

No. 22471

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**CZECHOSLOVAKIA**  
and  
**AFGHANISTAN**

**Convention on legal assistance in civil and criminal matters.**  
**Signed at Prague on 24 June 1981**

*Authentic texts: Czech, Dari and English.*

*Registered by Czechoslovakia on 16 November 1983.*

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**TCHÉCOSLOVAQUIE**  
et  
**AFGHANISTAN**

**Convention d'entraide judiciaire en matière civile et pénale.**  
**Signée à Prague le 24 juin 1981**

*Textes authentiques : tchèque, dari et anglais.*

*Enregistrée par la Tchécoslovaquie le 16 novembre 1983.*

# CONVENTION<sup>1</sup> BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE DEMOCRATIC REPUBLIC OF AFGHANISTAN ON LEGAL ASSISTANCE IN CIVIL AND CRIMINAL MATTERS

The President of the Czechoslovak Socialist Republic and the President of the Revolutionary Council of the Democratic Republic of Afghanistan,

Animated by their desire further to strengthen the ties of friendship and cooperation between the two States and wishing to regulate, on the basis of mutual agreement, the legal assistance in the field of civil and criminal law,

Have resolved to conclude the present Convention and to this end they have appointed as their Plenipotentiaries:

The President of the Czechoslovak Socialist Republic:

Ing. Bohuslav Chňoupek, Minister of Foreign Affairs, and

The President of the Revolutionary Council of the Democratic Republic of Afghanistan;

Shah Mohammad Dost, Minister of Foreign Affairs,

who, after exchanging their respective full powers, found to be in good and due form, have agreed as follows:

## PART I. GENERAL PROVISIONS

### Chapter 1. *LEGAL PROTECTION AND LEGAL ASSISTANCE IN CIVIL AND CRIMINAL MATTERS*

#### *Article 1. LEGAL PROTECTION*

(1) Citizens of one Contracting Party shall enjoy in the territory of the other Contracting Party equal legal protection in personal and property matters as citizens of the other Contracting Party.

(2) Citizens of one Contracting Party may appear before the judicial authorities of the other Contracting Party and defend their rights, submit requests, bring actions and apply for forms of review under the same conditions as citizens of the other Contracting Party.

(3) The provisions of this Convention concerning citizens of the Contracting Parties shall apply *mutatis mutandis* to legal persons which have their seat in the territory of either of the Contracting Parties and which have been established in accordance with its laws.

#### *Article 2. LEGAL ASSISTANCE*

(1) The judicial authorities of the Contracting Parties shall provide each other with mutual legal assistance in matters regulated by the present Convention.

<sup>1</sup> Came into force on 8 December 1982, i.e., the thirtieth day after the exchange of the instruments of ratification, which took place at Kabul on 8 November 1982, in accordance with article 52 (2).

(2) For the purpose of the present Convention the term “civil matters” shall be deemed to include also family and labour matters.

(3) For the purpose of the present Convention the term “judicial authority” represents any State organ of either Contracting Party having competence in matters regulated by the present Convention according to the law of its State.

#### *Article 3. EXTENT OF LEGAL ASSISTANCE*

The Contracting Parties shall grant each other legal assistance through the execution of individual acts, namely the drawing, sending and service of documents and the taking of evidence.

#### *Article 4. MODE OF COMMUNICATION*

(1) In executing the present Convention the judicial authorities of the Contracting Parties shall maintain contacts through competent central authorities unless otherwise provided in the present Convention.

(2) For the purpose of the present Convention the central authorities shall be the following:

(a) On behalf of the Czechoslovak Socialist Republic:

- The Office of the Prosecutor General of the Czechoslovak Socialist Republic;
- The Ministry of Justice of the Czech Socialist Republic;
- The Ministry of Justice of the Slovak Socialist Republic;

(b) On behalf of the Democratic Republic of Afghanistan:

- The Office of the Prosecutor General;
- The Supreme Court;
- The Ministry of Justice.

