

Ο περί της Συμφωνίας μεταξύ της Κυπριακής Δημοκρατίας και της Τσεχοσλοβακικής Σοσιαλιστικής Δημοκρατίας περί Παροχής Νομικής Συνδρομής εις Πολιτικές και Ποινικές Υποθέσεις (Κυρωτικός) Νόμος του 1982 εκδίδεται διά δημοσιεύσεως εις την επίσημον εφημερίδα της Κυπριακής Δημοκρατίας συμφώνως τῷ ἄρθρῳ 52 τοῦ Συντάγματος.

Ἄριθμός 68 τοῦ 1982

ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΣ ΣΥΜΦΩΝΙΑΣ ΜΕΤΑΞΥ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΚΑΙ ΤΗΣ ΤΣΕΧΟΣΛΟΒΑΚΙΚΗΣ ΣΟΣΙΑΛΙΣΤΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΠΕΡΙ ΠΑΡΟΧΗΣ ΝΟΜΙΚΗΣ ΣΥΝΔΡΟΜΗΣ ΕΙΣ ΠΟΛΙΤΙΚΑΣ ΚΑΙ ΠΟΙΝΙΚΑΣ ΥΠΟΘΕΣΕΙΣ

Ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολούθως:

1. Ὁ παρὼν Νόμος θὰ ἀναφέρηται ὡς ὁ περί τῆς Συμφωνίας μεταξύ τῆς Κυπριακῆς Δημοκρατίας καὶ τῆς Τσεχοσλοβακικῆς Σοσιαλιστικῆς Δημοκρατίας περί Παροχῆς Νομικῆς Συνδρομῆς εἰς Πολιτικὰς καὶ Ποινικὰς Ὑποθέσεις (Κυρωτικὸς) Νόμος τοῦ 1982.

Συνοπτικὸς τίτλος.

2. Ἐν τῷ παρόντι Νόμῳ—

Ἑρμηνεία.

«Συμφωνία» σημαίνει τὴν Συμφωνίαν μεταξύ τῆς Κυπριακῆς Δημοκρατίας καὶ τῆς Τσεχοσλοβακικῆς Σοσιαλιστικῆς Δημοκρατίας περί Παροχῆς Νομικῆς Συνδρομῆς εἰς Πολιτικὰς καὶ Ποινικὰς Ὑποθέσεις, τὴν γενομένην τὴν 23ην Ἀπριλίου, 1982 ἐν Λευκωσίᾳ, τῆς ὁποίας τὸ κείμενον εἰς τὴν Ἀγγλικὴν παρατίθεται εἰς τὸ Μέρος I τοῦ Πίνακος καὶ ἐν μεταφράσει εἰς τὴν Ἑλληνικὴν εἰς τὸ Μέρος II τοῦ Πίνακος :

Πίναξ,  
Μέρος I.  
Μέρος II.

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξύ τῶν κειμένων ὑπερισχῆι τὸ εἰς τὸ Μέρος I τοῦ Πίνακος ἐκτιθέμενον κείμενον.

3. Ἡ Συμφωνία τὴν ὁποίαν ἡ Δημοκρατία ὑπέγραψε τὴν 23ην Ἀπριλίου, 1982 καὶ τὸ Ὑπουργικὸν Συμβούλιον διὰ τῆς ὑπ' ἄρ. 22.224 καὶ ἡμερ. 30.9.1982 Ἀποφάσεώς του παρέσχε καλυπτικὴν ἔγκρισιν, διὰ τοῦ παρόντος Νόμου κυροῦται.

Κύρωσις τῆς Συμφωνίας.

Π Ι Ν Α Ξ  
 ("Αρθρον 2)  
 ΜΕΡΟΣ Ι

AGREEMENT

BETWEEN THE REPUBLIC OF CYPRUS AND THE CZECHOSLOVAK SOCIALIST REPUBLIC ON LEGAL ASSISTANCE IN CIVIL AND CRIMINAL MATTERS

The President of the Republic of Cyprus and the President of the Czechoslovak Socialist Republic.

Animated by their desire further to strengthen the ties of friendship and cooperation between their two States in accordance with the Final Act of the Conference on Security and Cooperation in Europe and wishing to regulate, on the basis of reciprocity, the legal assistance in the field of civil and criminal law,

Have resolved to conclude the present Agreement and to this end they have appointed as their Plenipotentiaries:

The President of the Republic of Cyprus :  
 Mr. Nicos A. Rolandis,  
 Minister of Foreign Affairs

The President of the Czechoslovak Socialist  
 Republic :

Mr. Bohuslav Chnoupek,  
 Minister of Foreign Affairs,

who, after exchanging their respective Full Powers, found to be in good and due form, have agreed as follows :

PART I

General Provisions

Chapter 1

Legal Protection and Legal Assistance in Civil and  
 Criminal Matters

Article 1

Legal Protection

1. Citizens of one Contracting Party shall enjoy in the territory of the other Contracting Party equal legal protection in personal and property matters as citizens of the other Contracting Party.

2. Citizens of one Contracting Party may appear and act before the judicial authorities of the other Contracting Party under the same conditions as citizens of the other Contracting Party.

3. The provisions of this Convention shall apply mutatis mutandis to legal persons which have their seat in the territory of either of the Contracting Parties and which have been established in accordance with its laws.

Article 2

Legal Assistance

1. The judicial authorities of the Contracting Parties shall provide each other with mutual legal assistance in matters regulated by the present Agreement.

2. For the purpose of the present Agreement the term "judicial authority" represents any judicial or other appropriate organ having competence in matters regulated by the present Agreement according to the law of its State.

3. For the purpose of the present Agreement the term "civil matters" shall be deemed to include also commercial, family and labour matters.

### Article 3

#### Extend of Legal Assistance

The Contracting Parties shall grant each other legal assistance through the execution of individual acts, namely the sending and service of documents and the taking of evidence.

### Article 4

#### Mode of Communication

1. In executing the present Agreement the judicial authorities of the Contracting Parties shall maintain contacts through their competent central authorities unless otherwise provided in the present Agreement.

2. For the purpose of the present Agreement the central authorities shall be the following :

- (a) on behalf of the Republic of Cyprus :  
—the Ministry of Justice of the Republic of Cyprus.
- (b) on behalf of the Czechoslovak Socialist Republic:  
—the Office of the Prosecutor General of the Czechoslovak Socialist Republic  
—the Ministry of Justice of the Czech Socialist Republic  
—the Ministry of Justice of the Slovak Socialist Republic.

3. In executing the present Agreement the central authorities of the Contracting Parties shall use their official languages in their communication accompanied by an English translation.

### Article 5

#### Request for legal assistance

1. The request for legal assistance shall contain the following :

- (a) the designation of the requesting authority,
- (b) the designation of the requested authority,
- (c) the specification of the case in which the legal assistance is requested,
- (d) the names and surnames of parties, accused or convicted persons, the place of their permanent or temporary residence, their citizenship and occupation, in criminal matters, if possible, their place and date of birth and the names and surnames of parents and in case of legal persons their name and seat,
- (e) the names and surnames of their legal representatives, if any,
- (f) the nature of the request giving all information necessary for the execution of the request,
- (g) in criminal matters also the description and specification of the criminal act.

2. The request for legal assistance and enclosed documents shall be drawn up in the language of the requested Contracting Party or a translation into this language or into the English language shall be attached. Each translation attached to the request shall be certified as correct by a competent translator or the diplomatic mission or consular office of one of the Contracting Parties.

3. The signature and official seal of the competent authority shall be affixed to the request.

## Article 6

## Execution of the Request for Legal Assistance

1. In executing the request for legal assistance the requested authority shall apply the law of its State. However, upon the request of the requesting authority it can apply the method referred to in the request if not in conflict with the law of its State.

2. If the requested authority is not competent to execute the request it shall forthwith pass it on to the competent authority and shall so advise the requesting authority.

3. If the address given in the request for legal assistance is not exact or if the person referred to in the request does not reside at the given address, the requested authority shall take necessary measures to ascertain the correct address.

4. The requested authority shall, upon request, in due time notify directly the requesting authority of the place and time of the execution of the request for legal assistance.

5. After executing the request for legal assistance the requested authority shall, upon request, return the documents to the requesting authority. If the request for legal assistance cannot be complied with, the requested authority shall return the documents to the requesting authority and at the same time shall give the reasons preventing the execution of the request.

## Article 7

## Service of Documents

The requested authority shall effect service of documents according to the law of its State if they are drawn up in the language of the requested Contracting Party or if a translation certified as correct into this language is attached. Otherwise the requested authority shall serve the document to an addressee only if he is willing to accept it voluntarily.

## Article 8

## Certificate of Service

1. The service of documents shall be proved by a certificate signed by the person served and provided with an official seal, date and signature of the authority which has effected the service or by a certificate issued by this authority stating the manner, place and date of such service. If the document to be served is sent in two copies the certificate of acceptance and service can be effected on the other copy.

2. The certificate of service shall be sent immediately to the requesting Party. If service cannot be effected, the reasons shall be communicated immediately by the requested Party to the requesting Party.

## Article 9

## Service of Documents on Own Citizens

The Contracting Parties shall be free to effect service of documents on their own citizens also through their diplomatic missions or consular offices. In such case no compulsion shall be used.

## Article 10

## Protection of Witnesses and Experts

1. A citizen who is to be examined as a witness or expert before the authority of one of the Contracting Parties and who resides in the territory of the other Contracting Party is not obliged to appear before

that authority on the basis of summons; therefore the summons shall not contain the threat of penalty in case he fails to appear. If the requesting Party considers the personal appearance of a witness or expert before its judicial authorities especially necessary, it shall so mention in the summons, and the requested Party shall invite the witness or expert to appear.

2. A witness or expert, whatever his nationality, appearing on the basis of summons of the authority of the other Contracting Party shall not be prosecuted or detained nor shall any sentence or penalty be carried out by the court in respect of a criminal act or conviction anterior to crossing of the border of the requesting Contracting Party. In the same way he shall not be prosecuted in connection with the giving of his testimony or expert evidence.

3. A witness or expert shall be deprived of the protection provided for in paragraph 2 of the present Article if he does not leave the territory of the requesting Contracting Party within the period of 7 days from the day on which he was informed by the authority which summoned him that his presence is no longer required. The time during which the witness or expert was unable to leave the territory of such Contracting Party for reasons not dependent on his will shall not be reckoned in the above period.

4. The summoned citizen is entitled to compensation for the costs of his journey and sojourn, as well as for loss of earnings and, in addition, the expert witness is entitled to survey fees for expert evidence. The kind of compensation to which the summoned person is entitled shall be stated in the summons and upon request he shall be provided with an advance to cover such expenses.

#### Article 11

##### Costs of Legal Assistance

1. The Contracting Parties shall not require the reimbursement of costs for the execution of the requested procedures of legal assistance with the exception of survey fees and other expenses arising in connection with the execution of expert evidence.

2. Compliance with the request for expert evidence can be made conditional upon the deposit of an advance.

3. Upon request, the requested authority shall advise the requesting authority about the amount of costs occasioned by the compliance with the request for legal assistance.

#### Article 12

##### Refusal of Legal Assistance

Compliance with the request for legal assistance may be refused if the requested Contracting Party is of the opinion that it would be in conflict with its law or that its sovereignty, security or public order or public policy would be prejudiced or endangered thereby.

#### Article 13

##### Legal Information

1. Upon request, the Contracting Parties shall supply each other with information on their law which is or was in force in their territories as well as with the text of such law.

2. A request for information shall state the authority from which it emanates as well as the nature of the case in connection with which the information is requested. Copies of documents may be attached where necessary to clarify the object of the request.

## Article 14

## Validity of Documents

1. Documents issued or certified in the prescribed form and provided with an official seal of the competent state authority or official person/ translator, expert/of one of the Contracting Parties shall not require any form of authentication in the territory of the other Contracting Party. The same applies to signatures on documents and to signatures verified according to the regulations of one of the Contracting Parties.

2. Documents considered as public in the territory of one of the Contracting Parties shall have the evidential force of public documents also in the territory of the other Contracting Party.

