

N° 3949.

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**MONACO  
ET TCHÉCOSLOVAQUIE**

Convention d'extradition et d'assistance judiciaire en matière pénale.  
Signée à Paris, le 22 décembre  
1934.

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**MONACO  
AND CZECHOSLOVAKIA**

Convention regarding Extradition  
and Judicial Assistance in Criminal  
Matters. Signed at Paris, Decem-  
ber 22nd, 1934.

TEXTE TCHÉCOSLOVAQUE. — CZECHOSLOVAK TEXT.

N<sup>o</sup> 3949. — ÚMLUVA <sup>1</sup> MEZI ČESKOSLOVENSKEM, A KNÍŽETSTVÍM MONACKÝM O VYDÁVÁNÍ ZLOČINCŮ A PRÁVNÍ POMOCI VE VĚCECH TRESTNÍCH. PODEPSANÁ V PAŘÍŽI DNE 22. PROSINCE 1934.

*French and Czechoslovak official texts communicated by the Chargé d'Affaires a. i. of the Czechoslovak Legation in Berne. The registration of this Convention took place July 30th, 1936.*

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ

a

JEHO VÝSOST NEJJASNĚJŠÍ PRINC MONACKÝ,

Přejíce si uzavřítí úmluvu o vydávání zločinců a o právní pomoci ve věcech trestních, jmenovali svými zmocněnci :

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ :

pana Štefana OSUSKÉHO, mimořádného vyslance a splnomocněného ministra

Československé republiky v Paříži,

pana Antonína KOUKALA, vrchního odborového radu v ministerstvu spravedlnosti ;

JEHO VÝSOST NEJJASNĚJŠÍ PRINC MONACKÝ :

pana hraběte Henri DE MALEVILLE, mimořádného vyslance a splnomocněného ministra Monaka v Paříži,

kterí, sdělivše si své plné moci, jež byly shledány v dobré a náležitě formě, dohodli se na těchto ustanoveních :

#### Článek I.

#### VYDÁVÁNÍ ZLOČINCŮ.

Každá z obou Vysokých smluvních stran se zavazuje, že za okolností a podmínek stanovených touto Úmluvou vydá druhé straně osoby, které, jsouce stíhány nebo byvše odsouzeny soudy jedné strany pro kterýkoli trestný čin uvedený v článku 2, budou nalezeny na území druhé strany, je-li tento trestný čin podle zákonů obou států, byť by byly platny jen v některé části jejich území, zločinem nebo přečinem.

Byl-li čin odůvodňující žádost za vydání spáchán mimo území shora označené, bude této žádosti vyhověno, připouští-li zákonodárství dožádaného státu stíhání těchže činů spáchaných mimo jeho území.

<sup>1</sup> The exchange of ratifications took place at Paris, June 25th, 1936.

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

No. 3949. — CONVENTION REGARDING EXTRADITION AND JUDICIAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE PRINCIPALITY OF MONACO AND CZECHOSLOVAKIA. SIGNED AT PARIS, DECEMBER 22ND, 1934.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC  
and

HIS SERENE HIGHNESS THE PRINCE OF MONACO,

Being desirous of concluding a Convention to regulate the extradition of criminals and judicial assistance in criminal matters, have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Stefan OSUSKÝ, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic in Paris ;

M. Antonín KOUKAL, Senior Counsellor at the Ministry of Justice ;

HIS SERENE HIGHNESS THE PRINCE OF MONACO :

Count Henri DE MALEVILLE, Envoy Extraordinary and Minister Plenipotentiary of Monaco in Paris ;

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

*Article 1.*

EXTRADITION OF CRIMINALS.

Each of the two High Contracting Parties undertakes to deliver up to the other, in the circumstances and under the conditions laid down in the present Convention, all persons who, being proceeded against or having been convicted by the judicial authorities of the one Party for any offence enumerated in Article 2, shall be found within the territory of the other Party, provided that under the laws of the two States, even if these are applicable to part of their territories only, such offence constitutes a crime or delict.

Should the offence giving rise to the requisition for extradition have been committed outside any of the above-mentioned territories, extradition shall be granted if the laws of the State to which application is made authorise prosecution for the same offences when committed outside its territory.

*Article 2.*

OFFENCES FOR WHICH EXTRADITION SHALL BE GRANTED.

Extradition shall be granted for the following offences :

(1) Wilful homicide, including assassination, murder, parricide, infanticide and poisoning ;

<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.

