacity which concern Togolese nationals.

Extracts of judgements and decisions rendered in matters of divorce and separation shall also be transmitted to the Government of the Togolese Republic when they concern persons who were married in Togo.

Each quarter, copies and extracts of such documents, certificates, judgements and decisions issued or rendered during the preceding quarter shall be transmitted by the Government of the French Republic to the Government of the Togolese Republic.

The Government of the Togolese Republic shall enter in the civil register appropriate particulars from such copies and extracts in the margin of the birth or marriage certificates of the persons concerned.

In the absence of a grant of execution, particulars of judgements and decisions shall be included merely for information purposes.

Article 19

The Government of the Togolese Republic shall, at the times specified below, transmit to the Government of the French Republic a copy or the original of certificates of recognition of natural children, marriage certificates, death certificates and certificates of legitimation issued in Togo, as well as extracts of judgements and decisions rendered in Togo in matters of divorce, separation, filiation, civil registration and deprivation of legal capacity which concern Togolese nationals.

Extracts of judgements and decisions rendered in matters of divorce and separation shall also be transmitted to the Government of the French Republic when they concern persons who were married in France.

Each quarter, copies and extracts of such documents, certificates, judgements and decisions issued or rendered during the preceding quarter shall be transmitted by the Government of the Togolese Republic to the Government of the French Republic.

The Government of the French Republic shall enter in the civil register appropriate particulars from such copies and extracts in the margin of the birth or marriage certificates of the persons concerned.

In the absence of a grant of execution, particulars of judgements and decisions shall be included merely for information purposes.

Article 20

The Government of the French Republic and the Government of the Togolese Republic shall issue free of charge copies of extracts from the civil register made out in their respective territories, when so requested, for a duly specified administrative reason or for needy nationals.

They shall also issue free of charge copies of extracts from the civil register made out in their respective territories, where such extracts relate to aliens who are nationals of a third country and are requested for a duly specified administrative reason.

Extracts from the civil register made out or transcribed in diplomatic and consular posts shall be equated with extracts from the civil register made out in the respective territories of the two States.

The fact that copies of extracts from the civil register have been issued shall in no way prejudice the question of the nationality of the person concerned so far as the two States are concerned.

Article 21

Requests made by the French authorities shall be transmitted to the Togolese local authorities by the representative of France or his deputy for the territory.

Requests made by the Togolese authorities shall be transmitted to the French local authorities by the representative of Togo or his deputy for the territory.

Requests shall state briefly the grounds on which they are made.

Article 22

Extracts from the civil register, as referred to in articles 20 and 21 above, mean :

- Birth certificates;
- Declarations of still births;
- Certificates of recognition of natural children made out by civil registrars;

- Certificates of legitimation;
- Marriage certificates;
- Death certificates;
- Transcripts of court orders, judgements or decisions in matters relating to the civil register;
- Transcripts of judgements or decisions relating to divorce and separation.

Article 23

The following documents, made out by the authorities in either State, shall be accepted, without need of authentication, in the respective territories of the French Republic and the Togolese Republic :

- Copies of extracts from the civil register, as enumerated in article 22 above;

- Copies of decisions, orders and other judicial documents of the French and Togolese courts;
- Affidavits, written statements or other judicial documents registered or filed in such courts;
- Notarized documents;
- Certificates of entitlement for annuitants.

The foregoing documents shall bear the signature and the official seal of the authority competent to issue them and, in the case of copies, they shall be certified as true copies of the original by the said authority. In all cases, they shall be made out in such a way as to establish their authenticity.

Chapter VI

SECURITY FOR COSTS AND PENALTIES BY FOREIGN PLAINTIFFS
("CAUTIO JUDICATUM SOLVI") AND LEGAL AID*Article 24*

French nationals in Togo and Togolese nationals in France shall, in the territory of each of the Contracting Parties, have free and unrestricted access

to administrative tribunals and courts of law for the purpose of ensuring the exercise and protection of their rights.

No security or deposit of any kind may be imposed on them by reason of their status as foreigners or the absence of domicile or residence in the country.

