

N° 2385.

---

**HONGRIE  
ET ROYAUME DES SERBES,  
CROATES ET SLOVÈNES**

Convention relative à l'extradition  
des malfaiteurs et à l'assistance  
judiciaire en matière pénale, avec  
protocole de signature. Signés à  
Belgrade, le 22 février 1928.

---

**HUNGARY AND  
KINGDOM OF THE SERBS,  
CROATS AND SLOVENES**

Convention concerning the Extradition  
of Criminals and Judicial  
Cooperation in Criminal Matters,  
with Protocol of Signature. Signed  
at Belgrade, February 22, 1928.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 2385. — CONVENTION <sup>2</sup> BETWEEN THE KINGDOM OF HUNGARY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES CONCERNING THE EXTRADITION OF CRIMINALS AND JUDICIAL COOPERATION IN CRIMINAL MATTERS. SIGNED AT BELGRADE, FEBRUARY 22, 1928.

*French official text communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations and the Resident Minister, Head of the Hungarian Delegation accredited to the League of Nations. The registration of this Convention took place July 11, 1930.*

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES and HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, being equally desirous of concluding a convention with a view to regulating the extradition of criminals and judicial cooperation in criminal matters, have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

Dr. Voïslav MARINKOVITCH, His Minister for Foreign Affairs ;

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

Baron Paul FORSTER, His Envoy Extraordinary and Minister Plenipotentiary at Belgrade, and

M. Alfred DE NICKL, Councillor of Legation, Director of the Economic Section in the Royal Hungarian Ministry of Foreign Affairs ;

Who, having communicated their full powers, found in good and due form, have agreed to the following Articles :

## CHAPTER I.

## EXTRADITION OF CRIMINALS.

*Article I.*

## RECIPROCAL UNDERTAKING TO GRANT EXTRADITION.

The Contracting Parties undertake to deliver up to each other, upon requisition, persons against whom the judicial authorities of one Party are taking proceedings for any of the offences indicated in the following Article and who shall be found within the territory of the other Party.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratification took place at Budapest, June 26, 1930.

*Article 2.*

## EXTRADITION OFFENCES.

Extradition shall, except in the cases provided for in Article 3, be granted for offences which under the laws of the two Contracting Parties (even if these laws are not in force in all their territories) may involve a penalty restricting the offender's personal freedom for not less than one year.

If the person is convicted he must, apart from the above conditions, have been sentenced to deprivation in some form or other of his personal freedom for a term of not less than six months.

If the conditions laid down in the first two paragraphs are fulfilled, extradition shall also be granted in the case of attempted offences or of complicity.

*Article 3.*

## EXCEPTIONS TO THE UNDERTAKING TO GRANT EXTRADITION.

Extradition shall not be granted :

## I.

1. If the person whose extradition is claimed is a national of the Party applied to ;
2. If the offence has been committed in the territory of the Party applied to ;
3. If, under the laws of the Party applied to, the offence comes exclusively within the jurisdiction of that Party ;
4. If criminal proceedings have already been instituted in the territory of the Party applied to, for the same offence, against the person whose extradition is claimed and if these proceedings have already been terminated by a judgment or in some other manner ;
5. If, according to the law in force in all the territories of one of the Contracting Parties, exemption from prosecution or punishment has been acquired through lapse of time or in some other way ;
6. If, according to the law of the Party applied to, proceedings can only be taken in connection with the offence for which extradition is claimed on the complaint or petition of the injured party, unless it be duly ascertained that the injured party has requested proceedings ;

## II.

1. For political offences or acts connected with such offences. It is understood that the following offences shall not be regarded as political offences or as acts connected therewith :

(a) A crime committed or attempted, against the person of a Head of State or against the members of his family when such crime amounts to murder, homicide, or poisoning, or an attempt to commit the same, or complicity in such acts ;

(b) An offence against human life, personal safety or property, connected with Communist movements ;

2. For offences punishable exclusively under military justice ;
3. For offences coming exclusively under the Press laws ;
4. For offences coming exclusively under the laws on Customs or taxes, or under other fiscal laws ;
5. For offences which, according to the law of at least one of the two Contracting Parties, are regarded merely as petty offences (*contraventions*).