## Article 15

## Ascertaining of Addresses and other Data

1. The central authorities of the Contracting Parties shall, upon request, provide each other with assistance in ascertaining the addresses of persons residing in their territories in case it is necessary for the furtherance of the rights of their citizens.

2. If a maintenance claim is made before a judicial authority of one Contracting Party against a person residing in the territory of the other Contracting Party, the latter shall, upon request, provide its assistance in ascertaining the source and amount of the incomes of that person.

3. Should any doubts arise in implementing the present Agreement concerning the nationality of a person, one Contracting Party shall advise the other Contracting Party upon the latter's request whether the person concerned is its own citizen.

## Chapter 2

## Service of Personal Status Documents and other Documents

## Article 16

1. The Contracting Parties shall provide each other with extracts from their official records concerning birth, marriage and death of citizens of the other Contracting Party as well as information of any alteration of such entries.

2. The appropriate authority of one Contracting Party shall of its own motion and free of charge provide such extracts or information through the diplomatic channels to the other Contracting Party.

## Article 17

The competent authorities of the Contracting Parties shall send each other copies of final judgments or orders concerning the civil status of the citizens of the other Contracting Party.

## Chapter 3

## Costs of Proceedings

## Article 18

## Waiving of Security for Costs

Citizens of one of the Contracting Parties who appear before the authorities of the other Contracting Party, provided they reside in the territory of one of the Contracting Parties, may not be ordered to give security for the costs of proceeding solely by reason of the fact that they are foreigners or do not have their residence in the territory of the other Contracting Party.

## Waiving of the Payment of Fees and Securities

### Article 19

Citizens of one of the Contracting Parties are entitled in the territory of the other Contracting Party to exemption from the payment of judicial, notarial and administrative fees and securities as well as other costs of proceedings and to other advantages regarding fees under the same conditions as citizens of the other Contracting Party. The same applies also to the appointment of a free legal representative.

### Article 20

1. The exemption provided by Article 19 of the present Agreement shall be granted on the basis of a certificate on the personal and property situation of the applicant. The certificate shall be drawn up by the competent authority of the Contracting Party in the territory of which the applicant has his residence.

2. The authority deciding about the application for exemption can require additional data or necessary details from the authority which drew up the certificate.

### Article 21

If the competent authority grants the exemption provided by Article 19 of the present Agreement to the citizen of the other Contracting Party such exemption shall apply also to the entire proceedings, including the proceedings for the enforcement of the judgment or order.

### Article 22

A citizen of one of the Contracting Parties applying for exemption under Article 19 of the present Agreement to the competent authority of the other Contracting Party may submit the application to the competent authority of the place of his residence. This authority shall transmit the application together with the certificate drawn up under Article 20 of the present Agreement to the competent authority of the other Contracting Party.

## PART II

### Recognition and Enforcement of Judgments

#### Article 23

1. The Contracting Parties shall recognize and enforce in their territories the following judgments rendered in the territory of the other Contracting Party:

- (a) judgments of courts in civil matters, as well as settlements concluded in these matters and approved by the court,
- (b) judgments of courts in criminal matters concerning payment of damage and other civil law claims,
- (c) awards by arbitration tribunals as well as settlements reached by such tribunals.

2. As judgment of courts in the above-mentioned sense are considered also judgments or orders in any matter of succession rendered by the authorities of the Contracting Party which, according to the law of this Contracting Party, are competent to deal with succession matters.

## Article 24

The judgments referred to in Article 23 of the present Agreement shall be recognized and enforced provided that :

- (a) The judgment is final and enforceable according to the law of the Contracting Party in the territory of which it was rendered ;
- (b) the recognition and enforcement of the judgment would not be in conflict with the exclusive competence of the authorities of the Contracting Party in the territory of which the recognition and enforcement of the judgment is requested ;
- (c) the party against which the judgment was given, although the summons was duly served on him in accordance with the law of the Contracting Party in the territory of which the judgment was given and in sufficient time to enable him to appear and defend the proceedings, failed to appear and take part in those proceedings, and in case of incapacity to plead, was properly represented ;
- (d) the judgment is not in contradiction with a final judgment rendered earlier between the same parties on the same subject-matter by the court of the Contracting Party in the territory of which the enforcement of the judgment is sought ;
- (e) proceedings between the same parties on the same subject-matter are not pending before a judicial authority of the requested Contracting Party and those proceedings were the first to be instituted ;
- (f) the Contracting Party in the territory of which the recognition or the enforcement of the judgment is requested considers that its sovereignty or security is not prejudiced by the recognition or the enforcement of the judgment ;
- (g) the enforcement of the judgment would not be contrary to public policy in the country of the court applied to ;
- (h) the judgment was not obtained by fraud.

## Article 25

Awards by Arbitration Tribunals shall be recognized and enforced under the conditions provided for in Article 24 of the present Agreement provided that :

- (a) The award is based on an agreement in written form concerning the competence of the Arbitration Tribunal and it was made by the Arbitration Tribunal referred to in the agreement within the scope of the competence given by that agreement ; and
- (b) the agreement on the competence of the Arbitration Tribunal is valid in accordance with the law of the Contracting Party in the territory of which the recognition or enforcement is sought.

## Article 26

1. Application for the recognition or enforcement of the judgment may be submitted directly by the judgment creditor or in the manner provided for in Article 4 of the present Agreement to the competent judicial authority of the Contracting Party in the territory of which the judgment is to be recognized or enforced.

2. An application for the recognition and enforcement of a judgment shall be made within such period as is provided for in the relevant legislation of the country where recognition and enforcement is sought.

3. The application shall be accompanied by :
  - (a) The judgment of the court or a copy of the judgment certified as correct containing a finality and enforceability clause, unless this is evident from the judgment itself ;
  - (b) a document certifying that the party against which the judgment was given and who failed to attend the proceedings was duly summoned and in sufficient time to take part in the proceedings according to the law of the Contracting Party in the territory of which the judgment was given and, in case of incapacity to plead, was properly represented ;
  - (c) a certified translation of the application and documents mentioned under letters (a) and (b) of the present paragraph into the language of the requested Contracting Party or into English.

#### Article 27

1. The judicial authority deciding on the application for the recognition and enforcement of the judgment shall confine itself to ascertaining whether the conditions referred to in Articles 24, 25 and 26 of the present Agreement have been fulfilled. The decision on the recognition and enforcement of the judgment shall be given by the competent judicial authority of the Contracting Party in the territory of which the judgment is to be recognized and enforced.

2. The judicial authority of the Contracting Party in the territory of which the judgment is recognized or enforced shall proceed in accordance with the law of its State.

#### Article 28

1. If a party exempted from the payment of security for the costs of proceedings according to Article 18 of the present Agreement is required, by a final judgment or order of the judicial authority of one Contracting Party, to pay the costs of proceedings, this decision shall upon the request of an interested person be enforced free of charge in the territory of the other Contracting Party.

2. The application and its enclosures shall be drawn up in conformity with Article 26 of the present Agreement.

3. The judicial authority deciding on the enforcement of the decision according to paragraph 1 of the present Article shall confine itself to ascertaining whether the decision on the costs of proceedings is final and enforceable.

#### Article 29

The authority of the Contracting Party in the territory of which the costs of proceedings which resulted in a judgment which is enforceable were advanced by the State shall request the competent judicial authority of the other Contracting Party to collect the costs and fees of the proceedings. The judicial authority shall remit the collected sum to the Contracting Party the authority of which requested the collection.

### PART III

#### Criminal Matters

##### Chapter 1

##### Article 30

#### Taking over of Criminal Proceedings

1. The Contracting Parties undertake to institute, in accordance with and subject to the provisions of their own law, criminal proceedings

on the request of the other Contracting Party against their citizens who have committed an act punishable by the courts in the territory of the other Contracting Party.

2. The aforesaid request shall be accompanied by all necessary documents; in case these documents are not sufficient, additional information shall be sent at the request of the Contracting Party which instituted the criminal proceedings.

3. The Contracting Party instituting the criminal proceedings shall notify the other Contracting Party of the result of the proceedings as soon as possible. If a final sentence has been passed a copy shall be sent upon request.

## Chapter 2

### Extradition

#### Article 31

##### Obligation of Extradition

1. The Contracting Parties undertake, under the conditions stipulated in the present Agreement, to extradite, if requested, to each other persons who stay in their territories and against whom criminal proceedings are to be instituted or a sentence carried out.

2. Extradition for the purpose of instituting criminal proceedings applies only to such acts which, under the laws of both Contracting Parties, are punishable with imprisonment for a period of more than 12 months.

3. Extradition for the purpose of carrying out of a sentence applies only to such acts which are punishable under the laws of both Contracting Parties and if the person concerned has been sentenced for such acts to imprisonment for a period of 12 months or more.

4. Without prejudice to the provisions of Article 32 letters (a) and (c), there may not be refused the extradition of persons who committed unlawful acts against the safety of civil aviation in the sense of the provisions of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed in the Hague on 16 December 1970 and of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on 23 September 1971 as well as of persons who committed unlawful acts in the sense of the provisions of other international Conventions against terrorism of which both the Republic of Cyprus and the Czechoslovak Socialist Republic are or will be Contracting Parties.

#### Article 32

##### Refusal of Extradition

Extradition shall be refused if :

- (a) At the time when the request for extradition is received the person whose extradition is requested is a citizen of the requested Contracting Party ;
- (b) the criminal act was committed in the territory of the requested Contracting Party ;
- (c) according to the law of the requested Contracting Party criminal proceedings cannot be instituted or the sentence cannot be carried out because an exemption from the punishment has been acquired by the lapse of time or any other legal reason ;

- (d) extradition is inadmissible according to the law of one of the Contracting Parties ;
- (e) a final sentence relating to the same criminal act has already been pronounced against the person whose extradition is requested in the territory of the requested Contracting Party or if criminal proceedings have been concluded by a final sentence;
- (f) according to the law of one of the Contracting Parties the criminal proceedings are instituted on the proposal of the injured person.

### Article 33

#### Request for Extradition

1. The request for extradition shall contain the name and surname of the person whose extradition is requested, date and place of his birth, his citizenship, data on his residence, data on the criminal act and if material damage had resulted from the criminal act, the amount is to be indicated.
2. A certified copy of the warrant of arrest or other document having the same validity, a description of the criminal act, as well as the text of the provisions of law relating to the criminal act committed by the person whose extradition is requested shall be attached to the request for extradition for instituting criminal proceedings. If a criminal act against property has been committed the amount of material damage which had or could have resulted from the criminal act is to be indicated.
3. A certified copy of the final sentence as well as the text of the laws applicable to the criminal act shall be attached to the request for the extradition for carrying out a sentence. If the convicted person has already served a part of his sentence this shall be indicated.
4. The requesting Contracting Party is not obliged to attach to the request the evidence of guilt of a person whose extradition is sought.

### Article 34

#### Arrest for the Purpose of Extradition

In case the request for extradition is sufficiently justified under the present Agreement the requested Contracting Party shall, in accordance with its law, take immediate measures for the arrest of the person whose extradition is requested.

### Article 35

#### Supplement to the Request for Extradition

1. If the request for extradition lacks the necessary data the requested Contracting Party is entitled to require that these data be forwarded within a period not exceeding two months within which the additional data are to be provided. This period may be extended upon request on serious grounds.
2. If the requesting Contracting Party fails to provide the requested additional data within the period stated in the request the requested Contracting Party is entitled to release the arrested person.

### Article 36

#### Provisional Arrest

1. The arrest may take place even prior to the receipt of the request for extradition if the requesting Contracting Party explicitly requires the arrest and announces that a warrant of arrest or another document

having the same validity was issued or a sentence was passed on the basis of which the request for extradition shall be sent. The request for provisional arrest may be communicated by post or by cable.

2. The other Contracting Party shall be immediately notified of the arrest under the provisions of the previous paragraph.

#### Article 37

##### Release of the Person Arrested Provisionally

A person arrested under the provisions of Article 36 of the present Agreement may be released if the request for extradition has not been received within a period specified by the requested Party not exceeding one month from the day on which the requesting Contracting Party was notified of the provisional arrest.

