

N° 2700.

**ALLEMAGNE
ET TCHÉCOSLOVAQUIE**

Accord concernant les poursuites judiciaires et l'aide réciproque des organes de la sûreté des deux pays, avec protocole additionnel. Signés à Prague, le 5 juin 1928.

**GERMANY
AND CZECHOSLOVAKIA**

Agreement concerning the Pursuit of Offenders and Co-Operation between the Police Authorities of the two Countries, with Additional Protocol. Signed at Prague, June 5, 1928.

TEXTE TCHÉCOSLOVAQUE. — CZECHOSLOVAK TEXT.

N^o 2700. — DOHODA¹ MEZI REPUBLIKOU ČESKOSLOVENSKOU A ŘÍŠÍ NĚMECKOU O STÍHANÍ A VZÁJEMNÉ POMOCI BEZPEČNOSTNÍCH ORGÁNŮ, PODEPSANÁ V PRAZE DNE 5. ČERVNA ROKU 1928.

Textes officiels allemand et tchécoslovaque communiqués par le délégué permanent de la République tchécoslovaque auprès de la Société des Nations. L'enregistrement de cet accord a eu lieu le 12 mai 1931.

REPUBLIKA ČESKOSLOVENSKÁ a ŘÍŠE NĚMECKÁ shodly se, že upraví dohodou stíhání přes státní hranice uprchlých zločinců a jiných osob ohrožujících veřejnou bezpečnost, jakož i vzájemnou pomoc bezpečnostních orgánů jednoho státu na území státu druhého při živelních pohromách a spolupůsobení těchto orgánů.

Za tím účelem jmenovali svými zmocněnci :

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ :

Pana dr. Kamila KROFTU, mimořádného vyslance a zplnomocněného ministra ;

PRESIDENT ŘÍŠE NĚMECKÉ :

Pana dr. Waltera KOCHA, mimořádného vyslance a zplnomocněného ministra.

Zmocněnci sdělivše si navzájem své plné moci a shledavše je v dobré a náležité formě, dohodli se na těchto ustanoveních :

Článek 1.

Orgánové policejní a bezpečnostní služby a četníci (bezpečnostní orgánové) jsou zmocněni, je-li nebezpečí v prodlení, stíhati uprchlé zločince nebo jiné osoby ohrožující veřejnou bezpečnost do pohraničního území druhého státu a tam je zadržeti. Bezpečnostní orgánové jsou povinni vyrozuměti nejbližší, ve směru postihu se nalézající bezpečnostní úřad druhého státu a vybídnouti jej k dalšímu stíhání, pokud tím zadržení stíhané osoby není ohroženo.

Zadržené osoby jest předati neprodleně nejbližšímu bezpečnostnímu nebo soudnímu úřadu země, na jejímž území k zadržení došlo.

Článek 2.

Bezpečnostní orgánové jsou zmocněni, je-li nebezpečí v prodlení, zahájit v pohraničním území druhého státu pátrání po uprchlých zločincích nebo jiných osobách ohrožujících veřejnou bezpečnost a sledovati jejich stopy.

¹ L'échange des ratifications a eu lieu à Berlin, le 28 avril 1931.

¹ TRANSLATION.

No. 2700. — AGREEMENT BETWEEN THE GERMAN REICH AND THE CZECHOSLOVAK REPUBLIC CONCERNING THE PURSUIT OF OFFENDERS AND CO-OPERATION BETWEEN THE POLICE AUTHORITIES OF THE TWO COUNTRIES. SIGNED AT PRAGUE, JUNE 5, 1928.

THE CZECHOSLOVAK REPUBLIC and THE GERMAN REICH have decided to settle by an agreement the question of the pursuit beyond the national frontier of criminals in flight and other persons dangerous to public safety, also that of co-operation between the police officials of the one State in the territory of the other State in case of acts of God, and that of joint action by such police officials.

For this purpose they have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Kamil KROFTA, Envoy Extraordinary and Minister Plenipotentiary ;

THE PRESIDENT OF THE GERMAN REICH :

Dr. Walter KOCH, Envoy Extraordinary and Minister Plenipotentiary ;

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

Article 1.

Officials of the police and public safety service and gendarmes (police officials) are empowered, where delay would be dangerous, to pursue into the frontier territory of the other State and there to arrest criminals in flight or other persons dangerous to public safety. The police officials shall inform the nearest police authority of the other Party in the direction of their pursuit and request them to carry on the pursuit, provided the possibility of arrest is not prejudiced thereby.

Persons arrested shall immediately be handed over to the nearest police or judicial authority of the country in whose territory the arrest was made.