(2) Wilful assault causing bodily injury, either premeditated or resulting in permanent disablement or incapacity for work, loss or deprivation of the use of a limb or any other organ, or death, without there having been intention to cause death ;

(3) Abortion ;

(4) Bigamy ;

(5) Rape, indecent assault with violence, indecent assault without violence upon children under the age laid down in the criminal laws of the two States ;

(6) Offences against morals :

(a) By procuring, enticing or leading away for immoral purposes, in order to gratify the passions of another person, a female minor whether married or unmarried, even with her consent ;

(b) By procuring, enticing or leading away for immoral purposes, in order to gratify the passions of another person, a woman of full age whether married or unmarried, by fraud or by means of violence, threats, abuse of authority or any other form of constraint ;

(7) Abduction of minors, abandonment and exposure of children, concealment and substitution of children, or false attribution of parentage ;

(8) Extortion, threats of attack on persons or property, attacks attempted or carried out by private persons against individual liberty or the inviolability of the domicile ;

(9) Thefts of all kinds ;

(10) Forgery or falsification of documents, whether public, commercial or private, falsification of telegrams, employment of forgeries or falsified documents ;

Falsification or fraudulent alteration of official documents emanating from the Government or the public authorities, fraudulent use of documents thus altered or forged ;

Perjury, false swearing, subornation of witnesses, experts or interpreters ;

(11) Fraudulent bankruptcy ;

(12) Counterfeiting of currency, forgery or alteration of public debt bonds and coupons, national or foreign bank-notes, paper money or other public securities, seals, stamps, dies, marks belonging to the State or to public administrations, the putting into circulation or fraudulent use of the above-named altered or forged objects ;

(13) Swindling (breach of trust, improper use of an uncompleted signed instrument) ;

(14) Arson ;

(15) Malicious destruction of or interference with a railway track or telegraphic or telephonic (including wireless) communications ; wilful or malicious destruction of or damage to movable or immovable property ; destruction of buildings and steam-engines ; destruction of or damage to crops, plants, trees or grafts ; destruction of agricultural implements ; destruction or poisoning of cattle or other animals ; wilful interference with the movement of railway trains ;

(16) Wilful unlawful stranding, sinking or destruction of a ship by the master or officers and crew ;

Abandonment of a merchant or fishing vessel by the master in cases other than those authorised by the laws of the two States ;

Misappropriation of a merchant or fishing vessel by the master ; unnecessary jettisoning or destruction of the whole or part of the cargo, victuals or effects on board ; taking a wrong course ; borrowing without cause on the hull, stores or gear of the ship, or pledging or sale of the merchandise or victuals, or entry in the accounts of fictitious damages or expenses ; sale of the ship, without special authority, except in the case of unseaworthiness ; theft on board ship ; adulteration on board ship of victuals or merchandise by the admixture of harmful substances ; attacks upon or resistance to the

master, accompanied by violence, by more than one-third of the crew ; refusal, accompanied by assault causing bodily harm, to obey orders given by the master or officer in charge with a view to ensuring the safety of the ship or cargo ; conspiracy against the safety, liberty or authority of the master ; seizure of the ship by the crew or passengers by means of fraud or violence directed against the master ;

(17) Embezzlement of public moneys by public employees or trustees ; bribery of officials, peculation ;

(18) Slave-trading.

Extradition shall also be granted for complicity in or attempt to commit any of the aforesaid offences, or for receiving in connection therewith, provided that such acts are punishable under the laws of both States.

It is understood that the foregoing list of acts may be modified or supplemented by declarations of the two Governments acting in agreement.

### *Article 3.*

#### NON-EXTRADITION AND PROSECUTION OF NATIONALS.

The Contracting Parties shall not surrender their own nationals.

Each of the High Contracting Parties undertakes that, whenever extradition cannot be granted by reason of the stipulations of the preceding paragraph, it will proceed against and try under its own law any of its nationals who have committed offences against the laws of the other State, provided that such offences are mentioned in Article 2 of the present Convention.

A State desiring to apply the provisions of the preceding paragraph shall forward a request, together with all necessary articles, records, documents and information, through the diplomatic channel.

### *Article 4.*

#### CASES IN WHICH EXTRADITION SHALL NOT BE GRANTED.

Extradition shall not take place :

(1) If the offence was committed in the territory of the State applied to or if, under the laws of the latter, its own authorities are competent to prosecute and cannot waive their rights in favour of the authorities of the State making the requisition.

(2) If the Party applied to considers the offence for which extradition is demanded to be a political offence or an act connected with such an offence. An offence committed against the person of a Head of State shall not be regarded as a political offence or as an act connected with a political offence when it constitutes assassination, poisoning or murder.

(3) If, under the laws of the State making the requisition, or of the State applied to, or of the State in which the offence was committed, exemption from prosecution or punishment has been acquired by lapse of time before the requisition provided for in Articles 6 and 7 reaches the State applied to.

