

No. 14660

FRANCE
and
UNITED REPUBLIC OF CAMEROON

Agreement on co-operation in judicial matters (with exchange of letters). Signed at Yaoundé on 21 February 1974

Authentic text: French.

Registered by France on 19 March 1976.

FRANCE
et
RÉPUBLIQUE-UNIE DU CAMEROUN

Accord de coopération en matière de justice (avec échange de lettres). Signé à Yaoundé le 21 février 1974

Texte authentique : français.

Enregistré par la France le 19 mars 1976.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON CO-OPERATION IN JUDICIAL MATTERS BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE UNITED REPUBLIC OF CAMEROON

The Government of the French Republic and the Government of the United Republic of Cameroon, desiring to pursue their legal co-operation in a spirit of mutual understanding and reciprocal confidence, have resolved to conclude this Agreement.

PART I. RECIPROCAL LEGAL ASSISTANCE

Chapter I. TRANSMITTAL AND SERVICE OF WRITS AND EXTRAJUDICIAL DOCUMENTS

Article 1. Writs and extrajudicial documents, both in civil, social or commercial and in criminal and administrative matters, which are to be served on persons resident in the territory of one of the Contracting Parties shall be transmitted directly 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 extrajudicial documents addressed to their own nationals to be served directly by their representatives or the latter's deputies. In the event of conflict of laws, the nationality of the addressee shall be determined by the law of the country in which service is to be effected.

Article 2. If the requested authority is not the competent body, it shall automatically transmit the document to the competent authority and so inform the requesting authority forthwith.

The requested authority shall confine itself to having the document served on the addressee through the most appropriate channel.

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 stating that service has been effected and the manner and date of service.

In either case, the document concerned shall be forwarded directly to the requesting authority.

If the addressee refuses to accept the document, the requested authority shall return it to the requesting authority forthwith with a statement of the reason why service could not be effected.

Article 3. The cost of serving or attempting to serve writs and extrajudicial documents shall not be refunded.

However, the cost of serving or attempting to serve writs through law officials may be borne by either the requesting State or the requesting party.

¹ Came into force on 1 December 1975, i.e. the first day of the second month following the date of the exchange of the instruments (effected at Paris on 7 December 1974 and 21 October 1975) confirming the completion of the required constitutional formalities, in accordance with article 63.

Article 4. The provisions of the preceding articles shall, in civil or commercial matters, be without prejudice to the right of persons resident in the territory of one of the two Contracting Parties to have documents served on persons present in the other State through law officials.

Chapter II. TRANSMITTAL AND EXECUTION OF LETTERS ROGATORY

Article 5. Letters rogatory in civil, commercial or social matters which are to be executed in the territory of one of the Contracting Parties shall be executed by the judicial authorities.

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

Article 6. Letters rogatory in criminal or administrative matters which are to be executed in the territory of one of the two Contracting Parties shall be transmitted through the diplomatic channel and be executed by the judicial authorities.

In urgent cases they may be sent directly by the judicial authorities of the requesting State to the judicial authorities of the requested State. If the requested authority is not the competent authority, it shall automatically transmit the letter rogatory to the competent authority and so inform the requesting authority forthwith. Letters rogatory shall be returned together with documents concerning their execution through the channel referred to in the first paragraph of this article.

Article 7. The provisions of articles 5 and 6 shall be without prejudice to the right of the Contracting Parties to cause letters rogatory concerning the hearings of their nationals to be executed directly by their representatives or the latter's deputies.

In the event of conflict of laws, 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 8. The requested authority may refuse to execute a letter rogatory if, under its national law, the letter rogatory is such as to impair sovereignty, security or public policy.

Article 9. Persons whose testimony is requested shall be invited to appear by ordinary administrative notice; if they refuse to comply with such notice, the requested authority shall employ the means of coercion provided for in its national law, without prejudice to diplomatic immunities.

Article 10. The requested authority shall carry out all procedures required by the letter rogatory, including notification of indictment.

The requested authority shall, at the instance of the requesting authority, do its utmost to inform the requesting authority in good time of the intended date and place of execution of the letter rogatory.

Article 11. The cost of executing letters rogatory, save for the fees of experts, shall not be refunded.