(3) In executing the present Convention the central authorities of the Contracting Parties shall use their official languages in their communications accompanied by an English translation.

#### *Article 5. REQUEST FOR LEGAL ASSISTANCE*

(1) The request for legal assistance shall contain the following:

- (a) The designation of the requesting authority,
- (b) The designation of the requested authority,
- (c) The specification of the case in which the legal assistance is requested,
- (d) The names and surnames of parties, accused or convicted persons and their legal representatives, if any, the place of their permanent or temporary residence, their citizenship and occupation, in criminal matters, if possible, also their place and date of birth and the names and surnames of parents and in case of legal persons their name and seat,
- (e) The nature of the request giving all information necessary for the execution of the request,
- (f) In criminal matters also the description and specification of the criminal act and data on the injured person; if material damage has resulted from criminal act, the amount is to be indicated.

(2) The request for legal assistance and enclosed documents shall be drawn up in the official language of the requested Contracting Party or a translation into this language or into the English language shall be attached. Each translation attached to the request shall be certified as correct by a competent translator or the diplomatic mission or consular office of one of the Contracting Parties.

(3) The request shall indicate the date of its issue, the signature and official seal of the competent authority shall be affixed to.

#### *Article 6. EXECUTION OF THE REQUEST FOR LEGAL ASSISTANCE*

(1) In executing the request for legal assistance the requested authority shall apply the law of its State. However, upon the request of the requesting authority it can apply the method referred to in the request if not in conflict with the law of its State.

(2) If the requested authority is not competent to execute the request it shall forthwith pass it on to the competent authority and shall so advise the requesting authority.

(3) If the address given in the request for legal assistance is not exact or if the person referred to in the request does not reside at the given address, the requested authority shall take necessary measures to ascertain the correct address.

(4) The requested authority shall, upon request of the requesting authority, in due time notify directly the latter of the place and time of the execution of the request for legal assistance.

(5) After executing the request for legal assistance the requested authority shall, upon request, return the documents to the requesting authority. If the request for legal assistance cannot be complied with, the requested authority shall return the documents to the requesting authority and at the same time shall give the reasons preventing the execution of the request.

#### *Article 7. SERVICE OF DOCUMENTS*

The requested authority shall effect service of documents according to the law of its State if they are drawn up in the language of the requested Contracting Party or if a translation certified as correct into this language is attached. Otherwise the requested authority shall serve the document to an addressee only if he is willing to accept it voluntarily.

#### *Article 8. CERTIFICATE OF SERVICE*

(1) The service of documents shall be proved by a certificate signed by the person served and provided with an official seal, date and signature of the authority which has effected the service or by a certificate issued by this authority stating the manner, place and date of such service. If the document to be served is sent in two copies the certificate of acceptance and service can be effected on the other copy.

(2) The certificate of service shall be sent immediately to the requesting Contracting Party. If service cannot be effected, the reasons shall be communicated immediately by the requested Contracting Party to the requesting Contracting Party.

*Article 9.* EXECUTION OF THE REQUEST FOR LEGAL ASSISTANCE  
THROUGH DIPLOMATIC MISSIONS OR CONSULAR OFFICES

The Contracting Parties shall be free to effect service of documents on and to examine their own citizens also through their diplomatic missions or consular offices. In such case no compulsion shall be used.

*Article 10.* PROTECTION OF WITNESSES AND EXPERTS

(1) A citizen who is to be examined as a witness or expert before the judicial authority of one of the Contracting Parties and who resides in the territory of the other Contracting Party is not obliged to appear before that authority on the basis of summons; therefore the summons shall not contain the threat of penalty in case he fails to appear.