#### Article 38

##### Postponement of Extradition

If criminal proceedings are pending against a person whose extradition is requested or if that person has to serve or is serving a sentence of imprisonment for another criminal act committed in the territory of the requested Contracting Party, the extradition may be postponed until the termination of the criminal proceedings or until the sentence has been served or until waiver or remission of the punishment.

#### Article 39

##### Request for Extradition by Several States

If a request for extradition of the same person is made by several States the requested Contracting Party shall decide which of the requests should be granted. It will take into consideration the citizenship of the requested person, the seriousness of the criminal act and the place where it was committed, as well as the date on which each request was made.

#### Article 40

##### Limitation of Prosecution of Extradited Persons

1. Without the consent of the requested Contracting Party an extradited person may not be prosecuted or forced to serve a sentence for a criminal act committed before his extradition other than the one in respect of which the extradition was granted.

2. Without the consent of the requested Contracting Party the extradited person may not be extradited to a third State.

3. The consent of the requested Contracting Party is not necessary if:

- (a) The extradited person does not leave its territory prior to the expiry of one month after the termination of the criminal proceedings or execution of the penalty; this period of time shall not include the time for which the extradited person, for reasons beyond his will, could not leave the territory of the requesting Contracting Party;
- (b) the extradited person has left the territory of the requesting Contracting Party and again voluntarily returned to that territory.

#### Article 41

##### Surrender of Person to be Extradited

The requested Contracting Party shall notify the requesting Contract-

ing Party of the place and date of surrender. If the requesting Contracting Party does not take over the person within 7 days of the appointed date, the requested person may be released. Upon the request of one of the Contracting Parties the period may be extended for a further period of 7 days.

#### Article 42

##### Repeated Extradition

If an extradited person in any way avoids the criminal proceedings or serving of a sentence and if he again returns to the territory of the requested Contracting Party, he shall be extradited upon a new request without the service of the documents referred to in Article 33 of the present Agreement.

#### Article 43

##### Notification of the Results of Criminal Proceedings

The requesting Contracting Party shall notify the requested Contracting Party of the result of the criminal proceedings against the extradited person. If a sentence has been passed against the extradited person a copy of the court sentence shall be sent as soon as it is final.

#### Article 44

##### Costs of Extradition

The costs incurred by the extradition shall be paid by the Contracting Party in the territory of which they have arisen. The costs of transport shall be borne by the requesting Contracting Party.

#### Article 45

##### Handing Over of Property

1. Any objects used by the person charged with having committed the criminal act for which the extradition is admissible according to the present Agreement, as well as any property acquired by him as a result of the criminal act, as well as any other objects which can be used as evidence, shall be handed over to the requesting Contracting Party, these objects shall be handed over even if the person charged is not extradited.

2. The requested Contracting Party may temporarily postpone the handing over of the requested objects if they are required for other criminal proceedings.

3. The rights of third persons regarding objects handed over shall not be affected. After the termination of the criminal proceedings the requesting Contracting Party shall return the objects to the requested Contracting Party for the purpose of their delivery to the persons entitled. Where it is reasonably justified and with the consent of the requested Contracting Party the objects may be delivered directly to the persons entitled.

### Chapter 3

#### Special Provisions on Legal Assistance in Criminal Matters

#### Article 46

##### Notification of Criminal Convictions

1. The Contracting Parties shall notify each other of all criminal convictions and subsequent measures by the courts of one Contracting Party in respect of the citizens of the other Contracting Party.

2. On the basis of a justified request the Contracting Parties shall inform each other of the sentences passed against persons who are not citizens of the requesting Contracting Party.

3. The Contracting Parties shall, where practicable, send to each other, upon request, the finger-prints of the persons mentioned in paragraphs 1 and 2 of the present Article.

#### Article 47

##### Extracts from Criminal Records

The authorities of one Contracting Party shall communicate, upon request, extracts from criminal records to the judicial authorities of the other Contracting Party.

### PART V

#### Final Provisions

#### Article 48

1. The present Agreement shall be ratified. The instruments of ratification shall be exchanged in Nicosia.

2. The present Agreement shall enter into force on the 30th day after the exchange of the instruments of ratification.

#### Article 49

The present Agreement is concluded for an unlimited period. Each of the Contracting Parties can denounce the Agreement in writing through diplomatic channels. The denunciation shall take effect six months after it has been received.

In witness whereof the Plenipotentiaries of both Parties have signed the present Agreement and attached their seals thereto.

Given in Nicosia on April the 23rd, 1982, in two original copies in the English language.

### ΜΕΡΟΣ ΙΙ

#### ΣΥΜΦΩΝΙΑ

μεταξύ

της Κυπριακής Δημοκρατίας και της Τσεχοσλοβακικής  
Σοσιαλιστικής Δημοκρατίας, περί Νομικής Συνδρομής  
εις Πολιτικές και Ποινικές Υποθέσεις

Ο Πρόεδρος της Κυπριακής Δημοκρατίας και ο Πρόεδρος της Τσεχοσλοβακικής Σοσιαλιστικής Δημοκρατίας,

Ωθούμενοι υπό της επιθυμίας περαιτέρω συσφίξεως των δεσμών φιλίας και συνεργασίας μεταξύ των δύο Κρατών συμφώνως προς την τελικήν πράξιν της Διασκέψεως περί της Ευρωπαϊκής Ασφαλείας και Συνεργασίας και επιθυμούντες την ρύθμισιν, επί τη βάσει της αμοιβαιότητας, της νομικής συνδρομής εις τον τομέα του άστικου και ποινικού δικαίου,

Ἀπεφάσισαν νὰ συνομολογήσουν τὴν παρούσαν Συμφωνίαν καὶ πρὸς τοῦτο ὤρισαν ὡς Πληρεξουσίους αὐτῶν:

Ὁ Πρόεδρος τῆς Κυπριακῆς Δημοκρατίας:

τὸν κ. Νίκον Ρολάνδην,

Ἐξωτερικῶν.

Ὁ Πρόεδρος τῆς Τσεχοσλοβακικῆς Σοσιαλιστικῆς Δημοκρατίας:

τὸν κ. Bohuslav Chnoupek,

Ἐξωτερικῶν,

οἵτινες, ἀφοῦ ἀντήλλαξαν τὰ ἀντίστοιχα αὐτῶν πλῆρεξούσια ἔγγραφα εὐρεθέντα ἐν πλήρει τάξει, συνεφώνησαν ὡς ἀκολούθως:

## ΜΕΡΟΣ I

### Γενικαὶ Διατάξεις

#### Κεφάλαιον 1

Νομικὴ Προστασία καὶ Νομικὴ Συνδρομὴ εἰς Πολιτικάς  
καὶ Ποινικὰς Ὑποθέσεις

#### Ἄρθρον 1

##### Νομικὴ Προστασία

(1) Οἱ πολῖται ἐνὸς Συμβαλλομένου Μέρους θὰ ἀπολαύουν ἐν τῷ ἐδάφει τοῦ ἐτέρου Συμβαλλομένου Μέρους τῆς αὐτῆς νομικῆς προστασίας εἰς προσωπικά καὶ περιουσιακά θέματα ὅπως καὶ οἱ πολῖται τοῦ ἐτέρου τούτου Συμβαλλομένου Μέρους.

(2) Οἱ πολῖται ἐνὸς Συμβαλλομένου Μέρους δύνανται νὰ ἐμφανίζονται καὶ ἐνεργοῦν ἐνώπιον τῶν δικαστικῶν ἀρχῶν τοῦ ἐτέρου Συμβαλλομένου Μέρους ὑπὸ τὰς αὐτὰς προϋποθέσεις ὅπως καὶ οἱ πολῖται τοῦ ἐτέρου τούτου Συμβαλλομένου Μέρους.

(3) Αἱ διατάξεις τῆς παρούσης Συμβάσεως θὰ τυγχάνουν ἐφαρμογῆς, τηρουμένων τῶν ἀναλογιῶν, ἐπὶ νομικῶν προσώπων ἔχοντων τὴν ἔδραν των ἐν τῷ ἐδάφει ἑκατέρου τῶν Συμβαλλομένων Μερῶν καὶ συσταθέντων συμφώνως πρὸς τὴν οἰκείαν αὐτοῦ νομοθεσίαν.

#### Ἄρθρον 2

##### Νομικὴ Συνδρομὴ

(1) Αἱ δικαστικαὶ ἀρχαὶ τῶν Συμβαλλομένων Μερῶν θὰ παρέχουν εἰς ἀλλήλας ἀμοιβαίαν νομικὴν συνδρομὴν εἰς θέματα διεπόμενα ὑπὸ τῆς παρούσης Συμφωνίας.

(2) Ἐν τῇ ἐννοίᾳ τῆς παρούσης Συμφωνίας ὁ ὅρος «δικαστικὴ ἀρχὴ» σημαίνει πᾶν δικαστικὸν ἢ ἕτερον ἀρμόδιον ὄργανον ἔχον ἀρμοδιότητα ἐπὶ θεμάτων διεπομένων ὑπὸ τῆς παρούσης Συμφωνίας συμφώνως πρὸς τὴν νομοθεσίαν τοῦ οἰκείου αὐτοῦ Κράτους.

(3) Ἐν τῇ ἐννοίᾳ τῆς παρούσης Συμφωνίας ὁ ὅρος «πολιτικά ὑποθέσεις» λογίζεται περιλαμβάνων ὡσαύτως ἐμπορικὰς, οἰκογενειακὰς καὶ ἐργατικὰς ὑποθέσεις.

#### Ἄρθρον 3

##### Ἐκτασίς Νομικῆς Συνδρομῆς

Τὰ Συμβαλλόμενα Μέρη θὰ χορηγοῦν εἰς ἀλλήλα νομικὴν συνδρομὴν διὰ τῆς ἐκτελέσεως ἀτομικῶν πράξεων, ἤτοι, ἀποστολῆς καὶ ἐπίδοσεως ἔγγραφων καὶ λήψεως μαρτυρίας.

## "Άρθρον 4

## Τρόπος Έπικοινωνίας

(1) Έν τῇ ἐφαρμογῇ τῆς παρούσης Συμφωνίας αἱ δικαστικά ἀρχαὶ τῶν Συμβαλλομένων Μερῶν θὰ τηροῦν ἐπαφὴν μέσω τῶν ἀρμοδίων αὐτῶν κεντρικῶν ἀρχῶν, ἐκτὸς ἐὰν ἄλλως προβλέπεται ἐν τῇ παρούσῃ Συμφωνίᾳ.

(2) Διὰ τοὺς σκοποὺς τῆς παρούσης Συμφωνίας αἱ κεντρικαὶ ἀρχαὶ θὰ εἶναι αἱ ἀκόλουθοι:

(α) Διὰ τὴν Κυπριακὴν Δημοκρατίαν:

— τὸ Ὑπουργεῖον Δικαιοσύνης τῆς Κυπριακῆς Δημοκρατίας

(β) διὰ τὴν Τσεχοσλοβακικὴν Σοσιαλιστικὴν Δημοκρατίαν:

— τὸ Γραφεῖον τοῦ Γενικοῦ Εἰσαγγελέως τῆς Τσεχοσλοβακικῆς Σοσιαλιστικῆς Δημοκρατίας,

— τὸ Ὑπουργεῖον Δικαιοσύνης τῆς Τσεχικῆς Σοσιαλιστικῆς Δημοκρατίας,

— τὸ Ὑπουργεῖον Δικαιοσύνης τῆς Σλοβακικῆς Σοσιαλιστικῆς Δημοκρατίας.

(3) Έν τῇ ἐφαρμογῇ τῆς παρούσης Συμφωνίας αἱ κεντρικαὶ ἀρχαὶ τῶν Συμβαλλομένων Μερῶν θὰ χρησιμοποιοῦν τὰς ἐπισημοὺς αὐτῶν γλώσσας εἰς τὴν μεταξύ των ἐπικοινωνίαν, συνοδευομένας ὑπὸ ἀγγλικῆς μεταφράσεως.

