

N° 1120.

**POLOGNE
ET TCHÉCOSLOVAQUIE**

Convention relative au règlement des rapports judiciaires en matière civile, pénale et non contentieuse, avec protocole additionnel et annexe, signés à Prague, le 6 mars 1925.

**POLAND
AND CZECHOSLOVAKIA**

Agreement with regard to the settlement of Legal Relations in civil, penal and non-contentious cases, with Additional Protocol and Annex, signed at Prague, March 6, 1925.

¹ TRANSLATION.

No. 1120. — AGREEMENT WITH REGARD TO THE SETTLEMENT OF LEGAL RELATIONS IN CIVIL, PENAL AND NON-CONTENTIOUS CASES, CONCLUDED BETWEEN THE POLISH REPUBLIC AND THE CZECHOSLOVAK REPUBLIC, SIGNED AT PRAGUE, MARCH 6, 1925.

THE POLISH REPUBLIC and THE CZECHOSLOVAK REPUBLIC, desirous of settling their legal relations with regard to civil, penal and non-contentious cases, have agreed to conclude an Agreement to that effect.

For this purpose they have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

Dr. Zygmunt LASOCKI, Envoy Extraordinary and Minister Plenipotentiary ;
M. Włodzimierz JABLOŃSKI, Head of Department in the Ministry of Justice ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Vaclav GIRSA, Envoy Extraordinary and Minister Plenipotentiary ;
Dr. Emil SPIRA, Head of Section in the Ministry of Justice ;

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

PART I.

CIVIL CASES.

CHAPTER I.

LEGAL SAFEGUARDS IN CIVIL CASES.

*Article 1.**Equal Treatment.*

(1) The nationals of either Contracting State shall receive in the territory of the other State the same treatment in civil matters as nationals, as regards the legal and judicial protection of their persons and property.

(2) For the above purpose they shall be allowed free and unrestricted access to the Courts and shall be entitled to appear before them under the same conditions as the nationals of the State in question.

¹ Translated by the Secretariat of the League of Nations.

*Article 2.**Exemption from Security and Deposit.*

(1) No security or deposit may be exacted of the nationals of either Contracting Party who appear before the Courts of the other Party as plaintiffs or interveners on the ground that they are foreigners or that they possess no domicile or residence in the country in question.

(2) The same provision shall apply to any payments in advance which may be demanded from plaintiffs or interveners to cover judicial costs.

Article 3.

(1) If costs are awarded by the Courts of one of the Contracting Parties against a plaintiff or intervener who is exempted from security, deposit or payment in advance by virtue either of the law of the State in which the case was brought or of Article 2 of the present Agreement, such judgment shall be made executory in the territory of the other Contracting Party in accordance with the regulations governing the execution of sentences given by foreign courts.

(2) The same rule shall apply to judicial decisions by which the amount of the costs is subsequently determined.

*Article 4.**Free Legal Assistance to the Poor.*

Nationals of either of the Contracting Parties shall, in the territory of the other Party, be given free legal assistance in accordance with the same rules as nationals of that State.

Article 5.

(1) The certificate of insufficient means shall be issued by the authorities of the place in which the applicant's habitual residence is situated, or, in default of such residence, by the authorities of the place in which he is for the time being resident.

(2) Should the applicant not be resident in the territory of either of the Contracting Parties, it will be sufficient for a declaration to be made by a diplomatic agent or consular official of the country to which the applicant belongs.

Article 6.

(1) The authority competent to issue the certificate of insufficient means may make enquiries of the authorities of the other Contracting Party regarding the financial position of the applicant.

(2) The authority appointed to adjudicate upon an application for free legal assistance shall be entitled, within the limits of its competence, to verify the declarations and information submitted to it.

(3) When a national of one of the Contracting Parties receives free legal assistance, he shall also be entitled to free legal assistance before the Courts of the other Party in respect of all proceedings relating to the same case.

CHAPTER II.

PROVISIONS CONCERNING MARRIAGE.

Article 7.

(1) The authorities of the State of which the parties are nationals, when the suit is brought or the application made, shall have exclusive competence to give decisions on the validity of marriages and on suits for divorce or judicial separation. Should the parties at such time be of different nationalities, the authorities of the State of which they were last both nationals shall have exclusive competence.