(2) A witness or expert whatever his nationality, appearing on the basis of summons to the judicial authority of the other Contracting Party, shall not be prosecuted, or subjected to any restriction of his personal liberty, in the territory of that Contracting Party, in respect of a criminal act or conviction anterior to the crossing of the border of the requesting Contracting Party. In the same way he shall not be prosecuted in connection with the giving of his testimony or expert evidence.

(3) A witness or expert shall be deprived of the protection provided for in paragraph 2 of the present Article if he does not leave the territory of the requesting Contracting Party within the period of 7 days from the day on which he was informed by the judicial authority which summoned him that his presence is no longer required, or having left the territory of the requesting Contracting Party, has returned voluntarily. The time during which the witness or expert was unable to leave the territory of such Contracting Party for reasons not dependent on his will shall not be reckoned in the above period.

(4) The summoned citizen is entitled to compensation for the costs of his journey and sojourn, as well as for loss of earnings and, in addition, the expert witness is entitled to survey fees for expert evidence. The kind of compensation to which the summoned person is entitled shall be stated in the summons and upon request he shall be provided with an advance to cover such expenses.

*Article 11.* COSTS OF LEGAL ASSISTANCE

(1) The Contracting Parties shall not require the reimbursement of costs for the execution of the request of legal assistance with the exception of survey fees and other expenses arising in connection with the execution of expert evidence.

(2) Compliance with the request for expert evidence can be made conditional upon the deposit of an advance.

(3) Upon request, the requested authority shall advise the requesting authority about the amount of costs occasioned by the compliance with the request for legal assistance.

*Article 12.* REFUSAL OF LEGAL ASSISTANCE

Compliance with the request for legal assistance may be refused:

(a) If the requested Contracting Party is of the opinion that its sovereignty, security or public policy would be endangered thereby;

- (b) In the penal matters also, if the request for legal assistance is submitted in connection with the act which is not punishable under the law of the requested Contracting Party.

*Article 13. LEGAL INFORMATION*

Upon request, the central authorities of the Contracting Parties shall supply each other with information on their law which is or was in force in their territories as well as with the text of such law and information on jurisprudence.

*Article 14. VALIDITY AND EVIDENTIAL FORCE OF DOCUMENTS*

(1) Documents issued or certified in the prescribed form and provided with an official seal of the competent state authority or official person (translator, expert) of one of the Contracting Parties shall not require any further authentication in the territory of the other Contracting Party. The same applies to signatures on documents and to signatures verified according to the regulations of one of the Contracting Parties.

(2) Documents considered as public in the territory of one of the Contracting Parties shall have the evidential force of public documents also in the territory of the other Contracting Party.

*Article 15. ASCERTAINING OF ADDRESSES AND OTHER DATA*

(1) The central authorities of the Contracting Parties shall, upon request, provide each other with assistance in ascertaining the addresses of persons residing in their territories in case it is necessary for the furtherance of the rights of their citizens.

(2) If a maintenance claim is made before a judicial authority of one Contracting Party against a person residing in the territory of the other Contracting Party, the latter shall, upon request, provide its assistance in ascertaining the source and amount of the incomes of that person.

Chapter 2. *SERVICE OF PERSONAL STATUS DOCUMENTS  
AND OTHER DOCUMENTS*

*Article 16*

(1) The Contracting Parties shall provide each other with extracts from their official records concerning birth, marriage and death of citizens of the other Contracting Party as well as information on any alteration of such entries. The extracts shall be sent immediately after the entry into the record is made (or in the period agreed upon).

(2) One Contracting Party shall, upon the request of the other Contracting Party, provide such extracts for official needs.

(3) The extracts mentioned in the present Article are provided free of charge through the diplomatic channels.

### *Article 17*

Applications of citizens of the Contracting Parties for extracts from the records of civil status or for other documents concerning civil status may be sent directly to the competent registry authority or to judicial authority of the other Contracting Party. The requested documents shall be sent to the applicant through the diplomatic mission or consular office of the State whose authority issued the document. The diplomatic mission or consular office shall collect a fee from the applicant for issuing the document.