## "Άρθρον 5

## Αἴτησις Νομικῆς Συνδρομῆς

(1) Ἡ αἴτησις νομικῆς συνδρομῆς δέον νὰ περιέχη τὰ ἀκόλουθα:

(α) Τὸν καθορισμὸν τῆς αἰτούσης ἀρχῆς,

(β) τὸν καθορισμὸν τῆς πρὸς ἣν ἀπευθύνεται ἡ αἴτησις ἀρχῆς,

(γ) τὸν σαφῆ προσδιορισμὸν τῆς ὑποθέσεως διὰ τὴν ὁποίαν ζητεῖται ἡ νομικὴ συνδρομὴ,

(δ) τὰ ὀνοματεπώνυμα τῶν διαδίκων, τῶν κατηγορουμένων ἢ καταδικασθέντων προσώπων, τὸν τόπον τῆς μονίμου ἢ προσωρινῆς των διαμονῆς, τὴν ὑπηκοότητα καὶ τὸ ἐπάγγελμα αὐτῶν, εἰς ποινικὰς δὲ ὑποθέσεις, εἰ δυνατόν, τὸν τόπον καὶ τὴν ἡμερομηνίαν γεννήσεως καὶ τὰ ὀνοματεπώνυμα τῶν γονέων καὶ ἐν περιπτώσει νομικῶν προσώπων τὴν ἐπωνυμίαν καὶ τὴν ἔδραν αὐτῶν,

(ε) τὰ ὀνοματεπώνυμα τῶν νομικῶν ἐκπροσώπων των, ἐὰν ὑπάρχουν,

(στ) τὴν φύσιν τῆς αἰτήσεως, παρέχουσα ἀπαντὰ τὰ ἀναγκαῖα στοιχεῖα διὰ τὴν ἐκτέλεσιν τῆς αἰτήσεως,

(ζ) εἰς ποινικὰς ὑποθέσεις ὡσαύτως τὴν περιγραφήν καὶ τὸν σαφῆ προσδιορισμὸν τῆς ἀξιοποίνου πράξεως.

(2) Ἡ αἴτησις νομικῆς συνδρομῆς καὶ τὰ συνοδεύοντα αὐτὴν ἔγγραφα θὰ συντάσσονται εἰς τὴν γλῶσσαν τοῦ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλομένου Μέρους ἢ θὰ ἐπισυνάπτεται μετάφρασις αὐτῶν εἰς τὴν ἐν λόγῳ γλῶσσαν ἢ εἰς τὴν ἀγγλικὴν γλῶσσαν. Ἐκάστη ἐπισυνημμένη εἰς τοιαύτην αἴτησιν μετάφρασις δέον νὰ πιστοποιητῆ ὡς ὀρθὴ ὑπὸ ἀρμοδίου μεταφραστοῦ ἢ ὑπὸ τῆς διπλωματικῆς ἀποστολῆς ἢ τοῦ προξενείου ἐνὸς τῶν Συμβαλλομένων Μερῶν.

(3) Ἐπὶ τῆς αἰτήσεως δέον νὰ τίθεται ἡ ὑπογραφή καὶ ἐπίσημος σφραγὶς τῆς ἀρμοδίας ἀρχῆς.

## "Άρθρον 6

## "Εκτέλεσις τῆς Αἰτήσεως Νομικῆς Συνδρομῆς

(1) Ἐν τῇ ἐκτελέσει τῆς αἰτήσεως νομικῆς συνδρομῆς ἢ πρὸς ἣν ἀπευθύνεται ἡ αἴτησις ἀρχὴ θὰ ἐφαρμόζη τὴν νομοθεσίαν τοῦ Κράτους αὐτῆς. Ἐντούτοις, τῇ αἰτήσει τῆς αἰτούσης ἀρχῆς αὕτη δύναται νὰ ἐφαρμόσῃ τὴν ἐν τῇ αἰτήσει ἀναφερομένην μέθοδον ἐφ' ὅσον δὲν συγκρούεται πρὸς τὴν νομοθεσίαν τοῦ Κράτους αὐτῆς.

(2) Ἐὰν ἡ πρὸς ἣν ἀπευθύνεται ἡ αἴτησις ἀρχὴ δὲν εἶναι ἡ ἀρμοδίᾳ πρὸς ἐκτέλεσιν τῆς αἰτήσεως, αὕτη ὀφείλει νὰ διαβιβάσῃ ἀμέσως ταύτην πρὸς τὴν ἀρμοδίαν ἀρχὴν καὶ νὰ πληροφωρήσῃ σχετικῶς τὴν αἰτούσαν ἀρχήν.

(3) Ἐὰν ἡ ἀναγραφομένη εἰς τὴν αἴτησιν νομικῆς συνδρομῆς διεύθυνσις δὲν εἶναι ἀκριβὴς ἢ ἕαν τὸ ἐν αὐτῇ ἀναφερόμενον πρόσωπον δὲν διαμένῃ εἰς τὴν δοθεῖσαν διεύθυνσιν, ἢ πρὸς ἣν ἀπευθύνεται ἡ αἴτησις ἀρχὴ ὀφείλει νὰ λάβῃ τὰ ἀναγκαῖα μέτρα διὰ τὴν διακρίθωσιν τῆς ὀρθῆς διεύθυνσεως.

(4) Ἡ πρὸς ἣν ἀπευθύνεται ἡ αἴτησις ἀρχὴ ὀφείλει ἐν καιρῷ, κατόπιν αἰτήσεως, νὰ εἰδοποιήσῃ ἀπ' εὐθείας τὴν αἰτούσαν ἀρχὴν περὶ τοῦ τόπου καὶ τοῦ χρόνου τῆς ἐκτελέσεως τῆς αἰτήσεως νομικῆς συνδρομῆς.

(5) Μετὰ τὴν ἐκτέλεσιν τῆς αἰτήσεως νομικῆς συνδρομῆς, ἡ πρὸς ἣν ἀπευθύνεται ἡ αἴτησις ἀρχὴ ὀφείλει, κατόπιν αἰτήσεως, νὰ ἐπιστρέψῃ τὰ ἔγγραφα εἰς τὴν αἰτούσαν ἀρχήν. Ἐὰν ἡ αἴτησις νομικῆς συνδρομῆς δὲν δύναται νὰ ικανοποιηθῇ, ἢ πρὸς ἣν ἀπευθύνεται ἡ αἴτησις ἀρχὴ ὀφείλει νὰ ἐπιστρέψῃ τὰ ἔγγραφα εἰς τὴν αἰτούσαν ἀρχὴν καὶ ταυτοχρόνως νὰ παράσχῃ τὴν αἰτιολογίαν τοῦ κωλύματος ἐκτελέσεως τῆς αἰτήσεως.

## "Άρθρον 7

## "Επίδοσις Ἐγγράφων

Ἡ πρὸς ἣν ἀπευθύνεται ἡ αἴτησις ἀρχὴ θὰ ἐνεργῇ τὴν ἐπίδοσιν ἐγγράφων συμφώνως πρὸς τὴν νομοθεσίαν τοῦ Κράτους αὐτῆς ἐφ' ὅσον ταῦτα εἶναι συντεταγμένα εἰς τὴν γλῶσσαν τοῦ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλομένου Μέρους ἢ ἐφ' ὅσον ἐπισυνάπτεται μετάφρασις αὐτῶν εἰς τὴν ἐν λόγῳ γλῶσσαν πιστοποιημένη ὡς ὀρθή. Ἄλλως ἢ πρὸς ἣν ἀπευθύνεται ἡ αἴτησις ἀρχὴ θὰ ἐπιδίδῃ τὸ ἔγγραφον εἰς τὸν παραλήπτην μόνον ἕαν οὗτος εἶναι πρόθυμος νὰ ἀποδεχθῇ τοῦτο οἰκεία θελήσει.

## "Άρθρον 8

## Πιστοποιητικὸν Ἐπιδόσεως

(1) Ἡ ἐπίδοσις ἐγγράφων θὰ ἀποδεικνύεται διὰ πιστοποιητικὸν ὑπογεγραμμένον ὑπὸ τοῦ πρὸς ὃν ἡ ἐπίδοσις προσώπου καὶ φέροντος τὴν ἐπίσημον σφραγίδα, ἡμερομηνίαν καὶ ὑπογραφήν τῆς ἀρχῆς ἣτις ἐνήργησε τὴν ἐπίδοσιν ἢ διὰ πιστοποιητικὸν ἐκδιδόμενον ὑπὸ τῆς ἐν λόγῳ ἀρχῆς ἀναφέροντος τὸν τρόπον, τὸν τόπον καὶ τὴν ἡμερομηνίαν τῆς τοιαύτης ἐπιδόσεως. Ἐὰν τὸ πρὸς ἐπίδοσιν ἔγγραφον ἀποστέλλεται εἰς δύο ἀντίγραφα, ἡ πιστοποίησις τῆς ἀποδοχῆς καὶ τῆς ἐπιδόσεως δύναται νὰ πραγματοποιηθῇ ἐπὶ τοῦ ἐτέρου ἀντιγράφου.

(2) Τὸ πιστοποιητικὸν ἐπιδόσεως θὰ ἀποστέλλεται ἀμέσως πρὸς τὸ αἰτοῦν Συμβαλλόμενον Μέρος. Ἐὰν δὲν δύναται νὰ ἐνεργηθῇ ἐπίδοσις, οἱ λόγοι δέον νὰ κοινοποιῶνται ἀμέσως ὑπὸ τοῦ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλομένου Μέρους πρὸς τὸ αἰτοῦν Συμβαλλόμενον Μέρος.

## "Άρθρον 9

## "Επίδοσις Ἐγγράφων ἐπὶ Οἰκείων Πολιτῶν

Τὰ Συμβαλλόμενα Μέρη εἶναι ἐλεύθερα νὰ ἐνεργοῦν ἐπίδοσιν ἐγγράφων ἐπὶ τῶν ἰδίων αὐτῶν πολιτῶν ὡσαύτως μέσῳ τῶν διπλωματικῶν τῶν ἀποστολῶν ἢ τῶν προξενείων τῶν. Ἐν τοιαύτῃ περιπτώσει οὐδεὶς ἐξαναγκασμὸς δύναται νὰ χρησιμοποιηθῆ.

## "Άρθρον 10

## Προστασία Μαρτύρων καὶ Ἐμπειρογνώμων

(1) Πολίτης ὅστις πρόκειται νὰ ἐξετασθῆ ὡς μάρτυς ἢ ὡς ἐμπειρογνώμων ἐνώπιον τῆς ἀρχῆς ἑνὸς τῶν Συμβαλλομένων Μερῶν καὶ ὅστις διαμένει ἐν πῶ ἔδαφει τοῦ ἐτέρου Συμβαλλομένου Μέρους δὲν ὑποχρεοῦται νὰ ἐμφανισθῆ ἐνώπιον τῆς ἐν λόγῳ ἀρχῆς ἐπὶ τῇ θάσει κλητεύσεως· ὅθεν ἢ κλήτευσίς δὲν θὰ περιέχῃ τὴν ἀπειλὴν τιμωρίας ἐν περιπτώσει παραλείψεως ἐμφανίσεως. Ἐάν τὸ αἰτοῦν Μέρος θεωρῆ ἰδιαιτέρως ἀναγκαίαν τὴν προσωπικὴν ἐμφάνισιν μάρτυρος ἢ ἐμπειρογνώμονος τινος ἐνώπιον τῶν δικαστικῶν αὐτοῦ ἀρχῶν, ὀφείλει νὰ ἀναφέρῃ τοῦτο ἐπὶ τῆς κλήσεως, τὸ δὲ Μέρος πρὸς τὸ ὁποῖον ἀπευθύνεται ἢ αἰτήσις θὰ καλῆ τὸν μάρτυρα ἢ τὸν ἐμπειρογνώμονα ὅπως ἐμφανισθῆ.