The Party applied to shall be entitled to ascertain whether the conditions specified in this Article exist.

*Article 4.*

## POSTPONEMENT OF EXTRADITION.

If, in the State applied to, the person whose extradition has been claimed is being proceeded against or has been sentenced for some offence other than that which led to the requisition, extradition may be deferred until the proceedings have been definitely closed, and, if the person is sentenced, until he has served his sentence or sentence has been remitted.

The above circumstances may not, however, be advanced as a reason for adjourning the decision with regard to the requisition for extradition.

If, under the law of the Party applied to, the prosecution might lose its right of action owing to lapse of time or suffer some other considerable prejudice as a result of postponement, the prisoner may be handed over temporarily, unless there be any special objection to such a course, provided an undertaking be given that the person surrendered will be sent back as soon as the proceedings in the territory of the requisitioning Party have been terminated.

*Article 5.*

## WHEN MORE THAN ONE STATE CLAIMS EXTRADITION.

If the person whose extradition is claimed by one of the Contracting Parties is also claimed, at the same time, by another State or States for the same or other offences, he shall be handed over to the State of which he is a national.

If the person to be surrendered is not a national of any of the requisitioning States, he shall be handed over to the State in whose territory the offence was committed or, if more than one offence has been committed, to the State in which he has committed the most serious offence or, finally, if the offences are all of equal gravity, to the State whose requisition was received first.

This provision shall not in any way affect agreements previously concluded by either Contracting Party with other States.

*Article 6.*

## RESTRICTION OF PROCEEDINGS AGAINST THE PERSON SURRENDERED.

A person who has been surrendered may only be proceeded against or punished in the territory of the Party to which he has been handed over, and may only be surrendered to a third State for the offences on account of which extradition was expressly granted.

He may, moreover, only be proceeded against or handed over to a third State for offences committed before his extradition :

1. If the Party which has granted extradition subsequently consents thereto ; such consent may not be refused if extradition would have had to be granted in accordance with this Convention ;

2. If the person surrendered has been free to leave the territory of the Party to which he was handed over during one month as from the date on which the criminal procedure connected with the offence that led to extradition was finally terminated, and, if he was sentenced, as from the date on which he completed his sentence or obtained remission thereof, or if he subsequently returns to the same territory of his own free will.

*Article 7.*

## REQUISITION FOR EXTRADITION.

A requisition for extradition on behalf of a civil court must be submitted direct by the Ministry of Justice of the requisitioning Party to the Ministry of Justice of the Party applied to, and on behalf of a military court, as far as Hungary is concerned, by the Ministry of National Defence,

and as far as the Kingdom of the Serbs, Croats and Slovenes is concerned, by the Ministry of War to the Ministry of Justice of the other Party.

This requisition should mention the place at which the criminal may be handed over.

Requisitions for extradition must be accompanied either by a magistrate's order for the arrest of the criminal, or an act of indictment, or a sentence of Court. This document should contain a brief summary of the facts, the nature and gravity of the offence, and an indication of the provisions of law applied or applicable in connection with the particular offence, and the penalty involved. The text of these provisions should likewise be quoted or annexed.

As far as possible, the description of the person to be handed over should also be attached, together with his photograph and all other details necessary to establish his identity.

#### *Article 8.*

##### FURTHER EXPLANATIONS.

If there be any doubt as to whether the offence which is the subject of the proceedings comes within the scope of the present Convention, the requisitioning Party shall be asked for explanations, and extradition will only be granted if the explanations given are such as to dispel all doubt.

#### *Article 9.*

##### KEEPING IN CUSTODY OF THE PERSON CLAIMED.

The person whose extradition is claimed shall be placed in custody as soon as the requisition has been received unless the probability is that extradition will not be granted.