### *Article 18*

The Contracting Parties shall send each other copies of final judgements or orders concerning the civil status of the citizens of the other Contracting Party in the mode mentioned in paragraph 3 of Article 16 of the present Convention.

## Chapter 3. *COSTS OF PROCEEDINGS*

### *Article 19. WAIVING OF SECURITY FOR COSTS*

Citizens of one Contracting Party who appear before the judicial authorities of the other Contracting Party, provided they are domiciled or resident in the territory of one of the Contracting Parties, may not be ordered to give security for the costs of proceedings solely by reason of the fact that they are foreigners or do not have their domicile or residence in the territory of the other Contracting Party.

### *Article 20. ENFORCEMENT OF ORDERS FOR COSTS OF PROCEEDINGS*

(1) If a party exempted from the payment of security for the costs of proceedings according to Article 19 of the present Convention is required, by a final judgement or order of the judicial authority of one Contracting Party, to pay the costs of proceedings, this decision shall, upon the request of an interested person, be enforced free of charge in the territory of the other Contracting Party.

(2) The application and its enclosures shall be drawn up in conformity with Article 29 of the present Convention.

(3) The judicial authority deciding on the enforcement of the decision according to paragraph 1 of the present Article shall confine itself to ascertaining whether the decision on the costs of proceedings is final and enforceable.

## WAIVING OF THE PAYMENT OF FEES AND SECURITIES

### *Article 21*

Citizens of one of the Contracting Parties are entitled in the territory of the other Contracting Party to exemption from the payment of judicial fees and securities as well as other costs of proceedings and to other advantages regarding fees under the same conditions and in the same extent as citizens of the other Contracting Party. The same applies also to the appointment of a free legal representative.

*Article 22*

(1) The advantage provided by Article 21 of the present Convention shall be granted on the basis of a certificate on the personal and property situation of the applicant. The certificate shall be drawn up by the competent authority of the Contracting Party in the territory of which the applicant has his domicile or residence.

(2) If the applicant has his domicile or residence in the territory of neither of the Contracting Parties, such certificate may be drawn up also by the diplomatic mission or consular office of the Contracting Party of which the applicant is a citizen.

(3) The judicial authority deciding about the application for advantage can require additional data or necessary clarifications from the authority which drew up the certificate.

*Article 23*

If the competent judicial authority grants the advantage provided by Article 21 of the present Convention to the citizen of the other Contracting Party, such advantage shall apply to the entire proceedings, including the proceedings for the enforcement of the judgement or order.

*Article 24*

(1) A citizen of one of the Contracting Parties applying for advantage under Article 21 of the present Convention to the judicial authority of the other Contracting Party may submit the application to the judicial authority of one of the Contracting Parties competent according to the place of his domicile or residence. This authority shall transmit the application together with the certificate drawn up under Article 22 of the present Convention to the judicial authority of the other Contracting Party.

(2) The application may be submitted together with an action, introducing legal proceedings.

## PART II. RECOGNITION AND ENFORCEMENT OF JUDGEMENTS

*Article 25*

(1) The Contracting Parties shall recognize and enforce in their territories the following judgements rendered in the territory of the other Contracting Party:

- (a) Judgements of judicial authorities in civil matters, as well as settlements concluded in these matters and approved by the court,
- (b) Judgements of judicial authorities in criminal matters concerning payment of damage and other civil law claims,
- (c) Awards by arbitration tribunals as well as settlements reached by such tribunals.