The provisions of this article shall also apply to bodies corporate set up or authorized under the law of one of the two States.

Article 25

Nationals of either State shall, in the territory of the other State, be entitled to legal aid on the same basis as the nationals of that State, provided they comply with the law of the country in which the aid is requested.

Certificates of need shall be issued to applicants by the authorities at their normal place of residence, if they are resident in the territory of one of the two countries. If the person concerned is resident in a third State, the certificate shall be issued by the appropriate consul for the territory.

Where the person concerned is resident in the State in which the request is made, additional information may be sought from the authorities of the State of which he is a national.

Chapitre VII

ENFORCEMENT OF SENTENCES

Article 26

Each State may, at the request of the other, decide to authorize the transfer of a national of the other State who has been given a sentence involving deprivation of liberty, so that he serves his sentence in the territory of the requesting State.

Article 27

The costs of the transfer shall be borne by the requesting State.

Article 28

With the consent of the *parquet* of the court which has pronounced the sentence and of the Government of the State to which that court belongs, commutation, reduction and discretionary remission, conditional release and other procedures relating to the enforcement of sentences shall be decided in accordance with the law of the State in which the sentence is enforced.

The *parquet* of the court which has pronounced the sentence shall be notified of such decisions.

Where a court of one of the two States pronounces the death sentence on a national of the other State, a petition for a reprieve shall be entered automatically and the diplomatic representative of that State shall be informed forthwith.

The remission of fines shall be granted by the competent authority of the State in which the fine has been imposed at its discretion, notice being given to the competent authority of the State in which the offender is a resident.

Article 29

The two States shall notify each other of amnesty laws in the month in which they are promulgated.

Nationals of the two States, no matter where they are resident, shall automatically benefit from amnesty laws promulgated in the State to which the court which pronounced the sentence that has been amnestied belongs.

Chapter VIII

EXERCISE OF THE LEGAL PROFESSION

Article 30

French *avocats* members of the Togolese bar may freely exercise their profession in the courts of the Togolese Republic in accordance with Togolese law and with due regard for the traditions of the profession.

French nationals shall be free to enter the legal profession in Togo under the same conditions as Togolese nationals and they shall not be subject to any discrimination.

Togolese nationals shall be free to enter the legal profession in France under the same conditions as French nationals and they shall not be subject to any discrimination.

Nationals of either State may apply for membership in the bar of the other State provided they satisfy the legal requirements for such membership in the State in which they apply. All positions in the Council of the *Ordre des avocats* shall be open to them.

Article 31

Avocats members of the Togolese bar may assist parties and plead before all French courts under the same conditions as *avocats* members of the French

bar. As a reciprocal measure, *avocats* members of the French bar may assist parties and plead before all Togolese courts under the same conditions as *avocats* members of the Togolese bar.

Chapter IX

MISCELLANEOUS PROVISIONS

Article 32

As from 16 August 1961, the Council of State and the Court of Cassation ceased to have jurisdiction in appeals and remedies against decisions by Togolese Courts.

As from the same date, the Council of State also ceased to have jurisdiction in appeals against excesses of authority brought before it directly.

Both French high courts, however, shall remain seized of cases which have been the subject of an appeal entered prior to that date.

In the event of cassation, the case shall be referred to a Togolese Court.

Article 33

Evidence of the legislative provisions and customary law of either State shall be presented to the courts of the other State in the form of "certificates of custom" made out by the consular authorities concerned.

TITLE II

GRANT OF EXECUTION IN CIVIL AND COMMERCIAL MATTERS

Article 34

In civil and commercial matters, decisions in adversary and non-adversary proceedings rendered by the courts in France or Togo shall automatically have the force of *res judicata* in the territory of the other State provided they satisfy the following conditions :

- (a) The decision was rendered by a court competent under the rules of private international law which are admitted in the State in which the decision is to be executed, unless a firm waiver is entered by the party concerned;
- (b) The decision has, under the law of the State in which it was rendered, acquired the force of *res judicata* and is enforceable;
- (c) The parties have been duly summoned, represented or declared in default;

- (d) The decision contains nothing contrary to the public policy of the State in which it is invoked or to the principles of public law applicable in that State. Moreover, it must not conflict with a judicial decision which has been rendered in that State and has the force of *res judicata*.