Chapter III. APPEARANCE OF WITNESSES IN CRIMINAL MATTERS

Article 12. If in criminal proceedings the personal appearance of a witness is necessary, the Government of the State in which he is resident shall call on him to

answer the summons. In such circumstances, travel and subsistence payments, reckoned from the witness's place of residence, shall be at least equal to those granted under the tariffs 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 shall be prosecuted or detained in the latter State for offences or convictions predating his departure from the territory of the requested State. This immunity shall cease 45 days after the date on which the testimony has been completed and/or the return of the witness was possible.

Article 13. Requests for the sending of witnesses who are in detention shall be addressed directly to the competent *parquet*.

Such requests shall be complied with unless there are special reasons for non-compliance and on the understanding that the said detained persons will be returned promptly.

Chapter IV. JUDICIAL RECORDS

Article 14. The two Contracting Parties shall notify each other of all sentences for crimes and offences imposed by their courts on nationals of and persons born in the territory of the other State.

Article 15. In proceedings before a court of one of the Contracting Parties, the *parquet* of that court may obtain directly from the competent authorities of the other Party an extract from the judicial record of the person against whom the proceedings are being taken.

Article 16. If the judicial authorities of one of the Contracting Parties, except in the case of proceedings, or the administrative authorities wish to obtain an extract from the judicial records maintained by the other Party, they may obtain it directly from the competent authorities in such instances and subject to such limits as are laid down by the legislation of the requested State.

Chapter V. CIVIL STATUS AND LEGALIZATION

Article 17. 1. The Government of the French Republic shall transmit to the Government of the United Republic of Cameroon a copy or the original of certificates of affiliation of natural children, marriage certificates, death certificates and certificates of legitimation issued in France and extracts from judgements and decrees rendered in France in matters of divorce, separation, filiation, civil status and deprivation of legal capacity concerning persons born in Cameroon.

2. Extracts from judgements and decrees rendered in matters of divorce and separation shall also be transmitted to the Government of the United Republic of Cameroon if they concern persons who married in Cameroon.

3. Every six months, the copies of and extracts from such documents, certificates, judgements and decrees issued or rendered during the preceding six months shall be transmitted by the Government of the French Republic to the Government of the United Republic of Cameroon.

On receipt of such copies and extracts, the Government of the United Republic of Cameroon shall have entered in the civil register appropriate notations on the birth or marriage certificates of the persons concerned.

Subject to verification by the competent authorities or in the absence of a grant of execution, the notation of judgements and decrees shall be for information purposes only.

Article 18. 1. The Government of the United Republic of Cameroon shall transmit to the Government of the French Republic a copy or the original of certificates of affiliation of natural children, marriage certificates, death certificates and certificates of legitimation issued in Cameroon, and extracts from judgements and decrees rendered in Cameroon in matters of divorce, separation, filiation, civil status and deprivation of legal capacity concerning persons born in France.

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

3. Every six months, the copies of and extracts from such documents, certificates, judgements and decrees issued or rendered during the preceding six months shall be transmitted by the Government of the United Republic of Cameroon to the Government of the French Republic.

On receipt of such copies and extracts, the Government of the French Republic shall have entered in the civil register appropriate notations on the birth or marriage certificates of the persons concerned.

Subject to verification by the competent authorities or in the absence of a grant of execution, the notation of judgements and decrees shall be for information purposes only.

Article 19. 1. The Government of the French Republic and the Government of the United Republic of Cameroon shall, when so requested, deliver free of charge certificates of entries in the civil registers maintained in their respective territories for a duly specified administrative purpose or for indigent nationals.

2. They shall also deliver free of charge certificates of entries in the civil registers maintained in their respective territories when such certificates relate to aliens having the nationality of a third country and are requested for a duly specified administrative purpose.

3. Entries in the civil register maintained or transcribed in diplomatic and consular posts shall be treated as entries in the civil registers maintained in the respective territories of the two States.

4. The fact that entries or copies of entries in the civil register have been made or delivered shall give rise to no presumption regarding the nationality of the person concerned in the eyes of the two States.

Article 20. 1. Requests made by the Cameroonian authorities shall be transmitted to the French local authorities by the representative of Cameroon or his deputy having territorial competence.

2. Requests made by the French authorities shall be transmitted to the Cameroonian local authorities by the representative of France or his deputy having territorial competence.