In urgent cases, the criminal may be arrested on receipt of notification transmitted by post or telegraph in accordance with the first paragraph of Article 7, indicating the existence of one of the documents referred to in paragraph 3 of Article 7.

In cases of extreme urgency the offender may also be arrested if notification of the existence of one of the documents referred to in paragraph 3 of Article 7 is transmitted by a competent authority of one of the Contracting Parties direct to a competent authority of the other Party.

When the offender has been taken into custody in accordance with paragraphs 2 and 3 of this Article, the fact shall be immediately notified by one authority to the other authority specified in paragraph 1 of Article 7.

#### *Article 10.*

##### RELEASE OF THE ARRESTED PERSON.

The arrested person may be released :

1. If the requisition for the extradition of the person placed in custody in conformity with paragraph 1 of the previous Article is not granted ;
2. If the explanations demanded in conformity with Article 8 are not received within one month from the date on which they were requested ;
3. If the document, the existence of which was notified in conformity with paragraph 2 of the previous Article, is not received within one month from the date of the arrest, and finally :
4. If, when a person has been arrested in accordance with paragraph 3 of the previous Article, no communication announcing a requisition for extradition has been received through the channel specified in paragraph 1 of Article 7 within eight days from the date of the arrest.

*Article 11.*

## COMMUNICATION OF THE RESULT OF PROCEEDINGS.

The Contracting Party to whom the person proceeded against has been handed over shall, if the other Party so requests, inform that Party of the final results of the criminal proceedings by communicating a copy of the decision reached in the case.

*Article 12.*

## TRANSIT OF CRIMINALS.

The provisions of this Convention concerning the extradition of criminals shall also apply to the request for and granting of transit through the territory of one of the Contracting Parties of a person surrendered by a third State to the other Party.

The authorities of the Party applied to shall be responsible for the conveyance of such person.

## CHAPTER II.

## JUDICIAL CO-OPERATION IN CRIMINAL MATTERS.

*Article 13.*

## UNDERTAKING IN REGARD TO JUDICIAL CO-OPERATION.

The Contracting Parties undertake to afford each other, in their respective territories, judicial co-operation in criminal matters, and in particular to act on requests for the service of documents emanating from the authorities of the other Party, and to execute letters rogatory in connection with preliminary legal proceedings, such as the hearing of prisoners and the examination of witnesses and experts, investigations on the spot, the searching of premises and persons, the seizure of the main evidence of the crime and of articles serving as proof of the crime, and finally, the letters rogatory mentioned in the following Articles. They will also transfer to each other judicial acts and the objects connected with criminal cases, which must be returned as soon as possible.

Should the authority applied to be without jurisdiction, the latter shall, through the official channel, transmit the letters rogatory to the proper authority of the country, at the same time informing the applicant authority of its action.

Requests for the service of documents and letters rogatory issued by the civil courts shall be transmitted through the intermediary of the Ministries of Justice of the Contracting Parties, and those issued by military courts shall be transmitted, as far as Hungary is concerned by the Ministry of National Defence, and as far as the Kingdom of the Serbs, Croats and Slovenes is concerned by the Ministry of War, to the Ministry of Justice of the other Party.

In cases of extreme urgency in which any loss of time might jeopardize the result of the criminal proceedings, the prosecuting authorities may communicate direct with the competent authorities of the Party applied to, either to secure the arrest of a criminal or establish his identity, or to obtain the results of a search of premises, or ensure the seizure of the main evidence of the crime or of articles serving as proof of the crime.

The competent authorities of the Party applied to shall give immediate effect to any request made by the prosecuting authorities, provided it be formulated in one of the ways specified in the previous paragraphs, and shall then proceed in conformity with the provisions of the present Convention.

*Article 14.*

## EXCEPTIONS TO THE UNDERTAKING TO AFFORD JUDICIAL COOPERATION.

Sentences of Court and orders for accused persons to appear in court delivered or issued by the courts of one of the Contracting Parties against nationals of the other Party shall not be served on the latter.