(2) Should the parties have changed their nationality, no circumstance which arose before such change may be adduced as a plea for divorce or judicial separation unless it could have been brought forward as a reason for divorce or judicial separation under the laws to which the parties were previously subject.

(3) Decisions of the authorities mentioned in the first paragraph of this Article shall be recognised as valid in the territory of the other Contracting Party.

Article 8.

(1) Either party may apply to the competent authorities of the State in whose territory he or she for the time being is resident requesting them to take provisional measures such as fixing of alimony, or granting a provisional separation order or an order for restitution of conjugal rights, even if an application for divorce or legal separation would have to be made to the authorities of the State of which the person in question is a national.

(2) Such measures shall remain in force until revoked by the competent authorities of the State of which the parties are nationals.

CHAPTER III.

CASES CONCERNING LEGITIMACY OF CHILDREN.

Article 9.

(1) The authorities of the Contracting Party of which the child is a national, shall be competent in cases concerning the legitimacy of children.

(2) Decisions of such authorities shall be valid in the territory of the other Contracting Party.

CHAPTER IV.

GUARDIANSHIP AND TRUSTEESHIP.

Article 10.

(1) It shall be the duty of the authorities of the two Contracting Parties to provide guardianship and trusteeship for their nationals and for property of every description belonging to their nationals.

(2) In the case of nationals of one of the two Contracting Parties residing in the territory of the other Contracting Party, or possessing property there, the authorities shall merely adopt the measures of guardianship (trusteeship) which are indispensable, and shall as soon as possible inform the competent authority of the other Contracting Party of such action.

(3) The competent authority of the State of which the ward is a national may annul such measures. It may also, however, if the interests of the ward render such action necessary, transfer the entire guardianship (trusteeship) or certain measures thereof, whether affecting the person or the property of the ward, to the authorities of the other Party with their consent and in accordance with the regulations in force.

(4) Should the guardianship (trusteeship) have been entrusted to the authorities of a Contracting Party, the decisions of that authority shall be recognised in the territory of the other Contracting Party.

CHAPTER V.

DECLARATION OF DEATH.

Article 11.

(1) The declaration of death shall be made by the authorities of the State of which the deceased was a national at the time of his disappearance.

(2) Decisions given by such authorities shall also be valid in the territory of the other Contracting Party.

Article 12.

(1) In case of need, the Czechoslovak authorities may, in accordance with the regulations in force in the Czechoslovak Republic, declare a Polish national to be presumed dead, if such declaration has effects in the territory of the Czechoslovak Republic.

(2) The Polish authorities shall have the same right in respect of Czechoslovak nationals.

CHAPTER VI

CO-OPERATION BETWEEN THE COURTS IN CIVIL CASES.

I.

GENERAL CLAUSES.

Article 13.

Direct relations.

(1) Each of the two Contracting Parties shall, if requested to do so, give the other Contracting Party legal assistance in civil, commercial and non-contentious cases by direct communication between the legal authorities.

(2) In the case of the Czechoslovak Republic the offices of the Presidents of the Collegiate Courts of First Instance shall be competent to transmit direct applications for the service of documents and for other forms of legal assistance; in the case of the Polish Republic all legal authorities shall be competent to that effect. The reply to a request shall in every case be communicated direct to the authority making application.

(3) If the authority applied to is not competent, the application shall be forwarded without further formality to the competent authority of the same State, and the authority making application shall be notified forthwith.

Article 14.

Language to be used in submitting applications.

(1) Requests for service and "commissions rogatoires" shall be drawn up in the official language of the State making application. They shall not require legalisation and shall bear the official seal of the authority submitting them.

(2) The acts and other documents necessary for execution shall be drawn up in the official language of the State to which application is made or accompanied by a certified translation in that language.

(3) The official languages for the purpose of the present Agreement shall be, in Czechoslovakia the Czechoslovak language, and in Poland the Polish language.

Article 15.

Contents of requests.

Every request shall mention the object of the request and shall, if necessary, contain a brief statement of the question; it shall give the names and occupations of the parties, and, if possible, their permanent domicile, or, failing such, their place of habitual residence or the place where they are actually living. Requests for service shall also give the name of the recipient and the nature of the document to be served.