Article 2.

The police officials are empowered, where delay would be dangerous, to make enquiries in the frontier territory of the other Party after criminals in flight or other persons dangerous to public safety and to follow up their traces.

The local competent police authority shall be informed immediately and asked to assist and itself to take action.

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

Article 3.

Police officials entering the frontier territory of the other Party must be provided with written proof of their official capacity.

They shall not be entitled on their own responsibility to enter dwellings or to search houses.

Provided they themselves perform no official act, it shall be permissible for them to accompany the police officials of the other Party if the latter so request and this appears necessary in order to follow up the search for the pursued criminal or for his traces.

Article 4.

The administrative authorities of first instance of both Parties whose administrative areas lie on the frontier (in Germany : Sheriffs (*Landräte*), executive district authorities (*Bezirksämter*) and prefectures (*Amthauptmannschaften*) ; in Czechoslovakia : the political district authorities and the national police authorities) shall be empowered to arrange by mutual agreement meetings of the police officials designated by them. It shall be for the two Governments to take measures by special agreement between them to ensure that the police officials stationed on the frontier shall be acquainted with all public notices issued by the frontier police authorities of the other Party.

Invitations from the frontier police authorities of one Party to organise joint patrols in the frontier territory shall be readily accepted by the police officials of the other Party, in so far as their other duties allow. In such cases they shall be permitted to cross the frontier.

Article 5.

When, in case of danger from fire or flood or any other act of God on the other side of the frontier, appeal is made to the life-saving or salvage organisations of the adjoining State, its police officials shall be empowered, without previous request from the authorities of the other Party, to cross the frontier and proceed in full service equipment to the scene of danger, in order to co-operate under the direction of the competent local authorities in the maintenance of public safety.

Article 6.

When entering the frontier territory of the other Party, police officials may not claim exemption from Customs inspection. Both Parties, however, shall issue instructions that the fulfilment of Customs formalities shall not prejudice the police service to be performed by the police officials. The prescribed service equipment may be carried in all cases.

Article 7.

The competent authorities of one Party shall, on request, give to the police officials of the other Party an attestation regarding their official activities in the frontier territory of the other Party, either in the form of an entry in their service books or in any other form.

Any police official of the one country, who has entered the territory of the other country in virtue of the provisions of this agreement, shall return without delay to the territory of his own country if the purpose of his visit has been fulfilled, particularly if he has reported to the police authorities of the other contracting State and these latter do not require his further attendance, and generally speaking if the competent authority so requests.

Gendarmerie posts shall also be regarded as competent authorities within the meaning of Articles 1, 2 and 7.

Article 8.

The inhabitants of the frontier territories shall be instructed by the competent authorities that it is to their own interest to assist as far as possible the police officials of the other Party engaged in the pursuit of fleeing criminals or of any other persons dangerous to public safety.

The authorities and police officials shall be expressly bound to lend their support.

Article 9.

This Agreement, concluded in the Czechoslovak and German languages, shall be ratified. The instruments of ratification shall be exchanged as soon as possible in Berlin.

The Agreement shall come into force fourteen days after the date of exchange of the instruments of ratification.

The Agreement may be denounced by either Party on giving one month's notice.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done in Prague, in duplicate, June the fifth, one thousand nine hundred and twenty-eight.

Dr. K. KROFTA.

Dr. Walter KOCH.

ADDITIONAL PROTOCOL

TO THE AGREEMENT CONCERNING THE [PURSUIT OF OFFENDERS AND CO-OPERATION BETWEEN THE
POLICE AUTHORITIES OF THE TWO COUNTRIES.

At the time of signature of the Agreement concerning the pursuit of offenders and co-operation between the police authorities of the two countries, the undersigned Plenipotentiaries of the Czechoslovak Republic and the German Reich, recorded their agreement on the following points :

I. *Ad Articles 1, 2, 3, 4, 6, 7 and 8.*

By frontier territory shall be understood :

(a) On the Czechoslovak side, the territory between the common frontier and the headquarters of the nearest political district authority, gendarmerie post, or the nearest police frontier office ;

(b) On the German side, the territory between the common frontier and the headquarters of the nearest local police authority (in Prussia : heads of municipalities or rural districts (*Städte* and *Amstvorsteher*) ; in Bavaria : executive district authorities (*Bezirksämter*) ; in Saxony : prefectures (*Amtshauptmannschaften*), gendarmerie post or station of the provincial frontier police).