(2) Μάρτυς ἢ ἐμπειρογνώμων, οἰαδήποτε καὶ ἐάν εἶναι ἢ ὑπεκότης αὐτοῦ, ἐμφανιζόμενος ἐπὶ τῇ θάσει κλητεύσεως τῆς ἀρχῆς τοῦ ἐτέρου Συμβαλλομένου Μέρους δὲν δύναται νὰ διωχθῆ ποινικῶς ἢ συλληφθῆ, οὐδὲ νὰ ἐκτελεσθῆ κατ' αὐτοῦ ὑπὸ τοῦ δικαστηρίου οἰαδήποτε ποινὴ ἢ τιμωρία ἐν σχέσει πρὸς ἀξιόποιον πράξιν ἢ καταδίκην προηγουμένην τῆς διελεύσεως τῶν συνόρων τοῦ αἰτοῦντος Συμβαλλομένου Μέρους. Παρομοίως οὗτος δὲν δύναται νὰ διωχθῆ ποινικῶς ἐν σχέσει πρὸς τὴν παροχὴν μαρτυρίας ἢ μαρτυρίας ἐμπειρογνώμονος.

(3) Μάρτυς ἢ ἐμπειρογνώμων στερεῖται τῆς κατὰ τὴν παράγραφον (2) τῆς παρούσης Συμφωνίας προβλεπομένης προστασίας ἐάν οὗτος δὲν ἐγκαταλείψῃ τὸ ἔδαφος τοῦ αἰτοῦντος Συμβαλλομένου Μέρους ἐντὸς προθεσμίας 7 ἡμερῶν ἀπὸ τῆς ἡμέρας κασ' ἣν ἐπληροφορήθῃ ὑπὸ τῆς κλητεύσεως αὐτὸν ἀρχῆς ὅτι ἡ παρουσία αὐτοῦ δὲν ἀπαιτεῖται πλέον. Ὁ χρόνος κατὰ τὸν ὁποῖον ὁ μάρτυς ἢ ἐμπειρογνώμων δὲν ἠδύνατο νὰ ἐγκαταλείψῃ τὸ ἔδαφος τοῦ ἐν λόγῳ Συμβαλλομένου Μέρους διὰ λόγους ἀνεξαρτήτους τῆς θελήσεώς του δὲν θὰ ὑπολογίζεται εἰς τὴν ἀνωτέρω προθεσμίαν.

(4) Ὁ κλητευθεὶς πολίτης δικαιούται ἀποζημιώσεως διὰ τὰ ἔξοδα ταξιδίου καὶ διαμονῆς, ὡς ἐπίσης καὶ διὰ τὴν ἀπώλειαν κέρδους καί, ἐπιπροσθέτως, ὁ ἐμπειρογνώμων μάρτυς δικαιούται εἰς ἀμοιβὴν διὰ τὰς ἐξετάσεις του προκειμένου νὰ παράσχη μαρτυρίαν ἐμπειρογνώμονος. Τὸ εἶδος τῆς ἀποζημιώσεως τὴν ὁποῖαν δικαιούται ὁ κλητευόμενος δέον ὅπως ἀναγράφεται ἐπὶ τῆς κλήσεως, ἐπὶ δὲ τῇ αἰτήσει αὐτοῦ δέον ὅπως προκαταβάλλεται εἰς αὐτὸν ποσόν τι πρὸς κάλυψιν τῶν τοιούτων ἐξόδων.

## "Άρθρον 11

## "Ἐξοδα Νομικῆς Συνδρομῆς

(1) Τὰ Συμβαλλόμενα Μέρη δὲν θὰ ἀπαιτοῦν τὴν ἀπόδοσιν τῶν ἐξόδων ἐκτελέσεως τῶν ζητούμενων διαδικασιῶν νομικῆς συνδρομῆς, ἐξαίρεσις τῆς ἀμοιβῆς δι' ἐξετάσεις καὶ λοιπὰς δαπάνας προκύπτουσας ἐν σχέσει πρὸς τὴν λήψιν μαρτυρίας ἐμπειρογνώμονος.

(2) Συμμόρφωσις πρὸς τὴν αἰτήσιν διὰ τὴν λήψιν μαρτυρίας ἐμπειρογνώμονος δύναται νὰ γίνῃ ὑπὸ τὸν ὄρον τῆς καταθέσεως ποσοῦ τινος προκαταβολικῶς.

(3) Ἐπὶ τῇ αἰτήσῃ, ἢ πρὸς ἣν ἀπευθύνεται ἢ αἰτήσεις ἀρχὴ θὰ πληροφορῆ τὴν αἰτούσαν ἀρχὴν περὶ τοῦ ποσοῦ πῶν ἐξόδων ἄτινα συνεπάγεται ἢ συμμόρφωσις πρὸς τὴν αἴτησιν νομικῆς συνδρομῆς.

#### Ἄρθρον 12

##### Ἄρνησις Νομικῆς Συνδρομῆς

Ἡ συμμόρφωσις πρὸς τὴν αἴτησιν νομικῆς συνδρομῆς δύναται νὰ ἀποκρουσθῆ ἔάν τὸ πρὸς ὃ ἀπευθύνεται ἢ αἰτήσεις Μέρους εἶναι τῆς γνώμης ὅτι αὕτη θὰ ἀντέκειτο πρὸς τὴν νομοθεσίαν αὐτοῦ ἢ ὅτι ἐκ ταύτης θὰ ἐβλάπτετο ἢ θὰ ἐτίθετο ἐν κινδύνῳ ἢ κυριαρχία, ἢ ἀσφάλεια ἢ ἡ δημοσία τάξις ἢ τὸ δημόσιον συμφέρον αὐτοῦ.

#### Ἄρθρον 13

##### Πληροφορία Νομικῆς Φύσεως

(1) Ἐπὶ τῇ αἰτήσῃ αὐτῶν, τὰ Συμβαλλόμενα Μέρη θὰ παρέχουν εἰς ἄλληλα πληροφορίας περὶ τῆς ἰσχυούσης ἢ ἰσχυσάσης εἰς τὰ ἐδάφη των νομοθεσίας, καθὼς ἐπίσης καὶ τὸ κείμενον τῆς ἐν λόγῳ νομοθεσίας.

(2) Ἡ αἴτησις παροχῆς πληροφοριῶν θὰ ἀναφέρῃ τὴν ἀρχὴν ἐκ τῆς ὁποίας προέρχεται, καθὼς καὶ τὴν φύσιν τῆς ὑποθέσεως ἐν σχέσει πρὸς τὴν ὁποίαν ζητοῦνται αἱ πληροφορίες. Ἀντίγραφα ἐγγράφων δύναται νὰ ἐπισυνάπτονται ἐνθα εἶναι ἀναγκαῖον πρὸς διασάφησιν τοῦ ἀντικειμένου τῆς αἰτήσεως.

#### Ἄρθρον 14

##### Κύρος Ἐγγράφων

(1) Ἐγγραφα ἐκδιδόμενα ἢ πιστοποιούμενα κατὰ τὸν νενομισμένον τύπον καὶ φέροντα τὴν ἐπίσημον σφραγίδα τῆς ἀρμοδίας κρατικῆς ἀρχῆς ἢ τοῦ ἐπίσημου προσώπου (μεταφραστοῦ, ἐμπειρογνώμονος) ἑνὸς τῶν Συμβαλλομένων Μερῶν δὲν θὰ ἀπαιτοῦν οἷον-δήποτε τύπον ἐπικυρώσεως ἐν τῷ ἐδάφει τοῦ ἐτέρου Συμβαλλομένου Μέρους. Τὸ αὐτὸ ἰσχύει διὰ τὰς ὑπογραφὰς ἐπὶ ἐγγράφων καὶ διὰ τὰς ὑπογραφὰς τὰς θεβαιουμένας συμφώνως πρὸς τοὺς κανονισμοὺς ἑνὸς τῶν Συμβαλλομένων Μερῶν.

(2) Ἐγγραφα θεωρούμενα ὡς δημόσια ἐν τῷ ἐδάφει ἑνὸς τῶν Συμβαλλομένων Μερῶν θὰ ἔχουν τὴν ἀποδεικτικὴν ἰσχὺν δημοσίων ἐγγράφων ὡσαύτως καὶ ἐν τῷ ἐδάφει τοῦ ἐτέρου Συμβαλλομένου Μέρους.

#### Ἄρθρον 15

##### Ἐξακρίθωσις Διευθύνσεων καὶ λοιπῶν Στοιχείων

(1) Αἱ κεντρικαὶ ἀρχαὶ τῶν Συμβαλλομένων Μερῶν θὰ παρέχουν, τῇ αἰτήσῃ των, ἀμοιβαίαν συνδρομὴν διὰ τὴν ἐξακρίθωσιν τῶν διευθύνσεων προσώπων κατοικούντων εἰς τὰ ἐδάφη των εἰς περιπτώσιν καθ' ἣν εἶναι ἀναγκαῖον διὰ τὴν προώθησιν τῶν δικαιωμάτων τῶν πολιτῶν των.

(2) Ἐάν ἐνώπιον δικαστικῆς τινος ἀρχῆς ἑνὸς Συμβαλλομένου Μέρους ἀχθῆ ἀπαίτησις διατροφῆς ἐναντίον προσώπου κατοικούντος ἐν τῷ ἐδάφει τοῦ ἐτέρου Συμβαλλομένου Μέρους, τὸ τελευταῖον ὀφείλει, κατόπιν αἰτήσεως, νὰ παράσχη συνδρομὴν διὰ τὴν ἐξακρίθωσιν τῆς πηγῆς καὶ τοῦ ὕψους τῶν εἰσοδημάτων τοῦ ἐν λόγῳ προσώπου.

(3) Ἐάν ἐν τῇ ἐφαρμογῇ τῆς παρούσης Συμφωνίας ἤθελον προκύψει οἰαιδήποτε ἀμφιβολία περὶ τὴν ὑπηκοότητα προσώπου τινός,

τὸ ἐν Συμβαλλόμενον Μέρος θὰ πληροφορῆ τὸ ἕτερον κατόπιν αἰτήσεώς του ὡς πρὸς τὸ κατὰ πόσον τὸ ἐνδιαφερόμενον πρόσωπον εἶναι ὑπὴρκος αὐτοῦ.

### Κεφάλαιον 2

Ἐπίδοσις Ἐγγράφων Προσωπικῆς Καταστάσεως  
καὶ ἑτέρων Ἐγγράφων

#### Ἄρθρον 16

(1) Τὰ Συμβαλλόμενα Μέρη θὰ ἐφοδιάζουν ἀλλήλα δι' ἀντιγράφων ἐκ τῶν ἐπισημῶν αὐτῶν μητρώων γεννήσεων, γάμων καὶ θανάτων πολιτῶν τοῦ ἑτέρου Συμβαλλομένου Μέρους, καθὼς καὶ διὰ πληροφοριῶν περὶ πάσης ἀλλαγῆς εἰς τὰς καταχωρήσεις αὐτῶν.

(2) Ἡ ἀρμοδία ἀρχὴ ἑνὸς Συμβαλλομένου Μέρους ἐξ ἰδίας πρωτοβουλίας καὶ ἀτελῶς θὰ παρέχῃ τοιαῦτα ἀντίγραφα ἢ πληροφορίας μὲσω τῆς διπλωματικῆς ὁδοῦ εἰς τὸ ἕτερον Συμβαλλόμενον Μέρος.

#### Ἄρθρον 17

Αἱ ἀρμοδίαι ἀρχαὶ τῶν Συμβαλλομένων Μερῶν θὰ ἀποστέλλουν εἰς ἀλλήλας ἀντίγραφα ὀριστικῶν ἀποφάσεων ἢ διαταγμάτων ἀφορῶσάν εἰς τὴν ἀστικὴν κατάστασιν πολιτῶν τοῦ ἑτέρου Συμβαλλομένου Μέρους.