Article 35

The decisions referred to in the preceding article may be enforced by the authorities of the other State or be the subject of a formal procedure initiated by those authorities, for example, by entries or corrections in the civil registers, only if they have been declared enforceable.

Article 36

Execution shall be granted at the request of an interested party by the competent authority, in accordance with the law of the State in which it is requested.

The procedure for requesting a grant of execution shall be governed by the legislation of the State in which execution is requested.

Article 37

The competent authority shall confine itself to establishing whether the decision for which a grant of execution is requested satisfies the conditions laid down in article 34 in order to have *ipso facto* the force of *res judicata*. It shall automatically proceed with such an examination and record the outcome in the decision.

Execution may not be granted when an appeal against the decision for which a grant of execution is requested has been entered with the Court of Cassation.

In granting execution, the competent authority shall, where necessary, order the requisite measures to ensure that the decision is publicized in the same way as if it had been rendered in the State in which it is declared enforceable.

Execution may be granted for only part of the decision invoked.

Article 38

The decision granting execution shall be binding on all parties concerned and throughout the territory to which this Convention applies.

It shall, as from the date on which the grant of execution is obtained, make it possible for the decision which has been rendered enforceable to have, in so far as enforcement measures are concerned, the same effect as if it had been rendered by the court which has granted execution on the date on which execution was granted.

Article 39

The party invoking the authority of a judicial decision or requesting its execution shall produce :

- (a) A duly certified copy of the decision;
- (b) The original of the certificate of service of the decision or of any other equivalent document;
- (c) A certificate of the competent clerk of court establishing that there is no objection to or appeal against the decision;
- (d) Where necessary, a copy of the summons served on the defaulting party, certified as a true copy by the clerk of the court which rendered the decision;
- (e) Where necessary, a full translation of the above-mentioned documents, certified by a sworn translator.

Article 40

Arbitral awards validly rendered in either State shall be recognized in the other State and may be declared enforceable in that State if they fulfil the conditions of article 34, where such conditions apply. Execution shall be granted in the manner laid down in the preceding articles.

Article 41

Legal instruments, including notarized documents, which are enforceable in either State shall be declared enforceable in the other State by the competent authority in accordance with the law of the State in which it is to be executed.

The said authority shall merely ascertain whether the instruments meet the requirements for authenticity in the State in which they have been received and whether enforcement of their provisions is contrary to the public policy or principles of public law of that State.

Article 42

The following shall be considered competent, within the meaning of article 34 (a) above, to deal with litigation :

- In matters of personal status and in personal and movable property matters : the courts of the State in which the defendant has his domicile or, in the absence thereof, in which he is resident;
- In matters of contracts : the court which the two parties have duly agreed to recognize, expressly and separately, for each contract; in the absence of such recognition, the courts of the State in which the contract was concluded and, in commercial matters, of the State in which the contract is to be executed;

- In matters of delicts or quasi-delicts : the courts of the State in which the tort occurred;
- In matters of alimony : the courts of the State in which the plaintiff has his domicile;
- In matters of succession : the courts of the State in which the succession is contested;
- In matters of immovable property : the courts of the State in which the immovable property is situated.

TITLE III

EXTRADITION

Article 43

The Contracting Parties undertake to surrender to each other, in accordance with the rules and conditions laid down in the following articles, persons in the territory of either State who are the subject of proceedings or have been sentenced by the judicial authorities of the other State.

Article 44

The Contracting Parties shall not extradite their own nationals. Nationality shall mean the nationality at the time of commission of the offence for which extradition is requested.

The requested Party undertakes, however, in so far as it is competent to judge them, to institute proceedings against any of its nationals who, in the territory of the other State, have committed offences which are punishable as crimes or correctional offences in the two States, when it has received from the other Party through the diplomatic channel a request for proceedings accompanied by the files, documents, exhibits and information in its possession. The requesting Party shall be informed of the result of its request.