Nor shall the following be executed : letters rogatory concerning the hearing of a national of the Party applied to, if that national be the accused ; a request for service or letters rogatory issued in a criminal case in which, under the terms of the present Convention, extradition could not be granted.

The Party applied to shall notify the other Party without delay of its refusal to serve a document or execute letters rogatory and shall give its reasons.

*Article 15.*

## SUMMONING OF WITNESSES FROM THE TERRITORY OF THE OTHER PARTY.

If in a criminal case the attendance of a witness or expert is deemed to be necessary or desirable, the Government of the Party in whose territory these persons happen to be shall urge them to comply with the summons issued by the authorities of the other Party, but may not compel them to do so.

The costs in connection with the personal attendance of a witness or expert shall in each case be borne by the applicant Party, and the document communicated for this purpose shall indicate the sum to be allotted to the witness or expert for travelling expenses and subsistence allowance, and the amount which the Party applied to may, subject to repayment by the applicant Party, advance to the witness or expert out of the whole amount.

These sums shall be advanced as soon as the persons in question have stated that they are willing to comply with the summons.

No witness or expert, whatever his nationality may be, who, having been summoned in the territory of one of the Contracting Parties, attends of his own free will before the judges of the other Party, may be prosecuted within the territory of that Party or kept in custody for previous acts or on account of previous sentences, nor as an accessory to the offence forming the subject of the prosecution in which he appears as a witness or expert. These persons, however, shall forfeit this privilege if, by their own fault, they fail to leave the country within forty-eight hours from the time when their presence in the neighbourhood of the court ceases to be necessary.

If the person summoned as a witness happens to be in prison in the territory of the Party applied to, his provisional extradition may be requested, provided he be returned within forty-eight hours from the time when his presence in the neighbourhood of the court ceases to be necessary. A request of this nature can only be refused on serious grounds, in particular if the person, being merely in custody awaiting trial, objects.

*Article 16.*

## HANDING OVER OF ARTICLES SERVING AS PROOF OF THE CRIME.

The Contracting Parties undertake to deliver to each other on request objects which have figured in the commission of an offence and which may serve as proof of the crime, even if they are subject to seizure or confiscation.

If these objects are requested in connection with the extradition or transit of a criminal they shall be handed over, as far as possible, at the time at which the extradition or transit takes place. They shall be handed over to the Government claiming extradition even when extradition, having been granted, cannot be carried out owing to the death or escape of the offender.

All objects of the same kind which the accused may have hidden or deposited in the country granting extradition and which have been subsequently discovered shall also be handed over.

The Party which has been asked to hand over these objects may retain them provisionally if it considers them necessary for the preliminary investigation in connection with the crime.

The rights of third parties over these objects shall be reserved.

The Party which has agreed to hand over the objects in question may stipulate that they shall be restored as soon as possible.

In such cases, and when a third party has rights over the objects thus surrendered, orders shall be issued for the return of these objects free of charge and without delay as soon as they are no longer required in connection with the criminal proceedings.

#### Article 17.

##### COMMUNICATION OF THE SENTENCE OF COURT.

The Contracting Parties undertake to communicate to each other sentences of Court for crime or offences of every kind pronounced by the courts of either Contracting Party against the subjects of the other.

Communication shall be made by transmitting the text of the sentence which has been delivered and has become *res judicata*, or a copy thereof, to the Party of which the prisoner is a national.

These judgments, or copies, shall be communicated, without translation, once every three months.

#### Article 18.

##### COMMUNICATION OF PARTICULARS CONCERNING SENTENCED PRISONERS.

Hungary undertakes to supply to the Serb-Croat-Slovene State, on request, details from the central criminal records.

The Kingdom of the Serbs, Croats and Slovenes undertakes to supply similar information to Hungary as soon as an institution of this kind has been established, pending which it can only supply the above-mentioned particulars on the basis of the information collected by the authorities dealing with criminal matters.

