

**No. 24829**

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**CZECHOSLOVAKIA  
and  
ALGERIA**

**Consular Convention. Signed at Algiers on 3 July 1985**

*Authentic texts: Czech, Arabic and French.*

*Registered by Czechoslovakia on 12 June 1987.*

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**TCHÉCOSLOVAQUIE  
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**Convention consulaire. Signée à Alger le 3 juillet 1985**

*Textes authentiques : tchèque, arabe et français.*

*Enregistrée par la Tchécoslovaquie le 12 juin 1987.*

## [TRANSLATION—TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

The Czechoslovak Socialist Republic and the People's Democratic Republic of Algeria,

Inspired by the friendly relations existing between the two countries,

Desiring to regulate and promote consular relations between the two countries in a spirit of friendship and co-operation,

Affirming that the provisions of the Vienna Convention on Consular Relations of 24 April 1963<sup>2</sup> shall continue to govern such matters as are not expressly regulated by the provisions of this Convention,

Have agreed as follows:

## PART I. DEFINITIONS

*Article 1.* For the purposes of this Convention, the following expressions shall have the meanings hereunder assigned to them:

(a) "Sending State" means the Contracting Party which appoints the consular officers, as defined below;

(b) "Receiving State" means the Contracting Party in whose territory the consular officers exercise their functions;

(c) "National" means any person having the nationality of the State and, where the context permits, any body corporate which has its principal place of business in the territory of the State and is established in accordance with its laws and regulations;

(d) "Consular post" means any consulate-general, consulate, vice-consulate or consular agency;

(e) "Consular district" means the area assigned to a consular post for the exercise of consular functions;

(f) "Head of consular post" means the person charged with the duty of acting in that capacity;

(g) "Consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

(h) "Consular employee" means any person employed in the administrative or technical service of a consular post;

(i) "Member of the service staff" means any person employed in the domestic service of a consular post;

<sup>1</sup> Came into force on 18 February 1987, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Prague on 19 January 1987, in accordance with article 58 (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 596, p. 261.

(j) “Members of the consular post” means consular officers, consular employees and members of the service staff;

(k) “Members of the consular staff” means consular officers, other than the head of a consular post, consular employees and members of the service staff;

(l) “Member of the private staff” means any person who is employed exclusively in the private service of a member of the consular post;

(m) “Consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post, including the residence of the head of the consular post;

(n) “Consular archives” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping;

(o) “Official correspondence” means any correspondence relating to the consular post and its functions;

(p) “Vessel of the sending State” means any ship sailing under the flag of the sending State, with the exception of warships;

(q) “Aircraft of the sending State” means any civilian aircraft listed or registered in the sending State in accordance with its laws and bearing the distinctive markings thereof, with the exception of military aircraft.

## PART II. ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS

*Article 2.* 1. A consular post may be established in the territory of the receiving State only with that State’s consent.

2. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

3. Subsequent changes in the seat of the consular post, its classification or the consular district may be made by the sending State only with the consent of the receiving State.

4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

*Article 3.* A consular officer shall have the nationality of the sending State and shall not be a national of the receiving State. He shall not be a permanent resident of the latter State, nor shall he engage in any professional activity, apart from his consular functions, in that State.

*Article 4.* Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.

*Article 5.* 1. The sending State shall transmit the consular commission through the diplomatic channel to the Ministry of Foreign Affairs of the receiving State.

2. The consular commission shall certify the capacity, full name and class of the head of the consular post and show the consular district and the seat of the consular post.

*Article 6.* 1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State, termed an exequatur, which shall be delivered without delay.

2. Pending delivery of the exequatur, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of this Convention shall apply.

3. A State which refuses to grant an exequatur, is not obliged to give to the sending State reasons for such refusal.

*Article 7.* As soon as the head of a consular post is admitted even provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district and take the necessary measures to enable him to carry out the duties of his office and to have the benefit of the provisions of this Convention.

*Article 8.* 1. If the head of a consular post is for any reason unable to carry out his functions or the position of head of consular post is temporarily vacant, the sending State may entrust a consular officer belonging to the same or another consular post or a member of the diplomatic staff of its diplomatic mission with the functions of acting head of the consular post. The name of such person shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. The acting head of the consular post shall enjoy the privileges and immunities accorded to the head of the consular post under this Convention.