The request shall state briefly the reason for which it is made.

Article 21. Certificates of entries in the civil register, for the purposes of articles 17, 18 and 19, shall mean:

— birth certificates;

- declarations of still births;
- certificates of affiliation of natural children prepared by Civil Registrars;
- certificates of legitimation;
- marriage certificates;
- death certificates;
- transcripts of court orders, judgements or decrees on matters relating to civil status;
- transcripts of judgements or decrees relating to divorce and separation.

Article 22. 1. The following documents prepared by the authorities of either State shall be accepted without legalizations in the respective territories of the French Republic and the United Republic of Cameroon:

- certificates of entries in the civil register, as enumerated in article 21 above;
- copies of decisions, orders and other judicial documents of the French and Cameroonian courts;
- affidavits, written statements or other judicial documents registered or filed in those courts;
- notarized documents;
- certificates of presence of annuitants.

2. The aforementioned 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 prepared in such a way as to establish their authenticity.

Chapter VI. SECURITY FOR PAYMENT UNDER JUDGEMENTS («JUDICATUM SOLVI») AND LEGAL AID

Article 23. Nationals of one of the Contracting Parties shall, in the territory of the other State, have free access to the courts for the purpose of claiming and defending their rights.

No security or deposit in any form shall be required of them by reason of their status as aliens or of their lack of domicile or residence in the country in question.

The preceding provisions shall apply to bodies corporate set up under the laws of either of the two States.

Article 24. Orders for payment of the costs of proceedings made in one of the two States against a plaintiff or party intervening in the proceedings who is dispensed from depositing security by virtue of the preceding article or the law of the State in which the suit is brought shall, on a request made through the diplomatic channel, be rendered executory free of charge in the other State.

Article 25. 1. Nationals of either State shall be entitled in the territory of the other State to legal aid on the same basis as nationals of that State, in accordance with the law of the State in which the aid is requested.

2. Certificates of need shall be issued to applicants by the authorities of their normal place of residence, if they are resident in the territory of one of the two States. If the person concerned is resident in a third State, the certificate shall be issued by the consul of his State having territorial competence.

3. If the person concerned is a 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.

Chapter VII. ENFORCEMENT OF SENTENCES

Article 26. 1. The competent financial authorities of the French Republic and the United Republic of Cameroon shall collect the fines imposed on sentenced persons resident in their territories or distrain property situated in their territories at the request and on behalf of the financial authorities of the State in which the fine was imposed.

2. Enforcement may be refused if the requested Party considers that it may impair its sovereignty, security or public policy.

3. Imprisonment for debt shall be applied and its duration calculated in accordance with the regulations in force in the State in which the sentenced person is resident.

Article 27. 1. Sentences shall be enforced in the territory of the State in which they were ordered.

2. Each State may, however, at the request of the other State, grant a transfer of a sentenced national of the requesting State on the following conditions:

- (a) the sentenced person shall have served part of the sentence in the State from which transfer is requested;
- (b) the person sentenced shall serve in the requesting State the remainder of the sentence imposed in the State from which transfer is requested;
- (c) the person sentenced shall consent to his transfer.

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

Article 28. Commutation, unearned reduction and remission, conditional release and other matters related to the enforcement of sentences shall be decided on in accordance with the law of the State in which the sentence is enforced on the advice of the *parquet* of the court which imposed the sentence.

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

Article 29. When a court of one of the two States imposes the death sentence on a national of the other State, a petition for reprieve shall in all cases be lodged automatically and the diplomatic representative of that State shall be so informed forthwith.

Article 30. 1. The two States shall notify each other of amnesty laws during the month in which they are promulgated.

2. Their nationals, wherever they are resident, shall automatically benefit from amnesty laws promulgated in the State whose court imposed the sentence to which the amnesty applies.

Article 31. No proceedings shall be instituted in France against a person who has been tried in Cameroon for an offence committed in Cameroon if such person proves that a final judgement has been rendered and, in the case of conviction, that he has served his sentence, that it is statute-barred or that he has been pardoned.

2. No proceedings shall be instituted in Cameroon against a person tried in France for an offence committed in France if such person proves that final judgment has been rendered and, in the case of conviction, that he has served his sentence, that it is statute-barred or that he has been pardoned.