### Κεφάλαιον 3

Ἐξόδα Διαδικασίας

#### Ἄρθρον 18

Ἐγκατάλειψις Ἐγγυήσεως ἔναντι Ἐξόδων

Οἱ πολῖται ἑνὸς τῶν Συμβαλλομένων Μερῶν οἵτινες ἐμφανίζονται ἐνώπιον τῶν ἀρχῶν τοῦ ἑτέρου Συμβαλλομένου Μέρους, ὑπὸ τὴν προϋπόθεσιν ὅτι κατοικοῦν ἐν τῷ ἐδάφει ἑνὸς τῶν Συμβαλλομένων Μερῶν, δὲν δύνανται νὰ διαταχθῶν νὰ παράσχουν ἐγγυήσιν ἔναντι τῶν ἐξόδων τῆς διαδικασίας ἀποκλειστικῶς διὰ τὸν λόγον ὅτι εἶναι ἀλλοδαποὶ ἢ ὅτι δὲν ἔχουν τὴν κατοικίαν των ἐν τῷ ἐδάφει τοῦ ἑτέρου Συμβαλλομένου Μέρους.

#### Ἄρθρον 19

Μὴ Καταβολὴ Τελῶν καὶ Ἐγγυήσεων

Οἱ πολῖται ἑνὸς τῶν Συμβαλλομένων Μερῶν δικαιοῦνται ἐν τῷ ἐδάφει τοῦ ἑτέρου Συμβαλλομένου Μέρους εἰς ἀπαλλαγὴν ἐκ τῆς καταβολῆς δικαστικῶν, συμβολαιογραφικῶν καὶ διαχειριστικῶν ἐξόδων καὶ ἐγγυήσεων, ὡς ἐπίσης καὶ ἑτέρων ἐξόδων διαδικασίας καὶ εἰς ἕτερα πλεονεκτήματα ἀναφορικῶς πρὸς τέλη ὑπὸ τοὺς αὐτοὺς ὅρους ὡς καὶ οἱ πολῖται τοῦ ἑτέρου Συμβαλλομένου Μέρους. Τὸ αὐτὸ ἰσχύει ὡσαύτως καὶ διὰ τὸν διορισμὸν δωρεάν νομικοῦ ἐκπροσώπου.

#### Ἄρθρον 20

(1) Ἡ ὑπὸ τοῦ Ἄρθρου 19 τῆς παρουσίας Συμφωνίας προβλεπομένη ἀπαλλαγὴ θὰ χορηγῆται ἐπὶ τῇ θάσει πιστοποιητικοῦ περὶ τῆς προσωπικῆς καὶ περιουσιακῆς καταστάσεως τοῦ αἰτητοῦ. Τὸ πιστοποιητικὸν θὰ συντάσσεται ὑπὸ τῆς ἀρμοδίας ἀρχῆς τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἔδαφος τοῦ ὁποῖου ἔχει τὴν κατοικίαν αὐτοῦ ὁ αἰτητής.

(2) Ἡ ἐπὶ τῆς αἰτήσεως ἀπαλλαγῆς ἀποφαινομένη ἀρχὴ δύναται νὰ ἀπαιτήσῃ πρόσθετα στοιχεῖα ἢ ἀναγκαίας λεπτομερείας παρὰ τῆς συντασσούσης τὸ πιστοποιητικὸν ἀρχῆς.

## "Αρθρον 21

Ἐάν ἡ ἀρμοδία ἀρχὴ χορηγήσῃ τὴν ὑπὸ τοῦ "Αρθρου 19 τῆς παρούσης Συμφωνίας προβλεπομένην ἀπαλλαγὴν εἰς πολίτην τοῦ ἑτέρου Συμβαλλομένου Μέρους, ἡ ἀπαλλαγὴ αὕτη θὰ καλύπτῃ ὡσαύτως ὁλόκληρον τὴν διαδικασίαν, περιλαμβανομένης τῆς διαδικασίας ἀναγκαστικῆς ἐκτελέσεως τῆς ἀποφάσεως ἢ τοῦ διατάγματος.

## "Αρθρον 22

Πολίτης ἑνὸς τῶν Συμβαλλομένων Μερῶν, ὅστις αἰτεῖται ἀπαλλαγὴν δυνάμει τοῦ "Αρθρου 19 τῆς παρούσης Συμφωνίας παρὰ τῆς ἀρμοδίας ἀρχῆς τοῦ ἑτέρου Συμβαλλομένου Μέρους, δύναται νὰ ὑποβάλῃ τὴν αἴτησιν πρὸς τὴν ἀρμοδίαν ἀρχὴν τοῦ τόπου κατοικίας αὐτοῦ. Ἡ ἀρχὴ αὕτη θὰ διαβιβάσῃ τὴν αἴτησιν ὁμοῦ μετὰ τοῦ πιστοποιητικοῦ τοῦ συντασσομένου δυνάμει τοῦ "Αρθρου 20 τῆς παρούσης Συμφωνίας πρὸς τὴν ἀρμοδίαν ἀρχὴν τοῦ ἑτέρου Συμβαλλομένου Μέρους.

## ΜΕΡΟΣ II

## Ἐναγνώρισις καὶ Ἐκτέλεισις Ἀποφάσεων

## "Αρθρον 23

(1) Τὰ Συμβαλλόμενα Μέρη θὰ ἀναγνωρίζουν καὶ ἐκτελοῦν εἰς τὰ ἑδάφη των τὰς ἀκολουθοῦσας ἀποφάσεις ἐκδιδόμενας εἰς τὸ ἕδαφος τοῦ ἑτέρου Συμβαλλομένου Μέρους:

- (α) Δικαστικὰς ἀποφάσεις εἰς πολιτικὰς ὑποθέσεις, καθὼς ἐπίσης καὶ συμβιβασμοὺς ἐπιτυγχανομένους εἰς τὰς ἐν λόγῳ ὑποθέσεις καὶ ἐγκρινομένους ὑπὸ τοῦ δικαστηρίου.
- (β) δικαστικὰς ἀποφάσεις εἰς ποινικὰς ὑποθέσεις ἀφορώσας εἰς τὴν πληρωμὴν ἀποζημιώσεων καὶ ἑτέρων ἀπαιτήσεων ἀστικῆς φύσεως.
- (γ) διαιτητικὰς ἀποφάσεις καὶ συμβιβασμοὺς ἐπιτυγχανομένους ὑπὸ διαιτητικῶν δικαστηρίων.

(2) Ὡς δικαστικὰ ἀποφάσεις ὑπὸ τὴν ἀνωτέρω ἔννοιαν θεωροῦνται ἐπίσης αἱ ἀποφάσεις ἢ τὰ διατάγματα εἰς πᾶσαν ὑπόθεσιν κληρονομικῆς διαδοχῆς, ἐκδιδόμενα ὑπὸ τῶν ἀρχῶν τοῦ Συμβαλλομένου Μέρους αἰτινες, συμφώνως πρὸς τὴν οἰκείαν αὐτοῦ νομοθεσίαν, εἶναι ἀρμόδιαι νὰ χειρίζονται ὑποθέσεις κληρονομικῆς διαδοχῆς.

## "Αρθρον 24

Αἱ ἐν "Αρθρῳ 23 τῆς παρούσης Συμφωνίας ἀναφερόμεναι ἀποφάσεις θὰ ἀναγνωρίζονται καὶ ἐκτελῶνται ὑπὸ τὴν προϋπόθεσιν ὅτι:

- (α) Ἡ ἀπόφασις εἶναι τελεσίδικος καὶ ἐκτελεστὴ συμφώνως πρὸς τὴν νομοθεσίαν τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἕδαφος τοῦ ὁποίου ἐξεδόθη.
- (β) ἡ ἀναγνώρισις καὶ ἐκτέλεισις τῆς ἀποφάσεως δὲν συγκρούεται πρὸς τὴν ἀποκλειστικὴν ἀρμοδιότητα τῶν ἀρχῶν τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἕδαφος τοῦ ὁποίου ἐπιδιώκεται ἡ ἀναγνώρισις καὶ ἐκτέλεισις τῆς ἀποφάσεως.
- (γ) ὁ διάδικος ἐναντίον τοῦ ὁποίου ἐξεδόθη ἡ ἀπόφασις, καίτοι ἐκλητεύθη προσηκόντως συμφώνως πρὸς τὴν νομοθεσίαν τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἕδαφος τοῦ ὁποίου ἐξεδόθη ἡ ἀπόφασις καὶ εἰς ἐπαρκῆ χρόνον ὥστε νὰ δυνηθῇ οὗτος νὰ ἐμφανισθῇ καὶ ὑπερασπισθῇ κατὰ τὴν διαδικασίαν, παρέλειψε νὰ ἐμφανισθῇ καὶ λάθῃ μέρος εἰς τὴν ἐν λόγῳ διαδικασίαν, εἰς δὲ τὴν περίπτωσιν ἀνικανότητος ἀπαντήσεως εἰς τὸ κατηγορητήριον, ὁ κατηγορούμενος ἐξεπροσωπήθη προσηκόντως.

- (δ) ή απόφασις δέν αντίφασκει πρὸς τελεσίδικον ἀπόφασιν ἐκδοθεῖσαν προηγουμένως μεταξύ τῶν αὐτῶν διαδίκων διὰ τὸ αὐτὸ ἐπίδικον θέμα ὑπὸ τοῦ δικαστηρίου τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἔδαφος τοῦ ὁποῖου ἐπιδιώκεται ἡ ἐκτέλεσις τῆς ἀποφάσεως·
- (ε) δέν ἐκκρεμεῖ ἐνώπιον δικαστικῆς τινος ἀρχῆς τοῦ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλομένου Μέρους διαδικασίᾳ μεταξύ τῶν αὐτῶν διαδίκων διὰ τὸ αὐτὸ ἐπίδικον θέμα, ἡ δὲ διαδικασίᾳ αὕτη ἦτο ἢ πρότερον ἐγερθεῖσα·
- (στ) τὸ Συμβαλλόμενον Μῆρος εἰς τὸ ἔδαφος τοῦ ὁποῖου ἐπιδιώκεται ἡ ἀναγνώρισις καὶ ἐκτέλεσις τῆς ἀποφάσεως κρίνει ὅτι ἡ κυριαρχία καὶ ἀσφάλεια αὐτοῦ δέν θλάπτεται ὡς ἐκ τῆς ἀναγνώρισεως καὶ ἐκτελέσεως τῆς ἀποφάσεως·
- (ζ) ἡ ἐκτέλεσις τῆς ἀποφάσεως δέν ἀντίκειται πρὸς τὴν δημοσίαν τάξιν τῆς χώρας τοῦ δικαστηρίου ὅπερ ἐπελήφθη τῆς αἰτήσεως·
- (η) ἡ ἀπόφασις δέν ἐπετεύχθη διὰ δολίων μέσων.

#### Ἄρθρον 25

Αἱ διαιτητικαὶ ἀποφάσεις θὰ ἀναγνωρίζωνται καὶ ἐκτελῶνται ὑπὸ τοὺς ὅρους οἵτινες προβλέπονται ἐν τῷ Ἄρθρῳ 24 τῆς παρούσης Συμφωνίας καὶ ὑπὸ τὴν προϋπόθεσιν ὅτι:

- (α) Ἡ ἀπόφασις βασίζεται ἐπὶ γραπτῆς συμφωνίας περὶ τῆς ἀρμοδιότητος τοῦ διαιτητικοῦ δικαστηρίου καὶ ἐξεδόθη ὑπ' αὐτοῦ ἐν τῷ πλαισίῳ τῆς ἀρμοδιότητός του ἣτις καθορίζεται εἰς τὴν τοιαύτην συμφωνίαν· καὶ
- (β) ἡ συμφωνία περὶ τῆς ἀρμοδιότητος τοῦ διαιτητικοῦ δικαστηρίου εἶναι ἔγκυρος συμφώνως πρὸς τὴν νομοθεσίαν τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἔδαφος τοῦ ὁποῖου ἐπιδιώκεται ἡ ἀναγνώρισις ἢ ἐκτέλεσις.

#### Ἄρθρον 26

(1) Ἡ αἴτησις περὶ ἀναγνώρισεως ἢ ἐκτελέσεως τῆς ἀποφάσεως δύναται νὰ ὑποβληθῇ ἀπ' εὐθείας ὑπὸ τοῦ ἐξ ἀποφάσεως δανειστοῦ, ἢ κατὰ τὸν ἐν Ἄρθρῳ 4 τῆς παρούσης Συμφωνίας προβλεπόμενον τρόπον, πρὸς τὴν ἀρμοδίαν δικαστικὴν ἀρχὴν τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἔδαφος τοῦ ὁποῖου πρόκειται νὰ ἀναγνωρισθῇ ἢ ἐκτελεσθῇ ἡ ἀπόφασις.