*Article 9.* 1. The full name, category and class of all consular officers, other than the head of a consular post, shall be notified by the sending State to the receiving State in sufficient time for the receiving State, if it so wishes, to exercise its rights under article 11 of this Convention.

2. The sending State shall determine the number of members of the consular post, bearing in mind the importance of the post and the requirements for the normal conduct of its activities; the receiving State may, however, require that the size of the consular staff be kept within limits considered by it to be reasonable, having regard to conditions in the consular district and to the needs of the consular post.

*Article 10.* 1. The Ministry of Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of:

- (a) The appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;
- (b) The arrival and final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;
- (c) The arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;
- (d) The engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.

2. When possible, prior notification of arrival and final departure shall also be given.

*Article 11.* 1. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that any other member of the consular staff

is not acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions with the consular post.

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this article, the receiving State may, as the case may be, either withdraw the exequatur, from the person concerned or cease to consider him as a member of the consular staff.

3. A person appointed as a member of a consular post may be declared unacceptable before arriving in the territory of the receiving State or, if already in the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment.

4. In the cases mentioned in paragraphs 1 and 3 of this article, the receiving State is not obliged to give to the sending State reasons for its decision.

### PART III. PRIVILEGES AND IMMUNITIES

*Article 12.* 1. The receiving State shall accord full facilities for the performance of the functions of the consular post and of the consular officers and shall take the necessary steps to enable them to enjoy the privileges and immunities provided for in this Convention.

2. The receiving State shall treat consular officers with due respect and shall take all appropriate steps to ensure their protection, freedom and dignity.

*Article 13.* 1. The national flag of the sending State may be flown on the buildings occupied by the consular premises and at the entrance doors thereof and on means of transport when used by the head of the consular post on official business.

2. The coat of arms of the sending State and an appropriate inscription designating the consular premises in the official languages of the sending State and the receiving State may be displayed on the buildings occupied by the consular premises.

3. In the exercise of the right accorded by this article, regard shall be had to the laws, regulations and usages of the receiving State.

*Article 14.* 1. The sending State may, in accordance with the laws and regulations of the receiving State, acquire or hold, as owner or occupier, such land, buildings or parts of buildings as are required for the purposes of the consular post.

2. The receiving State shall provide the sending State with all the assistance necessary to acquire the land, buildings or parts of buildings required for the purposes indicated in paragraph 1.

3. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

4. The sending State shall not be exempt from the obligation to comply with any building or town-planning laws and regulations of the receiving State applicable to the area in which the land, buildings or parts of buildings concerned are situated.

*Article 15.* 1. Consular premises shall be inviolable. The authorities of the receiving State shall not enter such premises except with the consent either of the head of the consular post or of the head of the diplomatic mission of the sending State or of the designee of either one of them. Consent may, however, be assumed in case of fire or other disaster requiring prompt protective action.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the consular post against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

3. The premises of the consular post, their furnishings and other articles located on those premises shall be immune from any form of search, requisition, confiscation or measure of execution.

4. The said premises shall not be exempt from expropriation for the purposes of national defence or public utility, in accordance with the laws and regulations of the receiving State. If expropriation is necessary for such purposes, and if the sending State is the owner of such premises, prompt, adequate and effective compensation shall be paid to that State. Steps shall be taken by the receiving State to facilitate the re-establishment of the post by the sending State—regardless of whether it is the owner or lessee of the premises—and, in any event, to avoid impeding the performance of consular functions.

*Article 16.* The consular archives and consular documents shall be inviolable at all times and wherever they may be.

*Article 17.* 1. Consular premises of which the sending State is the owner or lessee shall be exempt in the receiving State from all dues and taxes whatsoever, including dues and taxes in respect of contracts or documents relating to the purchase or lease of such premises.

2. The exemption referred to in paragraph 1 of this article shall not apply to such dues and taxes:

- (a) If they represent payment for specific services rendered;
- (b) If, under the laws of the receiving State, they are payable by the person who contracted with the sending State.