Article 16.

Execution of requests.

(1) Requests for service and "commissions rogatoires" shall be executed in accordance with the laws of the State to which application is made.

(2) If, however, the authority making application so requests, execution may be effected in accordance with a special procedure, provided that such procedure is not contrary to the law of the State applied to.

Article 17.

Costs.

(1) No fees or charges of any description shall be repayable in respect of the service of documents or the execution of "commissions rogatoires" except expenses payable to witnesses and experts by the State to which application is made.

(2) Postal charges shall be borne by the authority despatching the correspondence.

II.

SERVICE OF LEGAL DOCUMENTS.

Article 18.

(1) Documents shall be served in accordance with the procedure laid down in Article 16 if they are drawn up in the official language of the Party applied to or accompanied by a translation in that language.

(2) In other cases, the authority applied to may merely effect service by handing over the document to the recipient, provided that the latter agrees to accept it.

Article 19.

The execution of a request for service may be refused if the State in whose territory it is to be effected considers it such as to compromise its sovereignty or safety.

Article 20.

(1) Proof of service shall be furnished either by a dated and legalised receipt given by the recipient, or by an attestation by the authority of the State to which application is made certifying the fact, the manner and the date of service.

(2) If the document to be served is transmitted in duplicate, the receipt or attestation should be given on one of the copies or be attached thereto.

Article 21.

Either of the Contracting Parties may serve notices by post within the territory of the other; it may also serve notices on its own nationals through its diplomatic representatives or consular agents.

III.

EXECUTION OF " COMMISSIONS ROGATOIRES ".

Article 22.

(1) In the execution of " commissions rogatoires " the competent authority shall employ the same measures of compulsion as would be applied in the case of the execution of a commission emanating from the authorities of its own State or of a request to that effect made by an interested party.

(2) The authority making the request shall, if it so desires, be informed of the date and place where the proceedings asked for will take place, in order that the interested party may be able to be present.

Article 23.

(1) Execution of a " commission rogatoire " may be refused if, in the State to which application is made, such execution does not lie within the competence of the judicial authorities, or if the said State considers that its sovereignty or safety might be affected thereby.

(2) The forwarding of acts or other documents may also be refused should the Court to which application is made have need of such acts or documents, or should the Ministry of Justice of the State to which application is made approve such refusal, having weighty reasons for so doing.

*Article 24.**Information regarding Legislation.*

(1) The Ministry of Justice of either of the Contracting Parties shall, on application, furnish the legal authorities of the other Contracting Party with information regarding the legislation in force in its territory.

(2) An application to this effect shall contain an exact description of the legal question on which information is desired.

CHAPTER VII.

DOCUMENTS.

*Article 25.**Legal and other equivalent documents.*

(1) Documents drawn up by the Courts of one Contracting Party and sealed with the official seal need not be legalised before production in the territory of the other Party.

(2) The same rule shall apply :

(a) To documents prepared by the land register offices or by the administrations dealing with deposits and trusts, should such authorities not come under the category referred to in the first paragraph ;

(b) To official protests made by a notary, official of the chancellery (clerk of the Court) or by a sheriff's officer.

Article 26.

In the case of documents drawn up by notaries, sheriff's officers or other competent legal officials, with the exception of protests (Art. 25, paragraph (2) (b)), legalisation shall be necessary before they can be produced in the territory of the other State. Such legalisation shall be carried out by the President of the Collegiate Court of First Instance in whose area the official residence of the said notary, sheriff's officer or other official is situated.

*Article 27.**Private Documents.*

(1) The provisions of Articles 25 or 26 shall apply, *mutatis mutandis*, to private documents, the signature to which is attested by a Court, a notary or an official of the chancellery (clerk of the Court).

(2) Such legalisation shall, however, be held to prove nothing further than the fact that the signature is authentic.

*Article 28.**Documents proceeding from administrative authorities.*

(1) Documents drawn up, delivered or attested by the central administrative authorities or the equivalent administrative authorities in either Contracting State and intended for use in the territory of the other State, shall not require legislation if they bear the official seal. A list of the said authorities is attached to the Additional Protocol annexed to the present Agreement. This

list may be altered or added to by agreement between the Ministries of Justice of the two countries. Such alterations or additions shall be published.