Chapter VIII. EXERCISE OF THE PROFESSION OF «AVOCAT»

Article 32. Nationals of either State may apply for membership of a bar of the other State provided they satisfy the legal requirements for such membership in the State in which they apply for it. All offices in the Council of the *ordre des avocats*, save that of *bâtonnier*, shall be open to them.

Article 33. French *avocats* members of a French bar may assist or represent parties in all Cameroonian courts. On the basis of reciprocity, Cameroonian *avocats* members of a Cameroonian bar may assist or represent parties in all French courts.

An *avocat* appointed to assist or represent parties in a court of the other State shall obtain the prior authorization of the presiding judge of that court and elect as his domicile the office of an *avocat* of that State.

PART II. GRANT OF EXECUTION IN CIVIL, SOCIAL OR COMMERCIAL MATTERS

Article 34. In civil, social or commercial matters, decisions in adversary or non-adversary proceedings rendered by a court in France or Cameroon shall automatically be recognized in the territory of the other State provided they satisfy the following conditions:

- (a) the parties have been properly summoned, represented or declared in default;
- (b) an action involving the same parties, based on the same facts and having the same objectives:
 - is not pending before a court of the requested State, or
 - has not given rise to a decision rendered in the requested State, or
 - has not given rise to a decision rendered in one State which meets the necessary conditions for a grant of execution in the requested State;
- (c) the decision, under the law of the State in which it was rendered, is no longer subject to ordinary appeal or appeal to the Court of Cassation;
- (d) the decision was rendered by a court which is competent under the conflict rules of the requested State, in the absence of a waiver entered by the party concerned;
- (e) the decision does not conflict with a judicial decision which has been rendered in that State and has the force of *res judicata*;
- (f) it 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.

Execution shall not be refused solely on the ground that the court which granted it applied a law other than that which would have been applicable under the conflict rules of the requested State, except when the status or the capacity of individuals is involved.

In the latter cases, execution shall not be refused if the application of the law designated by the said rules would have produced the same result.

Article 35. The decisions referred to in the preceding article which can be executed in the State of origin shall not be the subject of compulsory execution by the

authorities of the other State or be the subject of a formal procedure initiated by those authorities, such as entries, transcripts or corrections in the civil register, until they have been declared executory in that State.

However, in matters involving personal status, foreign judgements may be transcribed in the civil registers without a grant of execution if the law of the State in which the registers are maintained so allows.

Article 36. 1. Execution shall be granted at the request of an interested party by the authority competent in accordance with the law of the State in which it is requested.

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

Article 37. A party qualifying for legal aid in the State of origin shall be granted it without further investigation within the limits laid down by the legislation of the requested State in respect of documents and procedures to render a decision executory and for documents and procedures to enforce the decision granting execution.

Article 38. 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. It shall automatically carry out such an examination and record the outcome in its decision.

In granting execution, the competent authority shall, if 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 executory.

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

Article 39. The party in proceedings which invokes the authority of a judicial decision or requests its execution shall produce:

- (a) a copy of the decision which satisfies the requirements for authenticity;
- (b) the original notification of the decision or of any other document serving as notification;
- (c) a certificate of the clerk of the court stating that no objection to or appeal, including appeal to the Court of Cassation, against the decision has been lodged;
- (d) if applicable, 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.

Article 40. The decision granting execution shall be binding on all parties to the proceedings in question and throughout the territory of the State in which execution has been requested.

Decisions rendered in accordance with article 35 shall become executory as from the date on which execution is granted.

Article 41. Arbitral awards rendered in either State shall be recognized in the other State and may be declared executory in that State if they satisfy the conditions laid down in articles 34 and 35, to the extent that they are applicable. Execution shall be granted in the manner laid down in the preceding articles.

Article 42. Authenticated documents, including notarized documents which are executory in one of the two States shall be declared executory in the other State by

the authority competent in accordance with the law of the State in which they are to be executed.

The said authority shall confine itself to verifying that the documents meet the requirements for authenticity in the State in which they have been received and that the provisions whose execution is requested are not contrary to the public policy or principles of public law applicable in that State.

PART 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 instituted or have been sentenced by the judicial authorities of the other State.

Article 44. 1. The Contracting Parties shall not extradite their own nationals. Nationality for this purpose shall be deemed to be the nationality at the time of commission of the offence for which extradition is requested.