Article 45

The following shall be subject to extradition :

- (1) Persons against whom proceedings are being taken for crimes or offences punishable under the laws of both Contracting Parties by at least two years' imprisonment;
- (2) Persons who, for crimes or offences punishable under the law of the requested State, are sentenced *audiatur et altera pars* or in default by the courts of the requesting State to at least two months' imprisonment.

Article 46

Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested Party as a political offence or as an offence allied to a political offence.

Article 47

Extradition may be refused if the offence in respect of which it is requested consists solely of non-fulfilment of military obligations and is not punishable as a crime.

Article 48

Extradition shall be granted, under the conditions laid down in this Convention, in matters relating to taxes, duties, customs and foreign exchange, when so decided by a simple exchange of letters for each specially designated offence or category of offences.

Article 49

Extradition shall be refused :

- (a) If the offences in respect of which it is requested have been committed in the requested State;
- (b) If final judgement on the offences has been rendered in the requested State;
- (c) If the act or the sentence falls under the statute of limitations in accordance with the legislation of the requesting State or of the requested State at the time of the latter's receipt of the request.
- (d) If the offences have been committed outside the territory of the requesting State by a person who is not a national of that State and the legislation of the requested country does not authorize proceedings in connexion with such offenses when they are committed outside its territory by an alien;
- (e) If an amnesty has been declared in the requesting State or if an amnesty has been declared in the requested State, provided, in the latter case, that the offence is one for which proceedings may be instituted in that State when it has been committed outside the territory of that State by an alien.

Extradition may be refused if the offences are the subject of proceedings in the requested State or judgement on them has been rendered in a third State.

Article 50

A request for extradition shall be sent through the diplomatic channel.

It shall be accompanied by the original or a certified copy of either an enforceable sentence or a warrant of arrest or any other document having

the same force and issued in the manner prescribed by the law of the requesting State.

The circumstances of the acts in respect of which extradition is requested, the time and place of their commission, their designation in law and references to the legal provisions applicable thereto shall be stated as accurately as possible. A copy of the relevant legal provisions shall also be attached and, so far as possible, the particulars of the person claimed and any information which will help to establish his identity and nationality.

Article 51

In an emergency, provisional arrest shall be made at the request of the competent authorities of the requesting State, pending receipt of the request for extradition and the documents referred to in the second paragraph of article 50.

A request for provisional arrest shall be sent to the competent authorities of the requested State either direct by post or telegraph or by any other means affording evidence in writing. It shall, at the same time, be confirmed through the diplomatic channel.

It shall state that one of the documents mentioned in the second paragraph of article 50 exists and that it is intended to send a request for extradition.

It shall state the offence in respect of which extradition is requested, when and where it was committed, and the particulars of the person claimed, which shall be as accurate as possible. The requesting authority shall be informed without delay of the result of its request.

Article 52

Provisional arrest may be terminated if, within a period of 20 days after the arrest, the requested authorities have not received any of the documents mentioned in the second paragraph of article 50.

Release shall not prejudice re-arrest and extradition if a request for extradition is received subsequently.

Article 53

Where supplementary information is essential to ensure that the conditions laid down in this Convention are fulfilled, the requested State, when it feels that the omission can be rectified, shall advise the requesting State through the diplomatic channel before it refuses the request. A time-limit may be set by the requested State for the receipt of such information.

Article 54

If extradition is requested concurrently by more than one State, either for the same offence or for different offences, the requested State shall make its decision freely, having regard to all the circumstances and especially the possibility of subsequent extradition between the requesting States, the respective dates of the requests, the relative seriousness and the place of commission of the offences.

Article 55

Where there are grounds for extradition, all property which has been acquired as a result of the offence or may serve as evidence and is found at the time of his arrest in the possession of the person claimed, or is discovered subsequently, shall, at the request of the requesting State, be confiscated and handed over to the authorities of that State.

