

No. 16757

**FRANCE
and
CHAD**

**Agreement on judicial matters. Signed at N'Djamena on
6 March 1976**

Authentic text: French.

Registered by France on 15 June 1978.

**FRANCE
et
TCHAD**

**Accord en matière judiciaire. Signé à N'Djamena le 6 mars
1976**

Texte authentique : français.

Enregistré par la France le 15 juin 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON JUDICIAL MATTERS BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF CHAD

The Government of the French Republic, on the one hand,
The Government of the Republic of Chad, on the other,
Considering the similarity of the general principles on which the legislation, judicial organization and status of judges of the two States are based,
Considering their common desire to maintain and strengthen the ties which link them, in particular in the legal and judicial fields,
Have agreed as follows:

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 matters and in criminal and administrative matters, to be served on persons resident in the territory of one of the Contracting States shall be sent direct between the Ministers of Justice of the two States.

The provisions of the preceding paragraph 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 legislations of the two countries, the nationality of the addressee shall be determined by the law of the country where service is to be effected.

Article 2. The requested authority shall confine itself 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 the other of the above-mentioned 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 3. The costs of serving writs and extra-judicial documents shall not be refunded.

¹ Came into force on 1 March 1978, i.e., the first day of the second month following the date of the last of the notifications (effected on 27 January 1978) by which each Contracting Party informed the other of the completion of the required constitutional procedures, in accordance with article 67.

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

Chapter II. TRANSMITTAL AND EXECUTION OF LETTERS ROGATORY

Article 5. Letters rogatory both in civil, social and commercial matters, and in criminal and administrative matters shall be executed by the judicial authorities of the requested State.

They shall be transmitted direct between the Ministers of Justice of the two States. 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.

The provisions of the preceding paragraph shall be without prejudice to the right of the Contracting Parties to cause letters rogatory concerning the hearing of their nationals, their questioning by experts or the provision or review of documents to be executed direct by their diplomatic or consular agents. Where there is a conflict between the legislations 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.

In criminal matters, letters rogatory may, in an emergency, be addressed by the judicial authorities of the requesting State direct to the judicial authorities of the requested State. If the requested authority is not the competent body, it shall automatically transmit the letter rogatory to the competent authority and shall inform the requesting authority forthwith. Letters rogatory shall be returned, together with the documents relating to their execution, through the channel provided for in the second paragraph of this article.

Article 6. The requested State may refuse to execute a letter rogatory if the letter rogatory does not fall within its competence or if it believes that the letter is liable to impair its sovereignty, security or public policy.

Article 7. 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 use the means of coercion provided for in the legislation of the State in which the person is to appear.

Article 8. 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 the legislation of the requested State;
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 9. The requested State may delay submitting objects, files or documents whose transmission has been requested if it requires them for criminal proceedings in progress.

Objects and original files and documents transmitted in execution of a letter rogatory shall be returned by the requesting State to the requested State as soon as possible, unless the latter waives their return.

Article 10. The execution of letters rogatory shall not give rise to the refunding of any costs save the fees of experts.

Chapter III. JOINT PROVISIONS

Article 11. Reciprocal legal assistance in criminal matters may be denied if in the view of the requested State compliance with the request is liable to impair its sovereignty, security or public policy or if the request relates to offences which are regarded by the requested State as political offences, or as offences allied to political offences, or as tax offences.

Such assistance may also be denied if the request relates to offences which are regarded by the requested State as non-fulfilment of military obligations.

Chapter IV. APPEARANCE OF WITNESSES IN CRIMINAL MATTERS

Article 12. 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 so, 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 State of the requesting authority.

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 State of the requested authority. Such immunity shall cease 30 days after the date on which the testimony has been completed and the return of the witness has become possible.

Article 13. Requests for the sending of witnesses who are in custody shall be transmitted to the competent *parquet* through the Ministers of Justice.

Such requests shall be complied with, unless there are special objections, on the understanding that the said persons in custody are returned, within a very short time.