2. If the person whose extradition is requested is a national of the requested State, it shall, at the request of the requesting State, submit the matter to the competent judicial authorities so that proceedings may be instituted, if necessary.

To that end, the requesting State shall send to the requested State through the diplomatic channel a request for the institution of proceedings accompanied by the files, documents, articles and information in its possession.

3. The requesting Party shall be informed of the action taken on its request within six months of the date on which the matter was referred to the requested Party.

Article 45. The following shall be subject to extradition:

1. persons against whom proceedings have been instituted for crimes or offences punishable under the laws of both the 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 six 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 connected with a political offence.

An attempt upon the life of the Head of State of one of the Contracting Parties or a member of his family shall not, however, be regarded as a political offence.

Article 47. Extradition may be refused if the offence in respect of which it is requested consists solely of breach of military obligations.

Article 48. In matters relating to taxes, duties, customs and currency exchange, extradition shall be granted in the manner laid down in this Agreement only when so decided by exchanges of letters between the Governments of the Contracting Parties for each offence or category of offences.

Article 49. Extradition shall be refused:

- (a) if the offences in respect of which it is requested were committed in the requested State;

- (b) if a statute of limitations applies to the proceedings or sentence under the legislation of the requesting State or the requested State at the time of receipt of the request by the latter;
- (c) if the offences have been the subject of a final judgement in the requested State;
- (d) if the offences were committed outside the territory of the requesting State by a person not a national of that State and the legislation of the requested country does not authorize proceedings in respect of such offences when they are committed outside its territory by an alien;
- (e) if an amnesty has been declared in the requesting State or 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 is committed outside its territory by an alien.

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

Article 50. 1. The request for extradition shall be sent through the diplomatic channel.

2. It shall be accompanied by the original or a certified copy of an executory sentence, warrant of arrest or other document having the same force and issued in the manner prescribed by the law of the requesting State.

3. 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 legislation applicable to them shall be stated as accurately as possible.

A copy of the applicable legislation shall also be attached, together with a description of the person sought and any information which will help to establish his identity and nationality.

Article 51. 1. 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 article 50, paragraph 2.

2. A request for provisional arrest shall be transmitted to the competent authorities of the requested State either directly by post or telegraph or by any other means constituting a written record. It shall at the same time be confirmed through the diplomatic channel.

3. It shall state that one of the documents mentioned in article 50, paragraph 2, exists and give notice of intention to send a request for extradition.

4. It shall state the offence in respect of which extradition is requested and when and where it was committed and give as accurate as possible a description of the person sought. The requesting authority shall be informed without delay of the action taken on its request.

Article 52. 1. Provisional arrest shall be terminated if within a period of thirty days after the arrest the requested authorities have not received one of the documents mentioned in article 50, paragraph 2.

2. The said period may, however, be extended to 45 days, if special circumstances so warrant or if proceedings are being taken against the person sought for an act punishable by a penalty involving deprivation of liberty for five years or more or if he has been sentenced to such a penalty.

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

Article 53. If the requested State requires additional information in order to ensure that the conditions laid down in this Agreement are fulfilled, it shall, if it deems that the omission can be rectified, advise the requesting State through the diplomatic channel before it refuses the request. A time-limit may be set by the requested State for obtaining such information.

Article 54. If extradition is requested concurrently by more than one State, either for the same acts or for different acts, the requested State shall be free to make its decision in the light of all the circumstances, especially the possibility of subsequent extradition between the requesting States, the respective dates of the requests, and the relative seriousness and place of commission of the offences.

Article 55. If extradition is to take place, all articles which have been acquired as a result of the offence or may serve as evidence and which are found in the possession of the person sought at the time of his arrest or discovered subsequently shall, at the request of the requesting State, be confiscated and handed over to the authorities of that State.

Article 56. 1. The requested State shall inform the requesting State through the diplomatic channel of its decision with regard to extradition.

2. Reasons shall be given for any complete or partial rejection.

3. If extradition is granted, the requesting State shall be informed of the place and date of surrender.

4. In the absence of assent to the place and date so set, the person extradited shall be conducted by the requested State to the place designated by the diplomatic mission of the requesting State.