2. *Ad Article 1.*

The following shall have the right of pursuit :

- (a) In Czechoslovakia, officials of the gendarmerie and the State police authorities ;
- (b) In Germany, gendarmerie officers of the State and communal police including criminal police officers, also officers of the Prussian frontier commissions.

3. *Ad Articles 1 and 2.*

Delay must always be considered dangerous when it is to be feared that the loss of time involved by the intervention of police officials of the other country may frustrate the arrest of or discovery of the fugitive. The decision as to whether delay would be dangerous lies solely with the police officials responsible for the investigations.

4. *Ad Articles 1 and 2.*

The question as to whether a person is to be regarded as dangerous shall be decided by the pursuing police officials in accordance with the laws of their country.

5. *Ad Articles 1, 2 and 5.*

The number of police officials entitled to pursue an offender shall be limited to two.

6. *Ad Article 3.*

A certificate bearing the photograph of the holder, issued by the superior service authority of the person charged with the pursuit, shall be regarded as proof of official capacity. The service book of gendarmerie officials may be substituted as proof, provided it fulfils the above-mentioned requirements.

For a transitional period of one year the identity cards without photographs and service books in use in the Czechoslovak gendarmerie shall be regarded as sufficient proof of official capacity.

7. *Ad Articles 5 and 6.*

The term “ *service equipment* ” shall cover, in the case of gendarmerie officials, rifles or carbines, pistols or revolvers, sidearms and rubber truncheons ; in the case of other police officials possessing right of pursuit, sidearms, pistols and rubber truncheons. It shall also cover, where necessary, service bicycles, (also motor cycles and three wheelers), snow shoes (skis) and, in the case of mounted men, service horses.

8. *Ad Article 7.*

By the term “ *competent authorities* ” shall be understood, in the case of Czechoslovakia, the political district authority, the gendarmerie post and the police frontier office ; in the case of Germany, the local police authorities (in Prussia: heads of municipalities or rural districts

en Saxe : les *Amtshauptmannschaften*), les bureaux de police de la frontière et, pour la délivrance des certificats prévus à l'alinéa premier de l'article 7, également les postes de gendarmerie.

9.

L'usage des armes n'est autorisé qu'en cas de résistance qui ne peut être maîtrisée que par la force des armes, ainsi qu'en cas de légitime défense. Il ne sera fait usage des armes à feu que lorsque cela sera nécessaire pour conjurer un danger immédiat pour la santé et la vie de l'organe de la sûreté.

Par le présent accord sont abrogés, à l'égard de la République tchécoslovaque, les arrangements réglementant le même objet conclus entre l'ancien Gouvernement impérial autrichien et

- a) Le Gouvernement prussien en date du 27 février 1864,
- b) Le Gouvernement bavarois en date du $\frac{21 \text{ août } 1852}{29 \text{ septembre } 1852}$ et du $\frac{6 \text{ septembre } 1855}{3 \text{ octobre } 1855}$,
- c) Avec le Gouvernement saxon en date du $\frac{30 \text{ juillet } 1852}{30 \text{ octobre } 1852}$ et du 15 octobre 1856.

En foi de quoi les plénipotentiaires ont signé le présent protocole additionnel qui aura la même validité que l'accord lui-même.

Fait en double original à Prague, le cinq juin mil neuf cent vingt-huit.

D^r K. KROFTA.
D^r Walter KOCH.

(*Amtsvorsteher*); in Bavaria : executive district authorities (*Bezirksämter*), and in Saxony, prefectures (*Amtshauptmannschaften*)), the stations of the provincial frontier police and also for the issue of the certificate in accordance with Article 7, paragraph 1, gendarmerie posts.

9.

The use of arms shall be permissible exclusively in case of resistance which can only be overcome by force of arms, and for purposes of self-defence. Firearms shall only be used when necessary in order to avert imminent danger to the life and limbs of police officials.

By the present Agreement shall be abrogated, in regard to the Czechoslovak Republic, the Agreements on the same subject concluded between the former Austrian Imperial Government : and

- (a) The Prussian Government — of February 27, 1864 ;
- (b) The Bavarian Government — of $\frac{\text{August 21, 1852,}}{\text{September 29, 1852}}$ and $\frac{\text{September 6, 1855.}}{\text{October 3, 1855.}}$
- (c) The Saxon Government — of $\frac{\text{July 30, 1852}}{\text{October 30, 1852}}$ and October 15, 1856.

In faith whereof the Plenipotentiaries have signed this Additional Protocol which shall have equal force with the Agreement itself.

Done in duplicate at Prague, June the fifth, one [thousand nine hundred and twenty-eight.

Dr. K. KROFTA.

Dr. Walter KOCH.