Chapter V. JUDICIAL RECORDS

Article 14. The Contracting Parties shall report to each other all convictions entered in the judicial records pronounced by their respective courts against nationals and persons born in the territory of the other Party.

Article 15. 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 16. Where, other than in the case of proceedings, the judicial or administrative authorities of one of the Contracting Parties 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 said other Party.

Chapter VI. DENUNCIATION FOR THE PURPOSE OF INSTITUTING PROCEEDINGS

Article 17. Any denunciation addressed by one State for the purpose of proceedings in the courts of the other shall be the subject of a communication between the Ministries of Justice.

The requested State shall make known the outcome of the denunciation and, where appropriate, transmit a copy of the decision reached.

Chapter VII. CIVIL REGISTER AND AUTHENTICATION

Article 18. The French Government undertakes to transmit to the Government of Chad, at the times specified below, copies or originals of certificates from the civil register, and, in particular, birth certificates, certificates of recognition of natural children, marriage certificates, death certificates and certificates of legitimation issued in the territory of the French Republic, as well as extracts of judgements and decisions rendered in that territory in matters of divorce, separation, filiation, civil registration and deprivation of legal capacity which concern persons born in the territory of the Republic of Chad and persons of Chad nationality born in the territory of the French Republic.

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

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

Upon receipt of such copies and extracts, the Government of Chad shall enter in the civil register appropriate particulars in the margin of the birth or marriage certificates of the persons concerned.

Article 19. The Government of Chad undertakes to transmit to the French Government, at the times specified below, copies or originals of certificates from the civil register, and, in particular, birth certificates, certificates of recognition of natural children, marriage certificates, death certificates and certificates of legitimation issued in the Republic of Chad, as well as extracts of judgements and decisions rendered in matters of divorce, separation, filiation, civil registration and deprivation of legal capacity which concern persons born in the territory of the French Republic and persons of French nationality born in the territory of the Republic of Chad.

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

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 Chad to the French Government.

Upon receipt of such copies and extracts, the French Government shall enter in the civil register appropriate particulars in the margin of the birth or marriage certificates of the persons concerned.

Article 20. Only decisions which have acquired the force of *res judicata* are to be transmitted as envisaged in articles 18 and 19 above. Such transmittals shall be accompanied by a certificate of the clerk of court declaring that the decision has become final.

Article 21. The competent authorities of the Contracting Parties shall issue free of charge copies of certificates from the civil register made out in the respective territories of the two States, when so requested, for a duly specified administrative reason or for needy nationals of the two States.

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

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

Issue of copies of extracts from the civil register shall in no way prejudice the question of the nationality of the person concerned in the view of the two States.

Article 22. Requests made by the authorities of either of the Contracting Parties shall be transmitted by their representatives to the local authorities of the other State.

Such requests shall state briefly the grounds on which they are made.

Article 23. Certificates from the civil register, as referred to in articles 18, 19 and 21, mean:

- Birth certificates;
- Declarations of still birth;
- Certificates of recognition of natural children made out by civil registrars;
- Certificates of legitimation;
- Marriage certificates;
- Death certificates;
- Transcripts of judgements or decisions relating to divorce and separation;
- Transcripts of court orders, judgements or decisions in matters relating to the civil register.

Article 24. The following documents, made out by the authorities of either State, shall be accepted, without need of authentication, in the territory of the other State:

- Copies of certificates from the civil register, as enumerated in article 23 above;
- Copies of decisions, orders, judgements and other judicial documents of the French and Chad courts;
- Written statements or other judicial documents registered or filed in those courts;

- Notarized documents;
- Certificates of entitlement for annuitants.

The above-mentioned documents shall bear the signature and the official seal of the authority competent to issue them and, in the case of copies, 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 VIII. SECURITY FOR COSTS AND PENALTIES BY FOREIGN PLAINTIFFS
("CAUTIO JUDICATUM SOLVI") AND LEGAL AID*

Article 25. No requirement of security or deposit of any kind may be imposed on the nationals of either State in the territory of the other State by reason of their status as aliens or their lack of domicile or residence in the country.