(2) Documents drawn up, delivered or attested by any other administrative authority must be legalised by the immediately superior authority mentioned in the Annex to the present Agreement.

Article 29.

Extracts from Registers.

(1) The extracts from the registers drawn up by the public registrars' offices of one of the Contracting States may be produced on the territory of the other State, provided that they are legalised by the competent Court, or by the administrative authorities of first instance, whose duty it is to supervise the registrar's office in question.

(2) Extracts from ecclesiastical registers dealing with legal status and delivered bearing the seal of the Church shall be legalised, should the provisions of paragraph 1 not apply to them, by the Court territorially competent in respect of the ecclesiastical authority in question, or by the central administrative authority referred to in paragraph 1 of Article 28, and shall be accompanied by a declaration certifying that the extract has been made by the person competent to do so.

Article 30.

Legalisation of copies of documents.

(1) Legalised copies of documents which are to be produced on the territory of the other State shall be delivered by the authority which delivered the documents in question or before which the said documents were drawn up. The stipulations of Articles 26-29 providing for a special form of legalisation shall also apply to the legalisation of copies.

(2) Should the authority which delivered up the original, or before which the original was drawn up, no longer exist, a copy shall be legalised by the authority which has become competent in its stead.

(3) Failing such authority, the Ministry of the Interior shall legalise the copy, and, in the Czechoslovak Republic, the said legalisation shall, where necessary, be carried out by the Minister Plenipotentiary in charge of the administration of Slovakia.

CHAPTER VIII.

COMMUNICATION OF EXTRACTS OF REGISTERS.

Article 31.

(1) The authorities in charge of the records of the public registrar's office shall, on application by the legal authorities of the other Contracting Party, deliver, without charge, legalised copies or extracts of registers concerning births, marriages and deaths and legitimation of natural children.

(2) Where such copies or extracts are applied for by private persons, they shall only be delivered and forwarded free of charge if the means of the person in question are certified by the competent authority to be insufficient.

PART II.

CRIMINAL CASES.

CHAPTER I.

EXTRADITION OF CERTAIN OFFENDERS.

*Article 32.**Crimes leading to extradition.*

Each of the Contracting Parties undertakes to deliver to the other Contracting Party, if requested to do so, any persons in its territory proceeded against or sentenced by the judicial authorities of the State making application for a crime or misdemeanour punishable under the laws of both Contracting States, even if the offence is punishable only in part of their territories.

*Article 33.**Own nationals not to be extradited.*

(1) The Czechoslovak Republic shall not deliver up its own nationals, and the Polish Republic shall not deliver up its own nationals or nationals of the Free City of Danzig.

(2) Should the person whose extradition is demanded have applied, previous to the arrival of the request for extradition, for the granting of nationality of the State to which application is made, the decision on the request for extradition may be postponed until a decision has been taken as to his nationality.

*Article 34.**Offences for which extradition will not be granted.*

(1) Extradition will not be granted :

- (a) For offences only punishable under military law.
- (b) For political offences or acts connected with such offences. Attempts against the life or personal safety of the head of the State of one of the Contracting Parties shall not be regarded as political offences.
- (c) For offences only punishable under the Press laws.
- (d) For offences against Customs, fiscal and other financial laws.

(2) The State to which application is made shall possess exclusive competence to decide whether the act in respect of which extradition has been applied for constitutes an offence within the meaning of paragraphs (a) to (c) of the present Article.

*Article 35.**Refusal of extradition based on the competence of the national authorities.*

Extradition shall also not be granted :

- (a) In respect of offences in regard to which, under the laws of the State to which application is made, proceedings can be taken only by the Courts of the said State.

- (b) When a person whose extradition is demanded has been proceeded against for the same punishable offence in the territory of the State to which application is made or has been convicted or discharged and, when there is no occasion, under the laws of the State to which application is made, to re-open criminal proceedings. Nevertheless, an acquittal or a decision to the effect that there was no case for prosecution, if solely based on the fact that the punishable offence was committed in a foreign country, shall not prevent extradition.

Article 36.

Extradition may be refused should the person required be prosecuted for the same offence in the territory of the State to which application is made.