### CHAPTER III.

#### PROVISIONS APPLICABLE BOTH TO EXTRADITION AND TO JUDICIAL COOPERATION.

#### Article 19.

##### TRANSLATION AND LEGALISATION OF REQUISITIONS FOR EXTRADITION, REQUESTS FOR THE SERVICE OF DOCUMENTS, AND LETTERS ROGATORY.

Requisitions for extradition and their annexes, requests for the service of documents, and letters rogatory need not be legalised; they must, however, bear the seal of the applicant authority. These requisitions, requests and letters rogatory, and their annexes, shall be accompanied, in the case of Hungary, by a translation in Hungarian, French, or German, and, in the case of the Serb-Croat-Slovene State, by a translation in Serbian, French, or German, if those documents are not drawn up in one of these languages or in the language of the authority applied to. These translations shall be either official, or prepared or legalised by a sworn translator of the applicant Party, and, if signed and sealed by that Party, they shall require no further legalisation.



Replies to requisitions for extradition, documents proving that service has been effected or stating why it could not be effected, replies to letters rogatory and documents drawn up in execution of letters rogatory, together with their annexes need only be accompanied by a translation if the applicant Party so requests and agrees to repay the costs of translation.

*Article 20.*

COSTS OF EXTRADITION AND JUDICIAL COOPERATION.

The costs involved in the execution of a requisition for extradition or other judicial cooperation in criminal matters shall, in general, be borne by the Party in whose territory they have arisen.

The applicant Party shall, however, repay the sums paid to experts and the cost entailed by the temporary surrender of the persons referred to in the last paragraph of Article 15, and, finally, the transport costs referred to in Article 12. Similarly, the costs of temporary surrender referred to in Article 4 shall be borne by the applicant Party.

CHAPTER IV.

FINAL PROVISIONS.

*Article 21.*

The present Convention shall be ratified, and the ratifications shall be exchanged as soon as possible at Budapest.

*Article 22.*

The present Convention shall come into force three months after the exchange of ratifications, and shall remain in force for six years as from that date.

If six months before the end of this period neither Contracting Party has notified its intention of terminating the Convention, it shall remain in force until the expiration of six months from the date on which one or other of the Contracting Parties has denounced it.

In faith whereof the respective Plenipotentiaries have signed the Convention and affixed their seals thereto.

Done at Belgrade, in duplicate, on February the twenty-second, one thousand nine hundred and twenty-eight.

(Signed) DR. V. MARINKOVITCH.

(Signed) FORSTER.

(Signed) NICKL.

PROTOCOL OF SIGNATURE.

When proceeding to sign the Convention concerning the extradition of criminals and judicial cooperation in criminal matters of to-day's date, the undersigned Plenipotentiaries agreed on the following provisions :

1. Extradition for the offences referred to in Article 3, II, 1/b, shall only be granted if the offence was committed after the coming into force of this Convention.

2. In order to facilitate the surrender and the taking over of criminals whose extradition or transport has been granted, the two Parties undertake to communicate to each other, after the coming into force of the present Convention, a list of the places at the frontier at which the surrender or taking over may be effected, and a list of the frontier authorities empowered for the purpose.

3. The Magistrate's orders for arrest and the indictments mentioned in paragraph 3 of Article 7, and also requests for the service of documents and letters rogatory specified in paragraph 3 of Article 13, may be issued by the police authorities when those authorities have, in accordance with the laws in force within the jurisdiction of the Court of Appeal of Belgrade, of Skoplje and of the High Court of Podgorica, been invested with powers to conduct a preliminary investigation in matters coming within the jurisdiction of the civil courts.

The present Protocol shall have the same force and duration as the above-mentioned Convention to-day.

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

Done at Belgrade, in duplicate, on February the twenty-second, one thousand nine hundred and twenty-eight.

(Signed) Dr. V. MARINKOVITCH.

(Signed) FORSTER.

(Signed) NICKL.