The preceding paragraph shall apply to bodies corporate set up or authorized under the law of one of the two States.

Article 26. Nationals of either State shall, in the territory of the other State, be entitled to legal aid on the same basis as nationals of the said other State, provided that 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 States.

If the person concerned is resident in a third State, the certificates shall be issued by his country's consul having competence 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.

Chapter IX. MISCELLANEOUS PROVISIONS

Article 27. *Avocats* members of the French bar may assist or represent parties before all Chad courts, whether in preliminary investigations or in court, under the same conditions as *avocats* members of the Chad bar. As a reciprocal measure, *avocats* members of the Chad bar may assist or represent parties before all French courts, whether in preliminary investigations or in court, under the same conditions as *avocats* members of the French bar.

However, *avocats* who choose to assist or represent parties before a court of the other State must, for the purpose of receiving any notification provided for by law, elect as their domicile the office of an *avocat* of that State.

Article 28. The central authorities of the two Contracting States may, within the framework of reciprocal legal assistance and if there is no cause for objection, request each other to furnish information or make inquiries pertaining to civil or administrative proceedings currently before their judicial authorities and to issue copies of judicial decisions free of charge.

In proceedings pertaining to the protection of minors, they shall assist each other in locating minors and bringing about their voluntary repatriation and shall inform each other of the protective measures taken by their authorities. In proceedings to secure the collection of alimony abroad, they shall assist each other in locating and hearing persons owing alimony who are in their territory and in securing free of charge the payment of such alimony.

Article 29. At the request of either Contracting Party, any national of either State who has been sentenced to imprisonment or a more serious penalty may, subject to his consent, be transferred to the authorities of the State of which he is a national.

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

Article 30. Decisions relating to reductions, postponements, discharges and other modalities pertaining to the enforcement of sentences shall be taken in accordance with the legislation of the State in which the sentence is enforced and on the advice of the State to which the court that pronounced the sentence belongs.

The *parquet* of the court which pronounced the sentence shall be informed of such decisions at the request of the Ministries of Justice.

Article 31. 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 mission of that State shall be informed forthwith.

Article 32. Reprieve and amnesty shall be within the competence of the State to which the court that pronounced the sentence belongs.

TITLE II. GRANT OF EXECUTION IN CIVIL, COMMERCIAL AND ADMINISTRATIVE MATTERS

Article 33. In civil and commercial matters, decisions in adversary and non-adversary proceedings rendered by the courts in the territory of either Contracting Party shall automatically have the force of *res judicata* in the territory of the other State provided that they satisfy all of the following conditions:

- (a) The decision was rendered by a court competent under the rules concerning conflicts of competence which are admitted in the State in which the decision is to be executed;
- (b) The decision implements the law applicable to the proceedings in accordance with the rules governing the resolution of conflicts of law applied in the State in which the decision is to be executed;
- (c) Under the law of the State in which it was rendered, the decision has acquired the force of *res judicata* and is enforceable;
- (d) The Parties have been duly summoned, represented or declared in default;
- (e) The decision contains nothing contrary to the public policy of the State in which it is invoked and does not conflict with a judicial decision which has been rendered in that State and has with respect to it the force of *res judicata*.

Article 34. 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.

However, in matters relating to the civil status of persons, foreign judgements may be published in the civil status records without a grant of execution provided that there are no objections under the law of the State in which the records are kept.

Article 35. Whatever the value of the dispute, execution shall be granted by the president of the high court or the court of the place where execution is to be carried out.

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

The president shall proceed and take a decision in the way provided for exceptional proceedings.

Article 36. The president shall confine himself to establishing whether the decision for which a grant of execution is requested satisfies the conditions laid down in article 33 in order to have *ipso facto* the force of *res judicata*.

He shall automatically proceed with such an examination and record the outcome in the decision.

He shall, where necessary, order the requisite measures to ensure that the decision for a grant of execution is publicized in the same way as if it had been rendered in the State in which it is declared enforceable.