(4) If, in respect of the same act, the person claimed has been convicted, acquitted or discharged, or if he has served his sentence or been pardoned in the State applied to.

### *Article 5.*

#### CASES IN WHICH EXTRADITION MAY BE REFUSED.

Extradition may be refused if, by the law of the State applied to, the latter's authorities are competent to prosecute and have already instituted proceedings.

*Article 6.*

## REQUISITION FOR EXTRADITION.

Requisitions for extradition shall be forwarded through the diplomatic channel.

*Article 7.*

## DOCUMENTS WHICH MUST ACCOMPANY REQUISITIONS FOR EXTRADITION.

Extradition shall only be granted on production of the following documents :

(1) A warrant of arrest or any other legal document of like character or a sentence of conviction ; the documents produced shall be either originals or certified copies ;

(2) An exact statement of the alleged offences when this information is not given in the documents mentioned in the preceding paragraph, and in the case of offences against property, the amount of the damage which the accused has caused or attempted to cause shall also be indicated as far as possible ;

(3) The description of the person claimed, his photograph, and all information which may assist in establishing his identity ;

(4) The text of the criminal laws of the State making the requisition which are applicable to the alleged offence, with a statement of the penalty involved.

The documents mentioned above shall be drawn up in the official language of the State making the requisition, in the form required by its laws, and shall bear its official seal. The authorities of the State applied to shall be responsible for the translation of these documents into its official language.

*Article 8.*

## MEASURES TO ENSURE EXTRADITION.

On receipt of the requisition for extradition, together with the documents mentioned in the preceding Article, the State applied to shall take all necessary steps under the laws in force in its territory to trace the person claimed and, if necessary, to take him into custody.

*Article 9.*

## PROVISIONAL ARREST.

In urgent cases provisional arrest may be effected, even before receipt of the formal requisition for extradition, at the request, directly transmitted by post or telegraph, of the judicial authorities of the applicant State ; such request shall mention the existence of a warrant of arrest or of one of the documents referred to in Article 7, and shall indicate the nature of the offence. If necessary, the State applied to shall verify the authenticity of such request.

The applicant authority shall at once be notified of the provisional arrest of the person claimed and of the place in which he is being held in custody.

Within eight days of the despatch of the request for provisional arrest mentioned in the first paragraph, the State applied to shall be notified through the diplomatic channel that extradition is being applied for. The documents shall be produced within a month at latest of the despatch of the request for provisional arrest.

*Article 10.*

## ADDITIONAL INFORMATION.

If the State applied to thinks it necessary to obtain additional information to enable it to decide as to the requisition for extradition, such information shall be supplied to it within one

month of the date on which the diplomatic agent of the State making the requisition is requested to obtain the said additional particulars. This period may be extended by a second month on the receipt, before its expiry, of an application indicating the reasons which make such an extension necessary.

If the information is not received within the period specified, the person arrested may not be held in custody on account of the requisition for extradition in respect of which he was arrested.

#### Article 11.

##### REQUISITION FOR EXTRADITION BY MORE THAN ONE STATE.

Should the same person be claimed by several States for different offences, the decision as to which shall have priority shall be taken by the State applied to on the basis of the gravity of the alleged offences under its own laws.

If the requisitions refer to offences of equal gravity or to one and the same offence, the State applied to shall, in reaching a decision, take into account, first, the place in which the offence was committed ; secondly, the nationality of the person claimed, and lastly the order in which the requisitions were received.

The provisions of this Article shall not affect obligations arising out of treaties with third States, concluded prior to the present Convention by either of the High Contracting Parties.

#### Article 12.

##### POSTPONEMENT OF EXTRADITION.

If the person claimed is being proceeded against or has been convicted in the State applied to for an offence other than that giving rise to the requisition for extradition, the latter State shall nevertheless decide as to the requisition for extradition. The surrender of the accused person shall, however, be postponed until the proceedings are abandoned or he has been acquitted or discharged, or until he has served his sentence or been pardoned, or, if he is being held in custody on other grounds, until such time as he is released.

Nevertheless, the foregoing provision shall not prevent the alien being temporarily sent to appear before the judicial authorities of the State making the requisition, on the express condition that he shall be sent back as soon as these authorities shall have come to a decision on the offence which gave rise to the requisition for extradition.

#### Article 13.

##### LIMITS TO THE RIGHT OF EXTRADITION.

A person who has been surrendered may not be proceeded against or sentenced in the State making the requisition for an offence other than that for which his extradition has been granted.