Article 37.

Prescription.

Extradition may be refused if, under the laws in force in all parts of the territory of the State to which application is made, the period of prescription has expired in respect of the punishable offence or the execution of the sentence pronounced.

Article 38.

Suspension of extradition proceedings.

If the person whose surrender is claimed is prosecuted or sentenced in the State to which application is made for any other offence than that which gave rise to the application for extradition, or if he is in custody for other reasons, his extradition may be postponed until the proceedings are concluded or until the sentence has been served or remitted. The Party to which application is made shall, however, take a decision as soon as possible concerning the application for extradition.

Article 39.

Different applications for the surrender of the same person.

If the extradition of a person for the same offence or for different offences is claimed at the same time by more than one Government, the State to which application is made shall decide which of the applications shall be granted.

Article 40.

Limits of extradition.

(1) A person surrendered may not be prosecuted, punished or surrendered to a third Power for an offence committed before extradition, unless extradition has been granted expressly in respect of such offence.

(2) The person surrendered may, however, be prosecuted or re-extradited for other offences :

(a) If the State which granted extradition subsequently gives its consent thereto. Such consent may not be refused in cases in which extradition for an offence must be granted under the terms of the present Agreement ;

(b) Should the extradited person consent thereto and should his consent be officially put on record. A legalised copy of the said record shall be forwarded to the State which surrendered the person extradited.

(3) If the person extradited has failed, through his own fault, to leave the territory of the State to which extradition has been granted before the expiry of one month from the date upon which the criminal proceedings taken in respect of the offence which led to extradition are concluded or the sentence served or remitted, or if the person extradited has voluntarily returned to the territory of the State making application after having left that territory, he may be prosecuted or punished for offences in respect of which extradition has not been expressly requested.

Article 41.

Requests for extradition.

(1) The request for extradition shall be made direct by the Ministry of Justice (or by the supreme military administrative authority in the case of persons prosecuted by courts-martial) of the State making application to the Ministry of Justice of the State applied to.

The request for extradition and documents attached thereto shall be worded in the national (official) language of the Party making application.

(2) The request for extradition shall be accompanied by a warrant for the arrest of the person whose surrender is claimed or by the judgment recording his conviction. These documents shall state the nature of the charge, shall contain a description of the act, and shall indicate the penal provisions which have been applied or are applicable to the offence in question. If the offence is an offence against property, the amount of damage done or intended shall as far as possible be stated. Should this information not be contained in the above-mentioned documents, other legal documents containing the missing information shall be attached to the request for extradition.

(3) The documents referred to, whether originals or legalised copies, shall be drawn up according to the procedure customary in the State making application and shall bear the official seal.

(4) A legalised copy of the text of the penal law applicable to the offence in question shall be annexed to the request for extradition.

(5) The request for extradition shall be accompanied, when possible, by a description and photograph of the person whose surrender is claimed and other particulars which may help to establish his identity.

Article 42.

Supplementary information.

(1) When there is reason to believe that the conditions concerning extradition referred to above have not been satisfied, the Party making application shall be requested to furnish supplementary information.

(2) When the person whose surrender is claimed has been arrested pursuant to a request for extradition, he may be released if the supplementary information is not communicated within a period of six weeks from the date upon which the Ministry of Justice of the Party applied to despatched the request for such information.

Article 43.

Measures for carrying out the extradition.

When a request for extradition has been submitted to one of the Contracting Parties, the said Party shall immediately take all the measures necessary to effect extradition and shall proceed to arrest the person whose surrender is claimed, unless it immediately declares that extradition would be contrary to the laws in force.

Article 44.

Temporary arrest.

(1) The person whose surrender is claimed shall be temporarily placed under arrest even before the application for extradition has been lodged, if such action has been requested in virtue

of a warrant of arrest or valid judgment recording the conviction, and if the charge has been stated.

(2) Such request may be made direct in writing or by telegram to the competent authority of the Party applied to by a Court or other competent authority of the Party making application.

(3) Each of the Contracting Parties shall proceed, even though no request has been made, to place any person under temporary arrest when the name of such person has, at the request of the other Contracting Party, been entered in the "Legal Proceedings Gazette" of the State in whose territory the presence of that person has been reported.