*Article 26*

(1) The judgements referred to in Article 25 of the present Convention shall be recognized and enforced provided that:



- (a) The judgement is final and enforceable according to the law of the Contracting Party in the territory of which it was rendered;
- (b) The recognition and enforcement of the judgement would not be in conflict with the exclusive competence of the authorities of the Contracting Party in the territory of which the recognition and enforcement of the judgement is sought;
- (c) The party against which the judgement was given, although the summons was, in accordance with the law of the Contracting Party in the territory of which the judgement was given served on him duly and in sufficient time, failed to take part in those proceedings, and in case of incapacity to plead, was properly represented;
- (d) The judgement is not in contradiction with a final judgement rendered earlier between the same parties on the same subject matter by the judicial authority of the Contracting Party in the territory of which the enforcement of the judgement is sought;
- (e) Proceedings between the same parties on the same subject matter are not pending before a judicial authority of the requested Contracting Party and those proceedings were the first to be instituted;
- (f) The judgement of a judicial authority of a third State rendered between the same parties on the same subject matter was not recognized or enforced in the territory of the requested Contracting Party;
- (g) The Contracting Party in the territory of which the recognition or the enforcement of the judgement is requested consider that the recognition or enforcement of the judgement would not be contrary to public policy of that Party or its sovereignty or security is not prejudiced by the recognition or the enforcement of the judgement;

(2) Provisionally enforceable decisions and provisional measures shall, although subject to ordinary forms of review be recognized or enforced in the requested State if similar decisions may be rendered and enforced in that State.

#### *Article 27*

Awards by arbitration tribunals shall be recognized and enforced under the conditions provided for in Article 26 of the present Convention provided that:

- (a) The award is based on an agreement in written form concerning the competence of the arbitration tribunal and it was made by the arbitration tribunal referred to in the agreement within the scope of the competence given by that agreement and
- (b) The agreement on the competence of the arbitration tribunal is valid in accordance with the law choiced by the parties and in absence of a choice with the law of the Contracting Party in the territory of which the recognition or enforcement is sought.

#### *Article 28*

The decision on the recognition and enforcement of the judgement shall be given by the judicial authority of the Contracting Party in the territory of which the judgement is to be recognized or enforced.

*Article 29*

(1) Application for the recognition or enforcement of the judgement may be submitted directly to the competent judicial authority of the Contracting Party in the territory of which the judgement is to be recognized or enforced or to the judicial authority which rendered the judgement as the authority of first instance; the latter shall forward the application to the judicial authority of the other Contracting Party in the manner provided for in Article 4 of the present Convention.

(2) The application shall be accompanied by:

- (a) The judgement of the court or a copy of the judgement certified as correct containing a finality and enforceability clause, unless this is evident from the judgement itself;
- (b) A document certifying that the party against which the judgement was given and who failed to attend the proceedings was duly summoned and in sufficient time to take part in the proceedings according to the law of the Contracting Party in the territory of which the judgement was given and, in case of incapacity to plead, was properly represented, unless this is evident from the judgement itself;
- (c) A certified translation of the application and documents mentioned under letters (a) and (b) of the present paragraph into the language of the requested Contracting Party or into the English language.

*Article 30*

(1) The judicial authority deciding on the application for the recognition and enforcement of the judgement shall confine itself to ascertaining whether the conditions referred to in Articles 26 and 27 of the present Convention have been fulfilled.

(2) The judicial authority of the Contracting Party in the territory of which the judgement is recognized or enforced shall proceed in accordance with the law of its State unless otherwise provided in the present Convention.

*Article 31*

The judicial authority of the Contracting Party in the territory of which the costs of proceedings were advanced by the State shall request the competent judicial authority of the other Contracting Party to collect the costs and fees of the proceedings. The judicial authority shall remit the collected sum to the diplomatic mission or consular office of the requested Contracting Party.

## PART III. CRIMINAL MATTERS

## Chapter 1

*Article 32. TAKING OVER OF CRIMINAL PROCEEDINGS*

(1) The Contracting Parties undertake to institute, in accordance with and subject to the provisions of their own law, criminal proceedings on the request of the other Contracting Party against their citizens who have committed a criminal act in the territory of the other Contracting Party.