A person who has been surrendered may only be proceeded against, punished or delivered up to a third State in respect of offences committed before his extradition if :

(a) The State which granted extradition consents thereto ; the request for such consent shall be made in the form laid down for requisitions for extradition and shall be accompanied by the documents enumerated in Article 7 ;

(b) The person aforesaid remains of his own free will in the territory of the State to which he was surrendered for more than one month after his trial, or, in the event of conviction, after his release from prison, or if, after having left the territory of the State to which he was surrendered, he subsequently returns there of his own accord.

If the State which has given its consent in conformity with paragraph (a) so request, the other State shall inform it of the final result of the proceedings and transmit to it a certified copy of the judgment.

*Article 14.*

## LIMITATION OF THE VALIDITY OF EXTRADITION.

If the State making the requisition has not had the person claimed transferred to the custody of its own officers within six weeks of the date on which it was informed that extradition had been granted, the said person shall be released and shall cease to be liable to extradition for the same offence.

*Article 15.*

## SUMMARY EXTRADITION.

An offender who, after extradition, succeeds in escaping from custody and again takes refuge in the territory of the State applied to, or at least passes through such territory, shall be arrested at the request of the competent authorities, whether made direct or through the diplomatic channel, and shall be surrendered without further formalities.

*Article 16.*

## CONVEYANCE IN TRANSIT OF SURRENDERED PERSONS.

The conveyance in transit through the territory of either High Contracting Party of a person surrendered to the other Party by a third State shall be at once authorised on production of the original or a certified copy of any one of the documents mentioned in Article 7, provided that the offence in respect of which the said authorisation is requested is one of those enumerated in Article 2 of the present Convention.

The provisions relating to extradition shall apply to conveyance in transit.

Conveyance in transit shall be effected by the agents of the State applied to, under such conditions and by such means as it shall determine.

*Article 17.*

## SERVICE OF DOCUMENTS IN CRIMINAL MATTERS.

When, in criminal matters, it is deemed necessary to serve a writ issued by the authorities of either High Contracting Party upon a person residing in the territory of the other State, the document shall be transmitted to the State applied to through the diplomatic channel.

In his request for service the diplomatic agent of the State making application shall name the authority by which the document was issued, the address of the person on whom it is to be served, the nature of the document, and the criminal proceedings to which it refers.

Nationals of either High Contracting Party shall not, however, be notified of judgments against them and writs to appear in answer to a criminal charge delivered or issued by the judicial authorities of the other State.

As a general rule, the State applied to shall limit its action to serving the document on the recipient if he is willing to accept it.

Proof of service shall be furnished either by a receipt dated and signed by the addressee, or by a certificate from the authority of the State applied to, setting forth the fact, the manner and the date of service. If the document to be served has been transmitted in duplicate, the receipt or certificate may appear on one of the duplicate copies, which copy shall be returned.

Should the addressee refuse to accept the document voluntarily, the latter shall, at the express request of the diplomatic agent of the applicant State, be served on the addressee in a manner authorised by the laws of the State applied to.

Documents certifying the execution of the request shall be sent untranslated to the diplomatic agent of the applicant State.



## Article 18.

## COMMISSIONS ROGATOIRES.

If, in the course of criminal proceedings, the hearing of persons who happen to be in one of the two States or any other act connected with the preliminary legal proceedings is deemed to be necessary, a *commission rogatoire* emanating from the judicial authorities shall be sent for this purpose through the diplomatic channel. *Commissions rogatoires* shall be executed in the manner laid down by the laws of the State applied to.

Documents relating to the execution of *commissions rogatoires* shall be sent untranslated to the diplomatic agent of the applicant State.

## Article 19.

## SUMMONING AND ATTENDANCE OF PERSONS RESIDING IN THE OTHER STATE.

Should it be considered necessary or desirable in a criminal case pending before the courts of one of the two contracting States to secure the attendance in court of a witness or expert who is in the territory of the other contracting State, the authorities of the latter shall call upon such person to comply with the subpoena addressed to him through their intermediary by the courts in question.

The expenses connected with the attendance in court of a witness or expert shall be borne by the applicant State and the subpoena shall indicate the sum to be allocated to the witness or expert by way of travelling expenses and subsistence allowance; it shall also indicate the sum which may be advanced to him by the State applied to, provided the applicant State repays these sums as soon as the person summoned has declared his willingness to comply with the subpoena.

No witness or expert, whatever his nationality, who, when summoned in the manner laid down in the first paragraph, voluntarily appears before the courts of the other Party, may be prosecuted or detained in the territory of the latter for previous offences or convictions, or on the ground of complicity in the offence forming the subject of the case in which he is asked to appear.