5. Except in the case contemplated in the last paragraph of this article, the requesting State shall cause its agents to accept the person to be extradited within a period of one month from the date determined in accordance with the provisions of paragraph 3 of this article. When that period has expired, the person shall be released and shall not be sought again for the same offence.

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

Article 57. 1. If the person sought is the subject of proceedings or has been sentenced in the requested State for an offence other than that for which extradition is requested, that State shall nevertheless take a decision on the request and inform the requesting State of its decision regarding extradition in the manner prescribed in paragraphs 1 and 2 of the preceding article. If the request is agreed to, surrender shall, however, be deferred until the completion of the proceedings or sentence in the requested State.

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

3. 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 is to be returned when those authorities have rendered their judgement.

Article 58. A person who has been extradited may not be the subject of proceedings or of a judgement rendered *audiatur et altera pars* or be detained for the purpose of executing a sentence for any offence committed prior to his surrender other than that which gave rise to the extradition, except in the following cases:

1. when the person extradited, having been free to leave the territory of the State to which he has been surrendered, has not done so within 30 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 article 50, paragraph 2, and by a legal record of the statements of the extradited person on the extension of the extradition, mentioning the opportunity given to him to submit a petition in his own defence to the authorities of the requested State. If the designation of the offence is altered in the course of the proceedings, the person extradited shall be the subject of proceedings or be sentenced only if the factors that constitute the newly-designated offence would permit extradition.

Article 59. Extradition involving transit through the territory of one Contracting Party of a person surrendered to the other Party shall be granted on the application of the requesting State. The documents necessary to establish that the offence is one giving rise to extradition shall be furnished in support of such application. The conditions laid down in article 45 with regard to the length of sentence shall not be taken into account. 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 article 50, paragraph 2, exists. In the event of an unscheduled stopover, such notification shall have the effect of the request for provisional arrest referred to in article 51, and the requesting State shall submit an application for transit in the manner specified above;
2. When a stopover is scheduled, the requesting State shall submit an application for transit. If the State requested to consent to transit also requests extradition, transit may be suspended until such time as judgements of the courts of that State with regard to the person sought have been implemented.

Article 60. Costs incurred in connexion with the procedures referred to in this part shall be borne by the requesting State, provided that no claim shall be made for the costs of proceedings or of imprisonment.

PART IV. EXCHANGE OF INFORMATION

Article 61. Each of the Contracting Parties shall provide the other, on request, with information on the organization of its legal system, its legislation and its jurisprudence.

PART V. FINAL PROVISIONS

Article 62. This Agreement shall remain in force for a period of one year from the date on which one Contracting Party gives notice through the diplomatic channel of its decision to denounce it.

Article 63. This Agreement shall enter into force on the first day of the second month following the exchange of the instruments confirming that the constitutional formalities required in each of the two States have been completed. The exchange shall take place in Paris as soon as possible.

DONE at Yaoundé, on 21 February 1974, in two copies.

For the Government of the French Republic:

[Signed]

JEAN-FRANÇOIS DENIAU

For the Government of the United Republic of Cameroon:

[Signed]

VINCENT EFON

EXCHANGE OF LETTERS

I

UNITED REPUBLIC OF CAMEROON

Peace — Work — Fatherland

MINISTRY OF FOREIGN AFFAIRS

THE MINISTER

Yaoundé, 21 February 1974

Sir,

Article 33 of the Agreement on co-operation in judicial matters signed on today's date lays down the conditions under which *avocats* members of the bar of one of the two States may assist or represent parties in the courts of the other State.

During the negotiations on this matter, both delegations recognized that the above-mentioned article does not affect the rules governing the movement of persons, including admission procedures in both States.

I should be grateful if you would confirm that this interpretation is approved by the French Government.

Accept, Sir, etc.

[Signed]

V. EFON

His Excellency Mr. Jean-François Deniau
Secretary of State to the Minister for Foreign Affairs
of the French Republic

II

FRENCH REPUBLIC
SECRETARY OF STATE TO THE MINISTER FOR FOREIGN AFFAIRS

Yaoundé, 21 February 1974

Sir,

You have sent me a letter which reads as follows:

[*See letter I*]

I have the honour to confirm that this interpretation is approved by the French Government.

Accept, Sir, etc.

[*Signed*]

J.-F. DENIAU

Mr. Vincent Efon
Minister for Foreign Affairs
of the United Republic of Cameroon