*Article 18.* The sending State shall be exempt in the receiving State from all dues and taxes in respect of the ownership, possession or use of any motor vehicles intended exclusively for consular purposes.

*Article 19.* 1. Consular officers shall not be liable to arrest or detention pending trial except in the case of a crime for which the prescribed penalty is not less than five years of deprivation of freedom, under the laws of the receiving State, and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this article, in a manner which will impede the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with a minimum of delay.

*Article 20.* In the event of the arrest or detention, pending trial, of a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

*Article 21.* 1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this article shall not, however, apply in respect of a civil action either:

- (a) Arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
- (b) By a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

*Article 22.* 1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents related thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

*Article 23.* 1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in this Convention.

2. The waiver shall in all cases be express and communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under article 21 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

*Article 24.* 1. Consular officers and consular employees shall be exempt from all the obligations under the laws and regulations of the receiving State in regard to registration, residence and labour permits which are normally applied to aliens.

2. The provisions of paragraph 1 of this article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

*Article 25.* 1. Subject to the provisions of paragraph 3 of this article, members of the consular post with respect to services rendered by them for the sending State shall be exempt from the social security provisions which are in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

- (a) That they are not nationals of or permanently resident in the receiving State; and
- (b) That they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

[4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.]<sup>1</sup>

*Article 26.* 1. Consular officers and consular employees shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) Indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) Dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of article 17;
- (c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of article 29, paragraph (b);
- (d) Dues and taxes on private income of any kind having its source in the receiving State, including capital gains realized on the disposal of assets of an estate;
- (e) Charges levied for specific services rendered;
- (f) Registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 17.

2. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose in that respect.

*Article 27.* 1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges due upon import other than charges for storage, cartage and similar services, on:

- (a) Articles, including motor vehicles, for the official use of the consular post;
- (b) Articles for the personal use of a consular officer, including his motor vehicle and articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the person concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this article in respect of articles imported at the time of first installation at the consular post.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from customs inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in paragraph 1 (b) of this article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned or of a duly authorized person.

*Article 28.* The receiving State shall exempt members of the consular post from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

<sup>1</sup> The paragraph within brackets appears in the authentic Czech and French texts only.



*Article 29.* In the event of the death of a member of the consular post, the receiving State:

- (a) Shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death.
- (b) Shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post.

*Article 30.* 1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable.

3. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

4. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than official correspondence or documents or articles intended exclusively for official use, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

5. The consular bag may be entrusted to the captain of a vessel or of a commercial aircraft scheduled to land at an authorized point of entry. He shall be provided with an official document indicating the number of packages constituting the consular bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the vessel or of the aircraft or to deliver it to him.

*Article 31.* Subject to the restrictions provided for by the laws and regulations of the receiving State concerning zones entry into which is prohibited or regulated for reasons of national security, and to direct notification of the competent authority, members of the consular post may travel freely in the territory of the receiving State.

*Article 32.* The provisions of articles 24, 25 (paragraphs 1, 3 and 4), 26, 27 (paragraph 1 (b)), 28, 29 and 31 concerning the privileges and immunities of consular officers and consular employees shall apply *mutatis mutandis* to members of their families forming part of their households.

#### PART IV. CONSULAR FUNCTIONS

*Article 33.* In accordance with the laws and regulations of the receiving State, a consular officer shall be entitled, in the consular district, to exercise the functions set forth in this Convention.

*Article 34.* A consular officer shall be entitled to:

- (a) Protect in the receiving State the rights and interests of the sending State and those of its nationals;
- (b) Further the development of commercial, economic, cultural and scientific relations between the High Contracting Parties and promote friendly relations between them;
- (c) Ascertain by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, report thereon to the Government of the sending State and give information to persons interested.

*Article 35.* In the exercise of his functions, a consular officer may address:

- (a) The competent local authorities of his consular district;
- (b) The competent central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

*Article 36.* 1. A consular officer may, in accordance with the laws and regulations of the receiving State, represent or arrange appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests.

2. The representation provided for in paragraph 1 of this article shall cease when the persons concerned have appointed a representative or have themselves assumed the defence of their rights and interests.