(2) The aforesaid request shall be accompanied by all documents relating to [the] affair, evidentiary material as complete as possible, data on material damage if it had resulted from criminal act as well as the text of the provisions of penal law relating to the act, in force in the place where the act has been committed; in case these enclosures are not sufficient additional information shall be sent at the request of the Contracting Party which instituted the criminal proceedings.

(3) The claims of injured persons for compensation of damages made prior to the taking over of criminal proceedings before a judicial authority of the requesting Contracting Party shall be subject to proceedings in the territory of the requested Contracting Party.

(4) The Contracting Party instituting the criminal proceedings shall notify the other Contracting Party of the result of the proceedings as soon as possible. If a final sentence has been passed a copy shall be sent upon request.

## Chapter 2. EXTRADITION

### Article 33. OBLIGATION OF EXTRADITION

(1) The Contracting Parties undertake, under the conditions stipulated in the present Convention, to extradite, if requested, to each other persons who stay in their territories and against whom criminal proceedings are to be instituted or a sentence carried out.

(2) Extradition for the purpose of instituting criminal proceedings applies only to such acts which, under the laws of both Contracting Parties, are punishable with imprisonment for a period of more than 12 months.

(3) Extradition for the purpose of carrying out of a sentence applies only to such acts which are punishable under the laws of both Contracting Parties and if the person concerned has been sentenced for such acts to imprisonment for a period of 12 months or to more severe penalty.

(4) Without prejudice to the provisions of Article 34 letters (a) and (c), there may not be refused the extradition of persons who committed unlawful acts against the safety of civil aviation in the sense of the provisions of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed in the Hague on 16 December 1970<sup>1</sup> and of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on 23 September 1971<sup>2</sup> as well as of persons who committed unlawful acts in the sense of the provisions of other international Conventions against terrorism of which both the Czechoslovak Socialist Republic and the Democratic Republic of Afghanistan are or will be Contracting Parties.

### Article 34. REFUSAL OF EXTRADITION

Extradition shall be refused if:

(a) The person whose extradition is requested is a citizen of the requested Contracting Party;

<sup>1</sup> United Nations, *Treaty Series*, vol. 860, p. 105.

<sup>2</sup> *Ibid.*, vol. 974, p. 177.

- (b) The act was committed in the territory of the requested Contracting Party;
- (c) According to the law of the requested Contracting Party criminal proceedings cannot be instituted or the sentence cannot be carried out because an exemption from the punishment has been acquired by the lapse of time or by any other legal reason;
- (d) Extradition is contrary to the law of one of the Contracting Parties;
- (e) A final sentence relating to the same criminal act has already been pronounced against the person whose extradition is requested in the territory of the requested Contracting Party or if criminal proceedings have been concluded by a final sentence;
- (f) According to the law of one of the Contracting Parties the criminal proceedings are instituted on the proposal of the injured person.

#### *Article 35. REQUEST FOR EXTRADITION*

(1) The request for extradition shall contain the name and surname of the person whose extradition is requested, date and place of his birth, his citizenship, data on his residence, data on the criminal act and data on material damage if it had resulted from the criminal act.

(2) A certified copy of the warrant of arrest or other document having the same validity, a description of the committed act, as well as the text of the provisions of law relating to the act committed by the person whose extradition is requested shall be attached to the request for extradition for instituting criminal proceedings. If a criminal act against property has been committed the amount of material damage which had or could have resulted from the criminal act is to be indicated.

(3) A certified copy of the final sentence as well as the text of the laws applicable to the committed act shall be attached to the request for the extradition for carrying out a sentence. If the convicted person has already served a part of his sentence this shall be indicated.

(4) The requesting Contracting Party is not obliged to attach to the request the evidence of guilt of a person whose extradition is sought.

#### *Article 36. ARREST FOR THE PURPOSE OF EXTRADITION*

In case the request for extradition is sufficiently justified under the present Convention the requested Contracting Party shall, in accordance with its law, take immediate measures for the arrest of the person whose extradition is requested.