Article 45.

(1) The date of the provisional arrest of any person (Article 44) and the place of detention shall be notified without delay direct to the authority making application or to the authorities entrusted with the prosecution and to the Ministry of Justice of the country.

(2) A person who has been provisionally arrested may be released if, within two weeks from the date of his arrest, the authority which effected arrest has not received a warrant for arrest or a judgment sentencing the person in question. In the case of dangerous criminals, however, the period of arrest may be extended for a further two weeks.

(3) The Ministry of Justice of the Contracting Party which effected arrest may release persons provisionally arrested if a request for their extradition is not received within six weeks from the date of the arrest.

Article 46.

Communication of the results of the penal procedure.

The Contracting Party to which the person proceeded against has been surrendered shall, if asked to do so, inform the Party applied to of the final result of the criminal proceedings.

Article 47.

Conveyance of Offenders.

(1) At the request of one of the Contracting Parties, the other Party shall permit the conveyance across its territory of an extradited person surrendered by a third Power to the Party making application.

(2) The provisions contained in Articles 33 to 37 and 41, paragraphs 1 to 3, shall also apply, *mutatis mutandis*, to extradition in transit.

CHAPTER II.

CO-OPERATION BETWEEN COURTS OF LAW IN RESPECT OF CRIMINAL PROCEEDINGS.

Article 48.

Direct Relations.

The Contracting Parties shall, if requested to do so, render each other assistance in criminal cases by direct relations between the judicial authorities. More especially, they shall, each on the other's behalf, effect the service of documents connected with criminal proceedings, including

sentences, and shall themselves take preliminary proceedings; for example, they shall examine the accused, witnesses and experts, make legal attestations, carry out searches, effect sequestration, and hand over documents and articles connected with the criminal proceedings.

Article 49.

Handing-over of incriminating evidence.

(1) The authorities of the two Contracting Parties shall, if requested to do so, hand over to each other articles acquired by the accused as a result of the offence or constituting incriminating evidence, even if an order has been issued for the confiscation or destruction of such articles. The Party handing over the articles may stipulate conditions as to their return at the earliest possible date.

(2) If application has been made for the handing-over of the articles in question in connection with the extradition of a criminal, whether direct or across the territory of a Contracting Party, it shall be complied with as far as possible at the same time as the extradition is effected.

Article 50.

The provisions of Articles 13, paragraph 3, 14 to 16, 18 to 20, and 23, shall also apply, *mutatis mutandis*, to co-operation between the courts in criminal proceedings.

Article 51.

Reasons for refusal.

Co-operation in criminal matters may be refused if under the provisions of the present Agreement the extradition of the person proceeded against is not obligatory.

Article 52.

Summonses to appear before foreign authorities.

(1) No witness or expert, whatever his nationality, who attends of his own free will in answer to a summons before the authorities of the State making application, can be prosecuted or detained in that State in connection with previous criminal offences or convictions. Such persons may not, however, claim this privilege if they fail, through their own fault, to leave the territory of the State making application within three days from the time when their evidence was heard by the authorities of the State making application.

(2) The summonses of the persons mentioned in the preceding paragraph — which shall contain no threat of penalties in the event of failure to attend — shall state the amount allowed for travelling expenses and subsistence. The authority making application shall send with the summons a reasonable advance on account of the expenses of the person concerned.

(3) If the person summoned is under detention in the State to which application is made, the Ministry of Justice of that State may be requested to extradite him temporarily on condition that he is sent back as soon as possible. Such application shall only be granted if the prisoner does not expressly object to extradition.

CHAPTER III.

COMMUNICATION OF SENTENCES AND EXTRACTS FROM RECORDS OF PREVIOUS CONVICTIONS.

Article 53.

(1) The two Contracting Parties shall communicate to each other copies of records of previous convictions or extracts from sentences on nationals of the other contracting party which are, under the regulations in force in the territorial area under the court which pronounced the judgment, to be entered in the records of previous convictions. Similarly, they shall communicate to each other supplementary decisions referring to the said sentences and included in the records of previous convictions.