Article 56

The requested State shall inform the requesting State through the diplomatic channel of its decision with regard to extradition.

Reasons shall be given for any complete or partial rejection.

If the request is agreed to, the requesting State shall be informed of the place and date of surrender.

Unless otherwise agreed, the person extradited shall be conducted by the requested State to the place designated by the diplomatic mission of the requesting State.

Except as provided for in the last paragraph of this article, the requesting State shall have its agents take over the person to be extradited within a period of one month from the date determined in accordance with the third paragraph of this article. Once that period has expired, the person shall be released and cannot be claimed again for the same offence.

If exceptional circumstances prevent the person who is to be extradited from being surrendered or taken over, the State concerned shall inform the other State before the period expires. The two States shall agree on another date for surrender and the provisions of the preceding paragraph shall apply.

Article 57

If the person claimed is the subject of proceedings or has been sentenced in the requested State for an offence other than the one giving rise to the request for extradition, the latter State shall nonetheless take a decision on the request and inform the requesting State of its decision regarding the extradition, in the

manner prescribed in the first and second paragraphs of the preceding article. If the request is agreed to, surrender shall, however, be deferred until the legal requirements of the requested State have been met.

Surrender shall take place on a date to be determined in accordance with the provisions of the preceding article.

The provisions of this article shall not prevent the person concerned from being sent temporarily to appear before the judicial authorities of the requesting State, on the express condition that he shall be returned once those authorities have rendered their judgement.

Article 58

A person who has been extradited may not be the subject of proceedings or be sentenced or detained for the purpose of carrying out a sentence for any offence committed prior to his surrender other than the offence which has given rise to the extradition, except in the following cases :

- (1) When the person who is extradited, having been free to leave the territory of the State to which he has been surrendered, has not done so within thirty days of his final discharge, or has returned to that territory after leaving it;
- (2) When the State which has surrendered him consents; a request for consent shall be submitted, accompanied by the documents referred to in the second paragraph of article 50 and by a legal record of any statement by the extradited person on the extension of the extradition and mentioning the opportunity afforded him to submit a memorandum in his own defence to the authorities of the requested State. When the designation of the offence is altered in the course of the proceedings, the person extradited shall be the subject of proceedings or sentenced or detained only in so far as the factors constituting the newly designated offence would permit extradition.

Article 59

Except in cases where the person concerned has remained in the territory of the requesting State under the conditions laid down in the preceding article or is returned to that territory under such conditions, the consent of the requested State shall be required to enable the requesting State to hand over the person surrendered to it to a third State.

Article 60

Extradition involving transit through the territory of one Contracting Party of a person surrendered by a third State to the other Party shall be granted on the application of the requesting State. The necessary documents shall be furnished in support of such a request in order to establish that the offence gives rise to extradition. The conditions laid down in article 44 and those relating to the

amount of the sentences shall be disregarded. If air transport is used, the following provisions shall apply :

- (1) When no stopover is scheduled, the requesting State shall notify the State over whose territory the flight is to be made and shall certify that one of the documents mentioned in the second paragraph of article 50 exists. In the case of an unscheduled landing, such notification shall have the effect of a request for provisional arrest as referred to in article 51 and the requesting State shall submit a request for transit under the conditions laid down in the preceding paragraphs.
- (2) When a stopover is scheduled, the requesting State shall submit a request for transit. When the requested State also requests extradition, transit may be interrupted until such time as the person claimed has fulfilled the requirements of the law of that State.

Article 61

Expenses incurred under the procedures prescribed in this title shall be borne by the requesting State, it being understood that no claim shall be made for the costs of proceedings or of imprisonment.

FINAL PROVISION

Article 62

This Convention shall come into force on the date of the exchange of the instruments of ratification, which will take place at Lomé. It shall remain in force for a period of one year from the date on which either Contracting Party expresses its wish to denounce it.

IN WITNESS WHEREOF the Plenipotentiaries have signed this Convention.

SIGNED in Paris on 10 July 1963 in two copies.

APEDO-AMAH

[SEAL]

Michel HABIB-DELONCLE

[SEAL]