#### *Article 37. SUPPLEMENT TO THE REQUEST FOR EXTRADITION*

(1) If the request for extradition lacks the necessary data the requested Contracting Party is entitled to require that additional data be forwarded within a fixed period not exceeding two months within which those data are to be provided. This period may be extended upon request on serious grounds.

(2) If the requesting Contracting Party fails to provide the requested additional data within the period stated in the request, the requested Contracting Party is entitled to release the arrested person.

*Article 38. PROVISIONAL ARREST*

(1) The arrest may take place even prior to the receipt of the request for extradition if the requesting Contracting Party explicitly requires the arrest and announces that a warrant of arrest or another document having the same validity was issued or a sentence was passed on the basis of which the request for extradition shall be sent. The request for provisional arrest may be communicated by post or by cable.

(2) The competent authorities of the Contracting Parties may arrest a person staying in their territories even without such request if that person, according to their information, has committed a criminal act to which extradition applies according to the present Convention.

(3) The other Contracting Party shall be immediately notified of the arrest under the provisions of the previous paragraphs.

*Article 39. RELEASE OF THE PERSON ARRESTED PROVISIONALLY*

(1) A person arrested under the provisions of paragraph 1 of Article 38 of the present Convention may be released if the request for extradition has not been received within a period of one month from the day on which the requesting Contracting Party was notified of the provisional arrest.

(2) A person arrested under the provisions of paragraph 2 of Article 38 of the present Convention shall be released if the request for extradition or for provisional arrest under the provisions of paragraph 1 of Article 38 has not been received within a period of fifteen days from the day on which the requesting Contracting Party was notified of the arrest.

*Article 40. POSTPONEMENT OF EXTRADITION*

If criminal proceedings are pending against a person whose extradition is requested or if that person has to serve or is serving a sentence for another criminal act in the territory of the requested Contracting Party, the extradition may be postponed until the termination of the criminal proceedings or until the sentence has been served or until waiver or remission of the punishment.

*Article 41. TEMPORARY EXTRADITION*

(1) If a postponement of extradition under Article 40 of the present Convention would cause the prescription of the criminal proceedings or would lead to considerable difficulties in the investigation of the committed act, the person whose extradition is requested may temporarily be extradited to the requesting Contracting Party.

(2) The temporarily extradited person shall be returned without delay after the execution of acts of proceedings for which he was extradited but not later than before the expiry of three months from the date of temporary extradition.

*Article 42. REQUEST FOR EXTRADITION BY SEVERAL STATES*

If a request for extradition of the same person is made by several States the requested Contracting Party shall decide which of the requests should be granted.

It will take into consideration namely the citizenship of the requested person, the seriousness of the committed act and the place where it was committed, as well as the date on which each request was made.

*Article 43. LIMITATION OF PROSECUTION OF EXTRADITED PERSONS*

(1) Without the consent of the requested Contracting Party an extradited person may not be prosecuted or forced to serve a sentence for a criminal act committed before his extradition other than the one in respect of which the extradition was granted.

(2) Without the consent of the requested Contracting Party the extradited person may not be extradited to a third State.

(3) The consent of the requested Contracting Party is not necessary if:

- (a) The extradited person does not leave its territory prior to the expiry of one month after the termination of the criminal proceedings or execution of the penalty; this period of time shall not include the time for which the extradited person, for reasons beyond his will, could not leave the territory of the requesting Contracting Party;
- (b) The extradited person has left the territory of the requesting Contracting Party and again voluntarily returned to that territory.

*Article 44. SURRENDER OF PERSON TO BE EXTRADITED*

The requested Contracting Party shall notify the requesting Contracting Party of the place and date of surrender. If the requesting Contracting Party does not take over the person within 7 days of the appointed date, the requested person may be released. Upon the request of one of the Contracting Parties the period may be extended for a further period of 7 days at maximum.