(2) The said copies and extracts shall be communicated to the authorities in charge of records of previous convictions in the territory of the other Contracting Party, or, should the identity of the said authorities be unknown, to the Ministry of Justice of that State.

Article 54.

(1) The two Contracting Parties shall communicate to each other, on request, particulars from the records of previous convictions.

(2) The authority to which requests for such information should be addressed is specified in paragraph 2 of Article 53.

CHAPTER IV.

COSTS OF CO-OPERATION BETWEEN COURTS IN CRIMINAL CASES.

Article 55.

(1) The costs arising from a request for extradition or from any other request for judicial co-operation in criminal cases shall be borne by the State to which application is made, so far as they have been incurred in its territory.

(2) The only costs that shall be refunded by the Party making application shall be those arising from a request for expert advice or medical opinion or from the subpoenaing of a person undergoing imprisonment in the territory of the State to which application is made (Article 52, paragraph 3), and also the costs of the extradition across the territory of the other Party of a person who has been proceeded against (Article 47).

(3) The Contracting Party which has surrendered the person proceeded against shall also be entitled to claim for repayment of expenses occasioned by extradition, and the transmission of the sum in question, should the State to which application is made have recovered the costs of the criminal proceedings from the person convicted.

CHAPTER V.

CRIMINAL PROCEEDINGS.

*Article 56.**Right to take criminal proceedings.*

(1) The authorities responsible for public order may, should delay involve any danger to public order, take action in the territory of the other State against criminals who have fled to the territory

of that State, at any time after the crime has been committed or the criminal discovered. They shall be entitled to arrest the person whom they pursue in the territory of the other State and to seize the instruments which have been used to carry out the crime and anything that may serve as evidence.

(2) The authorities taking such action shall not be entitled to search houses on their own authority.

(3) Such authorities may, when pursuing criminals, carry the arms laid down in the regulations and use them in lawful self-defence.

Article 57.

Territorial limits of such pursuit of criminals.

(1) Pursuit of criminals within the meaning of the first paragraph of Article 56 shall only be allowed to take place in the territory of the other State up to the point at which the officers pursuing the criminal come into contact during that pursuit with police or other authorities responsible for public order in the other State.

(2) Should they not come into contact with police or other authorities responsible for public order during their pursuit of the criminal, the officers pursuing the criminal shall not be entitled to go outside a frontier-zone of ten kilometres. The said frontier-zone may be extended by agreement between the two Governments.

Article 58.

Duties of officers pursuing criminals.

(1) Officers pursuing criminals shall be obliged to appear before the nearest authority or body responsible for public order in the territory of the other State, and to produce their official warrant. Their duties in foreign territory being thereby terminated, the said officers shall immediately return to the territory of their own country. They shall only be entitled to continue the pursuit of the criminal should the authorities or bodies responsible for public order in the territory in which the pursuit is being carried out so permit.

(2) In the case referred to in paragraph 2 of Article 57, the officers pursuing the criminal shall report later to the nearest authority responsible for public order to the place at which the pursuit ended, within the said 10-kilometre zone.

Article 59.

Procedure to be followed with regard to persons arrested.

(1) If the criminal who is being pursued has been arrested, he shall be handed over, along with all articles found on his person, to the nearest authority responsible for public order or to the nearest court.

(2) The said authorities shall put the accused under temporary arrest unless his extradition is *a priori* inadmissible. As regards further proceedings, the provisions of the present Agreement concerning temporary arrest shall apply.

CHAPTER VI.

RATIFICATION AND DENUNCIATION OF THE AGREEMENT.

Article 60.

The present Agreement, which is drawn up in the official languages of both Contracting Parties, both texts being equally authentic, shall be ratified and the instruments of ratification shall be

exchanged at Prague as soon as possible. It shall come into force one month after the exchange of the instruments of ratification, and shall remain valid until the expiration of six months following the date on which it is denounced by either of the Contracting Parties.

In faith whereof the Plenipotentiaries have signed the present Agreement and have affixed their seals thereto.

Done in duplicate at Prague on March 6, 1925.

(Signed) D^r ZGMUNT LASOCKI.

(Signed) D^r V. GIRSA.

(Signed) WŁODZIMIERZ JABŁOŃSKI.

(Signed) D^r EMIL SPIRA.