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

Article 37. The decision granting execution shall be binding on all parties concerned and throughout the territory to which this Agreement applies.

The decision granting execution 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 the court which has granted execution has rendered it on the date on which execution was granted.

Article 38. The party invoking the authority of a judicial decision or requesting its execution must 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 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.

Article 39. Arbitral awards rendered in either State shall be recognized and enforced in the other State in accordance with the provisions of the New York Convention of 10 June 1958 on the Recognition and Enforcement of Foreign Arbitral Awards.¹

Article 40. Legal instruments, including notarized documents, which are enforceable in either State shall be declared enforceable in the other by the president of the court referred to in the first paragraph of article 35 in accordance with the law of the State in which they are to be executed.

The above-mentioned 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 not contrary to the public policy of the State in which the grant of execution is requested or to the principles of public law of that State.

¹ United Nations, *Treaty Series*, vol. 330, p. 3.

Article 41. Land mortgage contracts concluded in either State shall be registered and shall be valid in the other only when the documents containing the agreement have been rendered enforceable by the competent authority in accordance with the law of the State in which registration is requested.

The said authority shall merely ascertain that the documents and the pertinent powers of attorney meet all the requirements for validity in the country in which they are received.

The foregoing provisions shall also apply to documents recording the satisfaction or reduction of mortgages signed in either State.

Article 42. Decisions rendered in administrative matters shall be enforced as specified in this title, subject to the condition that the president of the competent court for the first hearing of strictly adversary proceedings shall replace the president of the court referred to in the first paragraph of article 35.

TITLE III. EXTRADITION

Article 43. The Contracting States 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 States shall not extradite their own nationals; nationality shall mean the nationality at the time of the 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 a communication between the Ministers of Justice, a request for proceedings accompanied by the files, documents, exhibits and information in its possession. The requesting Party shall be informed of the results of the 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 one year's 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 may be denied 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.

An attempt on the life of a Head of State or of a member of his family shall not be considered a political offence.

Article 47. Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested State as consisting solely in the non-fulfilment of military obligations.

Article 48. Extradition shall be granted, under the conditions laid down in this title, in matters relating to taxes, duties, customs and foreign exchange, when so decided by agreement in the form of an exchange of letters, for each specially designated offence or category of offences.

Article 49. Extradition shall be denied:

- (a) If a final judgement on the offences has been rendered in the requested State;
- (b) 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;
- (c) If the offences were committed in whole or in part in the territory of the requested State;
- (d) If the offences were 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 State does not authorize proceedings in connection with such offences 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 that, in the latter instance, the offence is among those in respect of which proceedings may be instituted in that State when they have been committed outside its territory by an alien.

Extradition may be denied 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 acts in respect of which extradition is requested, the time, place and circumstances 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 said provisions and, in so far as possible, the particulars of the person claimed and any information which will help to establish his identity and nationality shall also be attached.

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 and third paragraphs 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 by the Minister of Justice of the requesting State to the Minister of Justice of the requested State.

It shall state that one of the documents mentioned in the second paragraph of article 50 exists and that the requesting authority intends 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. 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 authority has not received any of the documents mentioned in the second paragraph of article 50.

Release shall not prejudice the institution of the extradition proceedings envisaged in this title if a request for extradition is received subsequently.

Article 53. Where supplementary information is essential to ensure that the conditions laid down in this title are fulfilled, the authorities of the requested State, when they feel that the omission can be rectified, shall advise the authorities of the requesting State before they deny the request. A time-limit may be set by the authorities of 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, including the possibility of subsequent extradition between the requesting States, the respective date of the requests and the seriousness and place of commission of the offences.

Article 55. Where there are grounds for extradition, all property which may serve as evidence or has been acquired as the result of the offence and is found at the time of his arrest in the possession of the person claimed, or is discovered subsequently, shall, at the instance of the authorities of the requesting State, be confiscated and handed over to those authorities.

The property may be handed over even if extradition cannot be carried out because of the escape or death of the person claimed.