3. A consular officer performing the representational functions referred to in paragraph 1 of this article shall be subject, in the performance of such functions, to the laws and regulations of the receiving State and to the jurisdiction of the judicial and administrative authorities of that State, on the same conditions as a national of that State.

*Article 37.* A consular officer shall be entitled, in his consular district, to:

- (a) Register and, to the extent compatible with the laws and regulations of the receiving State, take a census of nationals of the sending State. He may for that purpose request the assistance of the competent authorities of the receiving State;
- (b) Publish notices in the press for the attention of nationals of the sending State or transmit to them various orders and documents emanating from the authorities of that State where such notices, orders or documents relate to a national service.

*Article 38.* 1. In accordance with the laws and regulations of the sending State, a consular officer shall be entitled to issue, renew, supplement or extend the validity of travel documents of nationals of the sending State.

2. He shall be entitled to issue, revoke or extend the validity of visas for persons wishing to travel to the sending State.

*Article 39.* 1. To the extent permitted by the laws and regulations of the sending State, a consular officer shall be authorized to:

- (a) Receive applications and declarations relating to nationality from nationals of the sending State and to issue the relevant documents;
- (b) Draw up and record certificates of the birth and death of nationals of the sending State;
- (c) Solemnize marriages and draw up appropriate certificates, where the future spouses are both nationals of the sending State, provided that the competent authorities of the receiving State are duly informed, if the laws and regulations of that State so require;

- (d) Record or register the dissolution of a marriage in accordance with the laws and regulations of the sending State;
- (e) Receive declarations pertaining to the family relations of nationals of the sending State.

2. The competent authorities of the receiving State shall transmit to the consular post, without delay and free of charge, copies of or extracts from any civil register document relating to nationals of the sending State requested of them for administrative purposes.

*Article 40.* A consular officer shall be entitled to:

- (a) Accept and certify any declarations by nationals of the sending State;
- (b) Draw up, certify and accept for safe keeping wills and other documents of nationals of the sending State;
- (c) Legalize signatures of nationals of the sending State;
- (d) Translate and legalize any instruments or documents emanating from the authorities of the sending State or of the receiving State and certify translations and copies of and extracts from such documents.

*Article 41.* A consular officer shall be entitled to perform the following acts at the consular post, at his residence or at the residence of any national of the sending State, as well as on board a vessel or aircraft of the sending State:

- (a) Draw up and authenticate instruments and contracts which nationals of the sending State wish to conclude, provided that such instruments and contracts are not contrary to the laws and regulations of the receiving State and do not relate to the establishment or transfer of rights to immovable property situated in that State;
- (b) Draw up and authenticate instruments and contracts, irrespective of the nationality of the parties, in so far as such instruments and contracts relate exclusively to property situated or rights to be exercised in the sending State or concern transactions to be made in that State, provided that such instruments and contracts are not contrary to the laws and regulations of the receiving State.

*Article 42.* The instruments and documents referred to in articles 40 and 41 shall have the same legal effect and evidentiary value in the receiving State as documents authenticated or legalized by the judicial authorities or other competent authorities of that State.

*Article 43.* The receiving State shall recognize as valid and effective the signatures appended by a consular officer to documents issued by him or certified by him as conforming to the original issued by the competent authority, without the need for legalization, provided that such documents bear the official stamp.

*Article 44.* A consular officer shall be entitled to transmit judicial and extra-judicial documents and execute letters rogatory relating to hearings of nationals of the sending State in civil and commercial cases, in accordance with international agreements in force or, in the absence of such agreements, in any matter compatible with the laws and regulations of the receiving State.

*Article 45.* A consular officer shall be entitled to accept for safe keeping, from or on behalf of nationals of the sending State, documents, sums of money, valuables and other property belonging to them. The aforesaid documents, sums of money, valuables and other property may be exported from the receiving State only in accordance with the laws and regulations of that State.

*Article 46.* 1. In the event of the death of a national of the sending State in the territory of the receiving State, the competent authority of the latter State shall inform the consular post without delay.

2. A consular officer shall be entitled to request that the competent authority of the receiving State take measures, without delay, to safeguard and administer an estate arising in that State as a consequence of the death of a national of the sending State and, where such measures have already been taken, inform him thereof. The consular post may assist, directly or through a representative, in the implementation of such measures.

