

N° 1867.

**POLOGNE
ET TCHÉCOSLOVAQUIE**

Protocole concernant l'échange des
dossiers judiciaires. Signé à Var-
sovie, le 14 avril 1927.

**POLAND
AND CZECHOSLOVAKIA**

Protocol regarding the Exchange of
Judicial Archives. Signed at
Warsaw, April 14, 1927.

¹ TRANSLATION.

No. 1867. — PROTOCOL BETWEEN POLAND AND CZECHOSLOVAKIA
REGARDING THE EXCHANGE OF JUDICIAL ARCHIVES.
SIGNED AT WARSAW, APRIL 14, 1927.

The Plenipotentiaries representing the Ministries of Justice in the REPUBLICS OF POLAND and CZECHOSLOVAKIA, respectively, with reference to the provisions of Article 31 of the Legal and Financial Convention concluded between the Polish and Czechoslovak Republics on April 23, 1925, are agreed that documents referring to cases opened on or before August 10, 1920, and concerning that part of the territory of Teschen, Orava and Spisz which was attributed to the other State, shall be reciprocally handed over according to the following principles.

I.

The following shall be reciprocally handed over forthwith :

(1) Judicial documents relating to civil and commercial cases in which proceedings are not terminated, if the local courts competent to settle and decide such cases are at the present time under the jurisdiction of the other State, and if the parties to the dispute agree to the withdrawal of the case in favour of the courts of the other State ;

(2) Documents relating to non-contentious cases in which proceedings are not terminated, if they concern nationals of the other State ;

(3) Documents of the courts and public prosecutors' offices which refer to criminal proceedings not yet terminated, and also to cases in which the sentence passed has not as yet been executed, provided that the punishable act was committed prior to August 10, 1920, in the part of the territory of Teschen, Spisz and Orava attributed to the other State. The incriminating evidence shall be handed over as well as the documents ;

(4) Land registers in the keeping of the courts, concerned exclusively with lands situated in the part of the territory of Teschen, Spisz and Orava attributed to the other State. All documents, maps and accessory records referring to entries in the land registers shall be handed over with the latter. Land registers, documents, maps and accessory records shall only be handed over where it is materially possible to detach them without damage to other registers, documents or maps ;

(5) Documents emanating from the presidents of the courts and other documents concerning judges, public prosecutors and other officials employed in the law-courts or the offices of public prosecutors or other judicial authorities in the part of the territory of Teschen, Spisz and Orava attributed to the other State, and, in general, documents concerning the administration of justice exclusively in the said territory, and lastly, documents, registers and papers from the judicial archives, in so far as they relate exclusi-

¹ Translated by the Secretariat of the League of Nations, for information.

vely to the parts of Teschen, Spisz and Orava attributed to the other State, whenever the competent court or authority of the other State so requests in any individual case ;

(6) Documents relating to notaries and their offices, in so far as they are now domiciled in territory attributed to the other State, and, on request, any individual documents from notarial archives which are preserved in the courts and concern nationals of the said territory.

II.

Documents of the courts, public prosecutors' offices and other judicial authorities, and, in particular, of authorities dealing with cases of wardship, which refer to proceedings already terminated in the matters specified under I. Nos. (1) - (3), shall be handed over whenever the competent court or authority of the other State so requests in any individual case.

III.

In the case of joint documents or documents which should really be handed over under clause I but which cannot possibly be separated without damaging the remaining documents, certified copies shall be handed over at the request of the competent courts or authorities. The expense of making copies shall be borne by the applicant party.

IV.

The following shall not be handed over :

(1) Documents relating to cases falling exclusively within the competence of the national courts or authorities : for example, cases concerning the status of the country's own nationals and the like ;

(2) Documents relating to successions and documents concerning bankruptcy and settlement proceedings in respect of property situated in the State which is required to hand over the documents, where the national courts of that State are held to be competent to decide cases of successions, bankruptcy and settlement ;

(3) Documents relating to penal proceedings against the State's own nationals, documents relating to penal cases falling, under the regulations in force, within the exclusive competence of the national courts, whatsoever the place and whosoever the perpetrator of the crime, and also documents concerning penal cases which there is no obligation to waive in favour of the other State in conformity with Article 34 of the Agreement concluded between the Polish and Czechoslovak Republics on March 6, 1925, with regard to the settlement of legal relations in civil, penal and non-contentious cases.

V.

The chief officials of the courts, public prosecutors' offices and other judicial authorities concerned in the delivery and receipt of documents shall consult each other direct as to the time, place and technical method of handing over the documents. The delivery and reception of the documents and incriminating evidence shall be carried out in accordance with lists, one copy of which must be handed over with the documents.

VI.

The Ministries of Justice of the Polish and Czechoslovak Republics shall issue at the earliest possible moment, and in accordance with the foregoing principles, directions for the division of the judicial documents, and shall communicate to each other the text of such decrees.

The delivery and receipt of documents in virtue of Section I, Nos. (2) - (4) shall be executed and completed within two months of the coming into force of Chapter IV of the Legal and Financial Convention concluded between the Polish and Czechoslovak Republics on April 23, 1925, in conformity with Article 33 of the said Convention.

VII.

The present Protocol is drawn up in two copies in the Polish and Czechoslovak languages, both texts being equally authentic.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at Warsaw, the fourteenth day of April, one thousand nine hundred and twenty-seven.

(Signed) Włodzimierz JABŁONSKI.

(Signed) Dr. Antonín KOUKAL.