(2) Ἡ αἴτησις περὶ ἀναγνώρισεως καὶ ἐκτελέσεως ἀποφάσεώς τινος δέον νὰ ὑποβληθῇ ἐντὸς τοιαύτης προθεσμίας ὡς προβλέπεται εἰς τὴν σχετικὴν νομοθεσίαν τῆς χώρας ἔνθα ἐπιδιώκεται ἡ ἀναγνώρισις καὶ ἐκτέλεσις.

(3) Ἡ αἴτησις δέον νὰ συνοδεύεται ὑπὸ:

- (α) Τῆς ἀποφάσεως τοῦ δικαστηρίου, ἢ ἀντιγράφου αὐτῆς πιστοποιημένου ὡς ἀληθοῦς, περιεχούσης ρήτραν περὶ τοῦ τελεσιδικίου καὶ τοῦ ἐκτελεστοῦ αὐτῆς, ἐκτὸς ἐὰν τοῦτο εἶναι φανερόν ἐξ αὐτῆς ταύτης τῆς ἀποφάσεως·
- (β) ἐνὸς ἐγγράφου θεβαιούντος ὅτι ὁ διάδικος, ἐναντίον τοῦ ὁποῖου ἐξεδόθη ἡ ἀπόφασις καὶ ὁ ὁποῖος παρέλειψε νὰ ἐμφανισθῇ εἰς τὴν διαδικασίαν, ἐκλητεύθη προσηκόντως καὶ εἰς ἐπαρκῆ χρόνον διὰ νὰ λάβῃ μέρος εἰς τὴν διαδικασίαν συμφώνως πρὸς τὴν νομοθεσίαν τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἔδαφος τοῦ ὁποῖου ἐξεδόθη ἡ ἀπόφασις, εἰς δὲ τὴν περίπτωσιν ἀνικανότητος ἀπαντήσεως εἰς τὸ κατηγορητήριον, ὅτι ὁ κατηγορούμενος ἐξεπροσωπήθη προσηκόντως·

- (γ) μιάς πιστοποιημένης μεταφράσεως τῆς αἰτήσεως καὶ τῶν ἐγγράφων, ἅτινα μνημονεύονται εἰς τὰς ὑποπαραγράφους (α) καὶ (β) τῆς παρούσης παραγράφου, εἰς τὴν γλῶσσαν τοῦ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλομένου Μέρους ἢ εἰς τὴν ἀγγλικὴν γλῶσσαν.

Ἄρθρον 27

(1) Ἡ δικαστικὴ ἀρχὴ ἢ ἀποφασίζουσα ἐπὶ τῆς αἰτήσεως περὶ ἀναγνωρίσεως καὶ ἐκτελέσεως τῆς ἀποφάσεως θὰ περιορισθῇ εἰς τὴν διαπίστωσιν κατὰ πόσον πληροῦνται αἱ προϋποθέσεις αἱ ἀναφερόμεναι εἰς τὰ Ἄρθρα 24, 25 καὶ 26 τῆς παρούσης Συμφωνίας. Ἡ ἀπόφασις περὶ ἀναγνωρίσεως καὶ ἐκτελέσεως τῆς ἀποφάσεως θὰ ἐκδίδεται ὑπὸ τῆς ἀρμοδίας δικαστικῆς ἀρχῆς τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἔδαφος τοῦ ὁποίου πρόκειται νὰ ἀναγνωσθῇ καὶ ἐκτελεσθῇ ἡ ἀπόφασις.

(2) Ἡ δικαστικὴ ἀρχὴ τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἔδαφος τοῦ ὁποίου ἀναγνωρίζεται ἢ ἐκτελεῖται ἡ ἀπόφασις θὰ προχωρήσῃ συμφώνως πρὸς τὴν νομοθεσίαν τοῦ Κράτους αὐτῆς.

Ἄρθρον 28

(1) Ἐὰν παρά τινος διαδίκου, ὅστις κατὰ τὸ Ἄρθρον 18 τῆς παρούσης Συμφωνίας ἀπηλλάχθη τῆς καταθέσεως ἐγγυήσεως ἔναντι τῶν ἐξόδων διαδικασίας, ἀπαιτηθῇ, διὰ τελεσιδίκου ἀποφάσεως ἢ διατάγματος τῆς δικαστικῆς ἀρχῆς ἐνὸς Συμβαλλομένου Μέρους, ὅπως καταβάλλῃ τὰ ἔξοδα τῆς διαδικασίας, ἡ ἀπόφασις αὕτη δύναται τῇ αἰτήσει τοῦ ἐνδιαφερομένου προσώπου νὰ ἐκτελεσθῇ ἀτελῶς εἰς τὸ ἔδαφος τοῦ ἐτέρου Συμβαλλομένου Μέρους.

(2) Ἡ αἴτησις μετὰ τῶν συνημμένων ἐν αὐτῇ ἐγγράφων δέον νὰ συντάσσεται συμφώνως πρὸς τὸ Ἄρθρον 26 τῆς παρούσης Συμφωνίας.

(3) Ἡ δικαστικὴ ἀρχὴ ἢ ἀποφαινομένη περὶ τῆς ἐκτελέσεως τῆς ἀποφάσεως συμφώνως πρὸς τὴν παράγραφον (1) τοῦ παρόντος Ἄρθρου θὰ περιορισθῇ εἰς τὴν διαπίστωσιν περὶ τοῦ κατὰ πόσον ἡ ἀπόφασις περὶ τῶν ἐξόδων τῆς διαδικασίας εἶναι τελεσιδικὸς καὶ ἐκτελεστή.

Ἄρθρον 29

Ἡ ἀρχὴ τοῦ Συμβαλλομένου Μέρους εἰς τὸ ἔδαφος τοῦ ὁποίου τὰ ἔξοδα τῆς διαδικασίας, καθ' ἣν ἐξεδόθη ἀπόφασις οὕσα ἐκτελεστή, προεκατεβλήθησαν ὑπὸ τοῦ Κράτους, θὰ ζητήσῃ παρά τῆς ἀρμοδίας δικαστικῆς ἀρχῆς τοῦ ἐτέρου Συμβαλλομένου Μέρους νὰ εἰσπράξῃ τὰ ἔξοδα καὶ τὰ τέλη τῆς διαδικασίας. Ἡ δικαστικὴ ἀρχὴ θὰ ἐμβάσῃ τὸ εἰσπραχθὲν ποσὸν πρὸς τὸ Συμβαλλόμενον Μῆρος τοῦ ὁποίου ἡ ἀρχὴ ἐζήτησε τὴν εἰσπραξίαν.

ΜΕΡΟΣ ΙΙΙ

Ποινικὰ Θέματα

Κεφάλαιον 1

Ἄρθρον 30

Κίνησις Ποινικῆς Διαδικασίας

(1) Τὰ Συμβαλλόμενα Μῆρη ἀναλαμβάνουν τὴν ὑποχρέωσιν, κατόπιν αἰτήσεως τοῦ ἐτέρου Συμβαλλομένου Μέρους νὰ κινοῦν ποινικὰς διαδικασίας, συμφώνως καὶ τηρουμένων τῶν διατάξεων τῆς οἰκείας αὐτῶν νομοθεσίας, ἐναντίον πολιτῶν αὐτῶν τελεσάντων πράξιν τιμωρουμένην ὑπὸ τῶν δικαστηρίων τοῦ ἐτέρου Συμβαλλομένου Μέρους.

(2) Ἡ προειρημένη αίτησις δέον νά συνοδεύηται ὑφ' ὄλων τῶν ἀναγκαίων ἐγγράφων ἐν περιπτώσει καθ' ἣν τὰ ἐν λόγῳ ἐγγραφα δέν εἶναι ἐπαρκῆ δέον νά ἀποστέλλωνται πρόσθετοι πληροφοροίαι τῇ αίτησει τοῦ Συμβαλλομένου Μέρους ὅπερ ἐκίνησε τὴν ποινικὴν διαδικασίαν.

(3) Τὸ κινήσαν τὴν ποινικὴν διαδικασίαν Συμβαλλόμενον Μῆρος θά γνωστοποιῆ εἰς τὸ ἕτερον Συμβαλλόμενον Μῆρος τὸ ἀποτέλεσμα αὐτῆς τὸ ταχύτερον δυνατὸν. Ἐάν ἐξεδόθη τελεσίδικος καταδικαστικὴ ἀπόφασις, ἐν ἀντίγραφον αὐτῆς δέον νά ἀποστέλλεται κατόπιν αίτήσεως.

## Κεφάλαιον 2

### Ἔκδοσις

#### Ἄρθρον 31

#### Ὑποχρέωσις Ἐκδόσεως

(1) Τὰ Συμβαλλόμενα Μέρη ἀναλαμβάνουν τὴν ὑποχρέωσιν, κατὰ τοὺς ἐν τῇ παρούσῃ Συμφωνίᾳ, προβλεπομένους ὄρους, νά προβαίνουν μεταξύ των εἰς τὴν ἔκδοσιν, ἐφ' ὅσον ζητηθῇ παρ' αὐτῶν, προσώπων ἅτινα διαμένουν εἰς τὸ ἔδαφος των καὶ ἐναντίον τῶν ὁποίων πρόκειται νά ἀρχίσῃ ποινικὴ διαδικασία ἢ νά ἐκτελεσθῇ καταδικαστικὴ ἀπόφασις.

(2) Ἔκδοσις πρὸς τὸν σκοπὸν ἐνάρξεως ποινικῆς διαδικασίας χωρεῖ μόνον διὰ τοιαύτας πράξεις αἰτινες, κατὰ τὴν νομοθεσίαν ἀμφοτέρων τῶν Συμβαλλομένων Μερῶν, τιμωροῦνται διὰ φυλακίσεως πέραν τῶν 12 μηνῶν.

(3) Ἔκδοσις πρὸς τὸν σκοπὸν ἐκτελέσεως καταδικαστικῆς ἀποφάσεως χωρεῖ μόνον διὰ τοιαύτας πράξεις αἰτινες τιμωροῦνται κατὰ τὴν νομοθεσίαν ἀμφοτέρων τῶν Συμβαλλομένων Μερῶν καὶ ἐφ' ὅσον τὸ ἐνδιαφερόμενον πρόσωπον ἔχει καταδικασθῇ διὰ τὰς πράξεις ταύτας εἰς φυλάκισιν 12 καὶ πλέον μηνῶν.

(4) Ἄνευ ἐπηρεασμοῦ τῶν διατάξεων τοῦ Ἄρθρου 32 (α) καὶ (β), δέν ἐπιτρέπεται ἡ ἄρνησις ἐκδόσεως προσώπων τελεσάντων παρανόμους πράξεις ἐναντίον τῆς ἀσφαλείας τῆς πολιτικῆς ἀεροπορίας ἐν τῇ ἐννοίᾳ τῶν διατάξεων τῆς Συμβάσεως περὶ Καταστολῆς Παρανόμου Καταλήψεως Ἀεροσκάφους, ὑπογραφείσης ἐν Χάγη τὴν 16ην Δεκεμβρίου, 1970, ὡς καὶ τῆς Συμβάσεως περὶ Καταστολῆς Παρανόμων Πράξεων ἐναντίον τῆς Ἀσφαλείας τῆς Πολιτικῆς Ἀεροπορίας, ὑπογραφείσης ἐν Μοντρεάλ τὴν 23ην Σεπτεμβρίου, 1971, καθὼς καὶ προσώπων τελεσάντων παρανόμους πράξεις ἐν τῇ ἐννοίᾳ τῶν διατάξεων ἑτέρων διεθνῶν Συμβάσεων ἐναντίον τῆς τρομοκρατίας εἰς τὰς ὁποίας τόσον ἡ Κυπριακὴ Δημοκρατία ὅσον καὶ ἡ Τσεχοσλοβακικὴ Σοσιαλιστικὴ Δημοκρατία εἶναι ἢ θά καταστοῦν Συμβαλλόμενα Μέρη.