3. If, after completion of the formalities relating to the estate in the receiving State, there should be any movable property or sums of money deriving from the sale of movable or immovable property devolving to an heir, beneficiary or legatee of the sending State who is not resident in the receiving State and has not appointed a representative, such property or sums of money deriving from their sale shall be transmitted by the authorities of the receiving State to the consular post, provided that:

- (a) The status of the heir, beneficiary or legatee is proven;
- (b) The competent authorities of the receiving State have, where appropriate, authorized the transmittal of the estate or of the sums of money deriving from its sale;
- (c) All debts borne by the estate, having been announced within the period provided for by the laws and regulations of the receiving State, have been discharged or secured;
- (d) Estate, succession or inheritance duties and taxes have been paid or secured.

4. If a national of the sending State who is not a permanent resident of the receiving State dies in the territory of the latter State, such personal effects and sums of money as are in his possession at the time of his death and are not claimed in person by an heir, shall, without formal proceedings, be provisionally delivered for safekeeping to the consular post of the sending State, without prejudice to the right of the administrative or judicial authorities of the receiving State to impound them in the interests of justice. The consular post shall deliver the aforesaid personal effects and sums of money to any authority of the receiving State which may be appointed to administer or dispose of them. It shall respect the laws and regulations of the receiving State with respect to the export of such effects and the transfer of such sums of money.

5. The provisions of article 36 of this Convention shall also apply to cases of succession *mortis causa*.

*Article 47.* 1. The authorities of the receiving State shall notify the consular post of any cases coming to their knowledge in which it is necessary to arrange for the appointment of a guardian or trustee for a national of the sending State.

2. The provisions of article 36 of this Convention shall apply in matters concerning the protection and defence of the rights and interests of minors and other persons lacking full capacity.

3. Where no provision has been made for the administration of the property of minors or other persons lacking full capacity, a consular officer may request that the competent authorities of the receiving State appoint or arrange for the appointment of an administrator for the aforesaid property.

*Article 48.* 1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

- (a) A consular officer shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers;
- (b) The competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or is detained. Any communication addressed

to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

- (c) A consular officer shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. He shall also have the right to visit any national of the sending State who is in prison, custody or detention in his district in pursuance of a judgement. Nevertheless, the officer shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this article shall be exercised in accordance with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this article are intended.

*Article 49.* 1. A consular officer shall be entitled to render assistance and aid to vessels of the sending State entering or berthed in a port within his consular district. He may board the vessel as soon as it has received *pratique* and communicate freely with the master and other members of the crew.

2. The master or any other member of the crew may freely visit the consular post if the seat of the post is situated in the port where the vessel is berthed. If the consular post is not situated in that port, such communication shall be subject to the consent of the competent authority of the receiving State.

3. Without prejudice to the powers of the authorities of the receiving State, a consular officer may investigate any incident occurring during the voyage on board a vessel of the sending State, question the master and any other member of the crew, settle disputes of any kind between the master, officers and crew members, in so far as the laws and regulations of the sending State permit, and arrange for the hospitalization and repatriation of the master or any other member of the crew. The consular officer may request the co-operation and assistance of the authorities of the receiving State in the performance of such functions.

4. The authorities of the receiving State shall not intervene in any incident occurring on board the vessel, with the exception of disturbances which are likely to disturb the peace and public order, either on land or in the port, or to affect public health or security or in which persons other than members of the crew are involved.

5. Where the competent authorities of the receiving State intend to make inspections, carry out investigations or take coercive measures on board a vessel of the sending State which is in the waters of the receiving State, such authorities, before the action is taken, shall notify the consular post so that consular officers may be present. Such notification shall indicate an exact time. If the consular officer or his representative was not present, he may apply to the aforesaid authorities for any information concerning the action taken. These provisions shall also apply in cases where the master or any other member of the crew is questioned by the authorities of the receiving State.

6. In the event of any emergency measures or if an investigation is carried out at the request of the master, a consular officer shall be notified as soon as possible. At his request, he shall also be informed of any investigation carried out in his absence.