Such persons shall, however, forfeit the above privilege should they fail to leave the territory of the applicant State of their own free will within five days of the date on which their attendance in court ceases to be necessary.

Should the person whose attendance is required be in custody in the territory of the State applied to, a request may be made for his attendance in court if assurances are given that he will be sent back at the earliest possible date. A request of this kind may only be refused for special reasons, more particularly if the person in custody who has been summoned expressly declares that he is opposed to such a proceeding.

Similarly, the conveyance and return through the territory of either High Contracting Party of a person in custody in a third State shall be granted under the conditions laid down above for conveyance in transit if the other Contracting Party considers it necessary to confront him with a person who is being prosecuted or to take his evidence as a witness.

## Article 20.

## TRANSMISSION OF RECORDS.

If, in a criminal case which is being investigated in either country, the transmission of any articles, records or documents whatsoever in the possession of the authorities of the other State is deemed to be necessary, a request for the transmission thereof shall be made through the diplomatic channel.

The request shall be granted in the manner laid down by the laws of the State applied to on condition that such articles, records and documents are returned.

*Article 21.*

## REFUSAL TO ACT.

The action described in Articles 17 and 20 shall not be taken if the State applied to considers it such as to affect its sovereignty or safety.

Such action may be refused when there is no obligation under the provisions of the present Convention to grant extradition.

Should the measures in question not be adopted, the applicant State shall be informed of such refusal and the reason therefor.

*Article 22.*

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

The authorities of either High Contracting Party shall, if they are requested to do so, hand over to the authorities of the other Party the articles which an accused person may have obtained as the result of his offence or which may serve as proof of the offence; this shall apply even when the articles in question are liable to seizure or confiscation.

If these articles are in the possession of the accused at the time of his extradition or conveyance in transit they shall, as far as is practicable, be handed over at the time when extradition or conveyance in transit takes place. They shall be delivered up even when extradition, though granted, cannot take place owing to the death or escape of the accused. This shall also apply to all articles which the accused may have concealed or deposited in the State granting extradition and which may be subsequently discovered.

Nevertheless, the rights which third parties may have acquired over these articles shall be reserved, and after the trial such articles shall be returned, as soon as possible, free of charge to the State applied to.

The State which has been asked to deliver up such articles may retain them temporarily for the purpose of a preliminary criminal investigation. It may also hand them over on condition that they are sent back for the same purpose, undertaking in turn to restore them as soon as possible.

*Article 23.*

## COMMUNICATION OF CONVICTIONS AND EXTRACTS FROM CRIMINAL RECORDS.

The two High Contracting Parties shall communicate to each other half-yearly the extracts from criminal records relating to final convictions (with or without suspension of sentence) pronounced in either State against nationals of the other State, for crimes and delicts under the ordinary law.

The authorities of either High Contracting Party responsible for keeping the records of previous convictions or the records of the courts shall, on receipt of a request through the diplomatic channel, furnish without charge to the authorities of the other Party information based upon the records of previous convictions or the records of the courts concerning particular cases. Such information shall only be furnished in the event of judicial proceedings against a person not a national of the State applied to.

*Article 24.*

## COSTS.

Expenses occasioned by requisitions for extradition, the costs of executing *commissions rogatoires*, of the despatch or return of articles serving as proof of the crime and the communication of all documents shall be borne by the Party in whose territory they were incurred.

The authorities of the Party applied to shall, however, inform the applicant Party of the amount of these expenses with a view to their reimbursement by the person liable to pay them. Any sums collected from the latter shall accrue to the State applied to.

Nevertheless, fees paid for expert opinions of any kind and expenses occasioned by the summoning or attendance in court of persons in custody in the territory of the State applied to shall be exceptions to this rule. These expenses shall be reimbursed by the applicant State. Similarly, the applicant State shall bear the expenses of conveyance in transit and of maintenance during the passage through intermediate territories of persons whose extradition or temporary surrender has been granted.

The applicant State shall also bear the expenses of the temporary surrender and the return of persons claimed.

*Article 25.*

RATIFICATION, COMING INTO FORCE, DENUNCIATION.

The present Convention shall be ratified and the instruments of ratification shall be exchanged in Paris as soon as possible.

The present Convention shall come into force one month after the exchange of ratifications and shall continue in force for a period of six months after the date on which either High Contracting Party shall have denounced it.

It shall apply even to offences committed prior to its coming into force.

The French and Czechoslovak texts of the present Convention are both authentic.

In faith whereof the above-named Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Paris, this 22nd day of December, 1934.

(L. S.) Stefan OSUSKÝ.

(L. S.) Dr. A. KOUKAL.

(L. S.) Henri DE MALEVILLE.