*Article 45. REPEATED EXTRADITION*

If an extradited person in any way avoids the criminal proceedings or serving of a sentence and if he returns to the territory of the requested Contracting Party, he shall be extradited upon a new request without the service of the documents referred to in Article 35 of the present Convention.

*Article 46. NOTIFICATION OF THE RESULTS OF CRIMINAL PROCEEDINGS*

The requesting Contracting Party shall notify the requested Contracting Party of the result of the criminal proceedings against the extradited person. If a sentence has been passed against the extradited person a copy of the court sentence shall be sent as soon as it is final.

*Article 47. TRANSIT*

(1) One Contracting Party shall, upon the request of the other Contracting Party, permit the transit through its territory of persons extradited by a third State to the Contracting Party requesting the transit. A request for a transit may be refused for the reasons referred to in Article 34 of the present Convention.

(2) A request for a transit shall be made and dealt with in the same manner as the request for extradition.

(3) Authorities of the requested Contracting Party shall execute the transit in a manner which they consider to be the most suitable.

*Article 48. COSTS OF EXTRADITION AND TRANSIT*

The costs incurred by the extradition shall be paid by the Contracting Party in the territory of which they have arisen except of the cost of transport, which shall be borne by the requesting Contracting Party. The costs of transit shall be borne by the requesting Contracting Party.

*Article 49. HANDING OVER OF PROPERTY*

(1) Any objects used by the person charged with having committed the criminal act for which the extradition is admissible according to the present Convention as well as any property acquired by him as a result of the criminal act, or its counter-value in case of disposition with such property as well as any other objects which can be used as evidence, shall be handed over to the requesting Contracting Party; these objects shall be handed over even if the person charged is not extradited.

(2) The requested Contracting Party may temporarily postpone the handing over of the requested objects if they are required for other criminal proceedings.

(3) The rights of third persons regarding objects handed over shall not be affected. After the termination of the criminal proceedings the requesting Contracting Party shall return the objects to the requested Contracting Party for the purpose of their delivery to the persons entitled. Where it is reasonably justified and with the consent of the requested Contracting Party the objects may be delivered directly to the persons entitled.

Chapter 3. *SPECIAL PROVISIONS ON LEGAL ASSISTANCE  
IN CRIMINAL MATTERS*

*Article 50. NOTIFICATION OF CRIMINAL CONVICTIONS*

(1) The Contracting Parties shall notify each other of the final sentences in criminal matters passed by the courts of one Contracting Party against the citizens of the other Contracting Party.

(2) On the basis of a justified request the Contracting Parties shall inform each other of the sentences passed against persons who are not citizens of the requesting Contracting Party.

(3) The Contracting Parties shall, where practicable, send to each other, upon request, the fingerprints of the persons mentioned in paragraphs 1 and 2 of the present Article.

*Article 51. EXTRACTS FROM CRIMINAL RECORDS*

The authorities of one Contracting Party shall communicate, upon request, extracts from criminal records to the judicial authorities of the other Contracting Party.

## PART IV. FINAL PROVISIONS

*Article 52*

(1) The present Convention shall be ratified. The instruments of ratification shall be exchanged in Kabul.

(2) The present Convention shall enter into force on the 30th day after the exchange of the instruments of ratification.

*Article 53*

The present Convention is concluded for an unlimited period. Each of the Contracting Parties can denounce the Convention in writing through diplomatic channels. The denunciation shall take effect six months after it has been received.

IN WITNESS WHEREOF the Plenipotentiaries of both Parties have signed the present Convention and attached their seals thereto.

GIVEN in Prague on 24 June 1981 in two original copies, each in the Czech, Dari and English languages, with the English text being decisive in the event of varying interpretations.

For the Czechoslovak Socialist  
Republic:  
Ing. BOHUSLAV CHŇOUPEK

For the Democratic Republic  
of Afghanistan:  
SHAH MOHAMMAD DOST