ADDITIONAL PROTOCOL TO THE CONVENTION WITH REGARD TO THE SETTLEMENT OF LEGAL RELATIONS IN CIVIL, CRIMINAL AND NON-CONTENTIOUS CASES, CONCLUDED BETWEEN THE POLISH REPUBLIC AND THE CZECHOSLOVAK REPUBLIC.

The Plenipotentiary Representatives of the Polish Republic and of the Czechoslovak Republic, being about to sign the Agreement with regard to the settlement of legal relations in civil, criminal and non-contentious cases, desire to declare on behalf of their respective Governments their agreement on the following points :

(1) The provisions contained in the first part of the Agreement shall also apply in the Czechoslovak Republic to authorities dealing with cases of wardship in Slovakia and Sub-Carpathian Ruthenia.

(2) The term " courts " shall also include, for the purposes of the present Agreement, the courts-martial of the two Contracting Parties.

(3) The Contracting Parties shall communicate to each other a schedule showing the territorial areas of their civil courts and courts-martial.

(4) The provisions of Article 31 shall in no way affect any future regulations with regard to the official exchange of extracts from registers.

(5) Both delegations are of opinion that it is difficult to find a general form of words in connection with the extradition of persons sentenced by a judgment having the force of law to a single penalty for a crime against the laws of both States and for one of the crimes referred to in Article 34. They have therefore laid down that the State to which application is made shall decide in each individual case according to the circumstances whether the application for extradition shall be granted or refused.

(6) A judgment which has acquired the force of law and which involves a sentence to a single penalty both for a crime or misdemeanour and for an offence against police regulations shall not constitute an obstacle to extradition.

(7) The legislation of several territories belonging to the two States regards as misdemeanours punishable acts which in the other territories belonging to the two States are regarded as mere offences against police regulations. Therefore the two Parties, taking account of Article 32, have agreed that in practice, in cases of little importance, the unlimited right to demand extradition shall only be recognised if the vital interests of the administration of justice so require. The State making application shall decide whether such interests are or are not at stake.

(8) For the purposes of establishing the fact that extradition is obligatory, no enquiry prior to the decision being taken shall be made as to whether the person who committed the act is liable to prosecution in the State to which application is made ; it shall be sufficient to establish that the offence is a punishable one in that State (See Article 32 *et seq.*).

(9) A special Annex containing a list of the central administrative offices and equivalent authorities referred to in Article 28 is attached to the present Protocol.

In faith whereof the Plenipotentiaries of the two States have signed the present additional Protocol, which shall have the same validity as the Agreement.

Done in duplicate at Prague on March 6, 1925.

(L. S.) (Signed) D^r ZGMUNT LASOCKI. (L. S.) (Signed) D^r V. GIRSA.
(L. S.) (Signed) WŁODZIMIERZ JABŁOŃSKI. (L. S.) (Signed) EMIL SPIRA.

ANNEX TO THE ADDITIONAL PROTOCOL.

LIST OF THE CENTRAL ADMINISTRATIVE AUTHORITIES OF THE CZECHOSLOVAK REPUBLIC AND THE POLISH REPUBLIC, WHOSE PREPARATION OF DOCUMENTS FOR USE ON THE TERRITORY OF THE OTHER CONTRACTING PARTY SHALL NOT REQUIRE LEGALISATION.

A. CZECHOSLOVAK REPUBLIC.

- (1) All the Ministries, including the Prime Minister's Office and the Office of the Minister Plenipotentiary for the Administration of Slovakia-Bratislava ;
(2) High Court of the Exchequer ;
(3) State Land Office ;
(4) State Statistical Office ;
(5) Civil Administration of Sub-Carpathian Ruthenia ;
(6) Chancellery of the President of the Republic ;
(7) Chancellery of the Chamber of Deputies ;
(8) Chancellery of the Senate.

B. POLISH REPUBLIC.

- (1) All the Ministries, including the Prime Minister's Office ;
(2) Public Prosecutor's Office of the Polish Republic ;
(3) Central Statistical Office ;
(4) Central Office for Liquidation ;
(5) Auditor-General's Department ;
(6) Chancellery of the President of the Republic ;
(7) Chancellery of the Chamber of Deputies and of the Senate.