7. The provisions of paragraphs 5 and 6 of this article may not be invoked against the authorities of the receiving State in matters concerning enforcement of the customs

laws and regulations or other measures pertaining to the safety of maritime navigation, public health, port regulations, the admission of aliens or the protection of merchandise.

8. A consular officer may, in accordance with the laws and regulations of the sending State, check and examine the ship's papers, extend their validity and receive declarations concerning the voyage and the destination.

*Article 50.* 1. If a vessel of the sending State is wrecked, runs aground or is in distress in the waters of the receiving State, the competent authorities of the latter State shall notify the consular post as soon as possible and inform it of the measures taken or to be taken to save the passengers, the members of the crew, the vessel and the cargo. The consular officer may extend every assistance to the vessel, the members of its crew and its passengers and may take measures to safeguard the cargo and repair the vessel.

2. If neither the owner of the vessel, the master nor any other duly authorized person is in a position to make the necessary arrangements for the preservation and administration of the vessel or its cargo, the consular officer may, on behalf of the owner of the vessel, make such arrangements as the owner might have made for the same purpose.

3. The provisions of paragraph 2 of this article shall also apply to any article belonging to a national of the sending State and forming part of the cargo of a vessel of the sending State or of a third State which may be found on or near the coast of the receiving State or brought into a port in the consular district.

4. The competent authorities of the receiving State shall extend the necessary assistance to the consular officer in connection with any of the arrangements referred to in paragraphs 1, 2 and 3 of this article.

5. If a vessel is wrecked or runs aground in a port or constitutes a danger to shipping in the territorial waters of the receiving State, the competent authorities may also ensure that all necessary steps are taken to avoid any damage which may be caused by the vessel to the port facilities or to other vessels.

6. The damaged vessel and its cargo and provisions shall not be subject to customs duties in the territory of the receiving State unless they are delivered for use or consumption in that State.

*Article 51.* The provisions of articles 49 and 50 shall also apply to aircraft.

*Article 52.* 1. The consular post may levy in the territory of the receiving State the fees and charges provided for by the laws and regulations of the sending State for consular acts.

2. The fees and charges referred to in paragraph 1 of this article shall be exempt from all dues and taxes in the receiving State.

*Article 53.* In addition to the functions specified in this Convention, a consular officer may exercise other consular functions which are not contrary to the laws and regulations of the receiving State.

#### PART V. FINAL PROVISIONS

*Article 54.* Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State, including the highway code and rules governing third-party motor-vehicle insurance.

*Article 55.* 1. Members of a consular post shall not interfere in the internal affairs of the receiving State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

*Article 56.* Consular employees and members of the service staff who are nationals or permanent residents of the receiving State, members of their families, members of the family of a member of the consular post who are themselves nationals of the sending State, and members of the private staff who are nationals or permanent residents of the receiving State shall be subject to the jurisdiction of the receiving State and shall not enjoy any privileges under this Convention.

However, the receiving State shall exercise its jurisdiction over the aforesaid persons in such a way as not to impede unduly the functions of the consular post.

*Article 57.* 1. The provisions of this Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or temporarily charged with the exercise of the consular functions of the mission shall be notified to the Ministry of Foreign Affairs of the receiving State.

3. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this article shall continue to be governed by the rules of international law concerning diplomatic relations.

*Article 58.* 1. This Convention shall be ratified in accordance with the constitutional procedures of each of the High Contracting Parties and shall enter into force on the thirtieth day following the date of the exchange of the instruments of ratification.

2. The exchange of the instruments of ratification shall take place at Prague.

*Article 59.* 1. This Convention is concluded for an indefinite period.

2. Either of the High Contracting Parties may denounce this Convention at any time. Such denunciation shall take effect six months after the date of the receipt of its notification.

3. IN WITNESS WHEREOF the Plenipotentiaries of the High Contracting Parties have signed this Convention and have thereto affixed their seals.

DONE at Algiers on 3 July 1985 in two original copies, each in the Czech, Arabic and French languages, the three texts being equally authentic. In the event of differences in the interpretation of the provisions of this Convention, the French text shall prevail.

For the President  
of the Czechoslovak Socialist Republic:

ŽIŽKA JAN

For the Government  
of the People's Democratic Republic  
of Algeria:

BRAHIM TAIBI

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