However, any rights which third parties may have acquired in the said property shall be preserved, and where such rights exist, the property shall be returned to the requested State as soon as possible and without charge on completion of the proceedings in the requesting State.

The authorities of the requested State may retain confiscated property temporarily, where they consider such property necessary for criminal proceedings.

They may, in forwarding such property, also reserve the right to request its return for the same reason, while undertaking to send it back as soon as possible.

Article 56. The requested State shall inform the requesting State 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 requesting State.

Except in the case 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 provisions of the preceding paragraph. 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 drawing attention to the circumstances 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 none the less take a decision on the request and inform the requesting State of its decision regarding the extradition. However, if the request is agreed to, surrender shall be deferred until the legal requirements of the requested State have been met.

Surrender shall take place in accordance with the provisions of article 56.

The provisions of this article shall not prevent the person concerned from being sent to appear before the judicial authorities of the requesting State, on the express condition that he shall be returned to the territory of the requested State 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 extradited person, 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 when he has returned to that State after leaving it;
2. When the State, which has surrendered him, consents.

A request for consent must be submitted accompanied by the documents referred to in the second paragraph of article 50 and by a legal record of any statement made 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 extradited person shall be the subject of proceedings or sentenced only in so far as the factors constituting the newly designated offence would permit extradition.

Article 59. Except in cases in which the person concerned has remained in or returned to the territory of the requesting State under the conditions envisaged in the preceding article, 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 of the Contracting Parties of a person surrendered to the other Party shall be granted upon application submitted by the requesting State. The application must be supported by the documents necessary to establish that the offence gives rise to extradition. The conditions laid down in article 45 with regard to the duration of sentences shall be disregarded.

If air transport is used, the following provisions shall apply:

1. When a stopover is scheduled, the requesting State shall submit to the State in whose territory the stopover is to be made an application for transit for the extradited person; when the State applied to for transit has also requested

extradition of the person, transit may be interrupted until such time as the requirements of the law of that State have been fulfilled;

2. 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 a provisional arrest as envisaged in article 51, and the requesting State shall submit an application for transit under the conditions laid down in the first paragraph of this article.

Article 61. Expenses incurred in respect of the extradition in the territory of the requested State shall be borne by that State.

However, expenses for transfer by air transport requested by the requesting State shall be borne by that State.

Expenses incurred in respect of transit in the territory of the State applied to for transit shall be borne by the requesting State.

TITLE IV. FINAL PROVISIONS

Article 62. The Contracting Parties shall establish a regular exchange of information in the field of judicial organization, legislation and jurisprudence.

Article 63. The Contracting Parties undertake to make every effort to harmonize their respective trade legislations to the fullest extent compatible with the demands arising out of their particular circumstances.

Article 64. The judicial courts of each State shall have exclusive competence to hear disputes brought in first instance as to whether an individual has the nationality of that State.

Article 65. The provisions of this Agreement shall remain in force until the procedures for which it makes provision and which have been initiated before the day on which either Contracting Party expresses the wish that it should lapse have been completed.

Article 66. This Agreement shall apply, in the case of France, to the entire territory of the French Republic and, in the case of Chad, to the territory of the Republic of Chad.

Article 67. This Agreement shall supersede and replace the Agreement of 7 December 1970 on co-operation in the field of justice.¹

Each Contracting Party undertakes to notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement, which

¹ See "Exchange of letters constituting an agreement concerning the application of the Agreement of 12 July 1960 between France and Chad concerning transitional legal arrangements signed at Fort Lamy on 7 December 1970" in United Nations, *Treaty Series*, vol. 802, p. 63.

shall take effect on the first day of the second month following the last such notification.

DONE at N'Djamena on 6 March 1976, in duplicate, in the French language.

For the Government of the French Republic:

[Signed]

JACQUES CHIRAC
Prime Minister

For the Government of the Republic of Chad:

[Signed]

General FÉLIX MALLOUM NGAKOUTOU BEY-NDI
President of the Supreme Military Council,
Head of State