#### Ἄρθρον 32

#### Ἄρνησις Ἐκδόσεως

Ἡ ἔκδοσις θά ἀποκρούεται ἐάν—

- (α) Κατὰ τὸν χρόνον λήψεως τῆς περὶ ἐκδόσεως αίτήσεως, τὸ πρόσωπον τοῦ ὁποίου ζητεῖται ἡ ἔκδοσις εἶναι πολίτης τοῦ πρὸς ὃ ἀπευθύνεται ἡ αίτησις Συμβαλλομένου Μέρους
- (β) ἡ ἀξιόποινος πράξις ἐγένετο εἰς τὸ ἔδαφος τοῦ πρὸς ὃ ἀπευθύνεται ἡ αίτησις Συμβαλλομένου Μέρους
- (γ) συμφώνως πρὸς τὴν νομοθεσίαν τοῦ πρὸς ὃ ἀπευθύνεται ἡ αίτησις Συμβαλλομένου Μέρους, ἡ ποινικὴ διαδικασία δέν

δύναται να κινηθῆ ἢ ἡ καταδικαστικὴ ἀπόφασις δὲν δύναται νὰ ἐκτελεσθῆ συνεπεῖα παραγραφῆς τοῦ ἐγκλήματος ἢ οἰουδήποτε ἑτέρου νομικοῦ λόγου·

- (δ) ἡ ἔκδοσις εἶναι ἀπαράδεκτος συμφώνως πρὸς τὴν νομοθεσίαν ἑνὸς τῶν Συμβαλλομένων Μερῶν·
- (ε) τελεσιδίκος καταδικαστικὴ ἀπόφασις ἀφορῶσα εἰς τὴν αὐτὴν ἀξιόποινον πράξιν ἔχει ἤδη ἀπαγγελθῆ ἐναντίον τοῦ προσώπου τοῦ ὁποίου ζητεῖται ἡ ἔκδοσις εἰς τὸ ἔδαφος τοῦ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλομένου Μέρους ἢ ἐὰν ἡ ποινικὴ διαδικασία ἔχη περατωθῆ διὰ τῆς ἐκδόσεως τελεσιδίκου καταδικαστικῆς ἀποφάσεως·
- (στ) συμφώνως πρὸς τὴν νομοθεσίαν ἑνὸς τῶν Συμβαλλομένων Μερῶν, ἡ ποινικὴ διαδικασία κινῆται τῇ ἐγκλήσει τοῦ θλαθέντος προσώπου.

### Ἄρθρον 33

#### Αἴτησις Ἐκδόσεως

(1) Ἡ αἴτησις ἐκδόσεως δεόν νὰ περιέχῃ τὸ ὀνοματεπώνυμον τοῦ προσώπου τοῦ ὁποίου ζητεῖται ἡ ἔκδοσις, τὴν ἡμερομηνίαν καὶ τὸν τόπον γεννήσεως αὐτοῦ, τὴν ἰθαγένειαν αὐτοῦ, στοιχεῖα περὶ τῆς διαμονῆς αὐτοῦ, στοιχεῖα περὶ τῆς ἀξιοποινοῦ πράξεως καὶ, ἐὰν συνεπεῖα αὐτῆς ἔχη προξενθῆ ὑλικὴ ζημία, τὸ ποσὸν αὐτῆς δεόν νὰ ἀναγράφεται.

(2) Ἐν κεκρωμένον ἀντίγραφον τοῦ ἐντάλματος συλλήψεως ἢ ἑτέρου ἐγγράφου ἔχοντος τὸ αὐτὸ κύρος, μία περιγραφή τῆς ἀξιοποινοῦ πράξεως, καθὼς καὶ τὸ κείμενον τῶν διατάξεων τοῦ νόμου ὅστις ἀφορᾷ εἰς τὴν ἀξιόποινον πράξιν τὴν διαπραχθεῖσαν ὑπὸ τοῦ προσώπου τοῦ ὁποίου ζητεῖται ἡ ἔκδοσις, δεόν νὰ ἐπισυνάπτεται εἰς τὴν αἴτησιν ἐκδόσεως διὰ τὴν ἔναρξιν ποινικῆς διαδικασίας. Ἐὰν ἔχη διαπραχθῆ ἀξιόποινος πράξις κατὰ περιουσίας, τὸ ποσὸν τῆς ὑλικῆς ζημίας ἥτις προήλθεν ἢ δυνατὸν νὰ προέλθῃ ἐξ αὐτῆς δεόν νὰ ἀναφέρεται.

(3) Ἐν κεκρωμένον ἀντίγραφον τῆς τελεσιδίκου καταδικαστικῆς ἀποφάσεως, ὡς ἐπίσης τὸ κείμενον τῶν νόμων τῶν ἐφαρμοστέων ἐπὶ τῆς ἀξιοποινοῦ πράξεως δεόν νὰ ἐπισυνάπτεται εἰς τὴν αἴτησιν ἐκδόσεως διὰ τὴν ἐκτέλεσιν τῆς καταδικαστικῆς ἀποφάσεως. Ἐὰν ὁ καταδικασθεὶς ἔχη ἤδη ἐκτίσει μέρος τῆς ποινῆς αὐτοῦ, τοῦτο δεόν νὰ ἀναφέρεται.

(4) Τὸ αἴτουν Συμβαλλόμενον Μέρος δὲν ὑποχρεοῦται νὰ ἐπισυνάψῃ εἰς τὴν αἴτησιν τὴν ἀπόδειξιν ἐνοχῆς τοῦ προσώπου τοῦ ὁποίου ἐπιδιώκεται ἡ ἔκδοσις.

### Ἄρθρον 34

#### Σύλληψις πρὸς τὸν Σκοπὸν Ἐκδόσεως

Ἐν περιπτώσει καθ' ἣν ἡ αἴτησις ἐκδόσεως εἶναι ἐπαρκῶς δεδικοιολογημένη δυνάμει τῆς παρούσης Συμφωνίας, τὸ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλόμενον Μέρος ὀφείλει, συμφώνως πρὸς τὴν οἰκείαν αὐτοῦ νομοθεσίαν, νὰ λάβῃ ἄμεσα μέτρα διὰ τὴν σύλληψιν τοῦ προσώπου τοῦ ὁποίου ζητεῖται ἡ ἔκδοσις.

### Ἄρθρον 35

#### Συμπλήρωμα εἰς τὴν Αἴτησιν Ἐκδόσεως

(1) Ἐὰν ἡ αἴτησις ἐκδόσεως στερῆται τῶν ἀναγκαίων στοιχείων, τὸ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλόμενον Μέρος δικαιούται

νά ζητήση ὅπως τοῦ ἀποσταλοῦν τὰ ἐν λόγῳ στοιχεῖα ἐντὸς προθεσμίας μὴ ὑπερβαίνουσας τοὺς δύο μῆνας. Ἡ προθεσμία αὕτη δύναται νὰ παραταθῆ, κατόπιν αἰτήσεως, ἕνεκα σοβαρῶν λόγων.

(2) Ἐάν τὸ αἰτοῦν Συμβαλλόμενον Μέρος παραλείψῃ νὰ προμηθεύσῃ τὰ ζητηθέντα πρόσθετα στοιχεῖα ἐντὸς τῆς προθεσμίας τῆς ἀναφερομένης ἐν τῇ αἰτήσῃ, τὸ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλόμενον Μέρος δικαιούται νὰ ἀπολύσῃ τὸ συλληφθὲν πρόσωπον.

#### Ἄρθρον 36

##### Προσωρινὴ Σύλληψις

(1) Ἡ σύλληψις δύναται νὰ λάθῃ χώραν καὶ πρὸ τῆς λήψεως τῆς αἰτήσεως ἐκδόσεως, ἐάν τὸ αἰτοῦν Συμβαλλόμενον Μέρος κατηγορηματικῶς ἀπαιτήσῃ τὴν σύλληψιν καὶ ἀνακοινώσῃ ὅτι ἐξεδόθη ἔνταλμα συλλήψεως ἢ ἕτερον ἔγγραφον ἔχον τὸ αὐτὸ κύρος ἢ ὅτι ἐξεδόθη καταδικαστικὴ ἀπόφασις ἐπὶ τῇ θάσει τῶν ὁποίων θὰ ἀποσταλῆ ἢ αἴτησις ἐκδόσεως. Ἡ αἴτησις προσωρινῆς συλλήψεως δύναται νὰ γνωστοποιηθῆ ταχυδρομικῶς ἢ τηλεφωνικῶς.

(2) Εἰς τὸ ἕτερον Συμβαλλόμενον Μέρος θὰ γνωστοποιῆται ἀμέσως ἢ σύλληψις δυνάμει τῶν διατάξεων τῆς προηγουμένης παραγράφου.

#### Ἄρθρον 37

##### Ἀπόλυσις Προσώπου Συλληφθέντος Προσωρινῶς

Πρόσωπόν τι, συλληφθὲν δυνάμει τῶν διατάξεων τοῦ Ἄρθρου 36 τῆς παρουσίας Συμφωνίας, δύναται νὰ ἀπολυθῆ ἐάν ἡ αἴτησις ἐκδόσεως δὲν ληφθῆ ἐντὸς μιᾶς προθεσμίας τασσομένης ὑπὸ τοῦ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλομένου Μέρους καὶ μὴ ὑπερβαίνουσας τὸν ἓνα μῆνα ἀπὸ τῆς ἡμέρας καθ' ἣν τὸ αἰτοῦν Συμβαλλόμενον Μέρος ἔλαβε γνώσιν περὶ τῆς προσωρινῆς συλλήψεως.

#### Ἄρθρον 38

##### Ἀναβολὴ Ἐκδόσεως

Ἐάν ἐκκρεμῆ ποινικὴ διαδικασία ἐναντίον προσώπου τοῦ ὁποίου ζητεῖται ἡ ἐκδοσις ἢ ἐάν τὸ πρόσωπον τοῦτο ὀφείλῃ νὰ ἐκτίσῃ ἢ ἐκτίῃ ποινὴν φυλακίσεως δι' ἑτέραν ἀξιόποιον πράξιν τελεσθεῖσαν εἰς τὸ ἔδαφος τοῦ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλομένου Μέρους, ἡ ἐκδοσις δύναται νὰ ἀναβληθῆ μέχρι τοῦ πέρατος τῆς ποινικῆς διαδικασίας ἢ μέχρις ἐκτίσεως τῆς ποινῆς ἢ μέχρις ἐγκαταλείψεως ἢ ἀπονομῆς χάριτος ἀναφορικῶς πρὸς τὴν τιμωρίαν.

#### Ἄρθρον 39

##### Αἴτησις Ἐκδόσεως ὑπὸ Πλειόνων Κρατῶν

Ἐάν ὑπὸ πλειόνων Κρατῶν ὑποβληθῆ αἴτησις ἐκδόσεως τοῦ αὐτοῦ προσώπου, τὸ πρὸς ὃ ἀπευθύνεται ἡ αἴτησις Συμβαλλόμενον Μέρος θὰ ἀποφανθῆ ποία ἐκ τῶν αἰτήσεων θὰ ἱκανοποιηθῆ. Τοῦτο ὀφείλει νὰ λάθῃ ὑπ' ὄψιν τὴν ἰθαγένειαν τοῦ ζητουμένου νὰ ἐκδοθῆ προσώπου, τὴν σοβαρότητα τῆς ἀξιοποίνου πράξεως καὶ τὸν τρόπον τελέσεως αὐτῆς, καθὼς ἐπίσης τὴν ἡμερομηνίαν καθ' ἣν ὑπεβλήθη ἐκάστη αἴτησις.

#### Ἄρθρον 40

##### Περιορισμὸς Ποινικῆς Διώξεως Ἐκδοθέντων Προσώπων

(1) Ἄνευ τῆς συγκαταθέσεως τοῦ πρὸς ὃ ἡ αἴτησις Συμβαλλομένου Μέρους τὸ ἐκδοθὲν πρόσωπον δὲν δύναται νὰ διωχθῆ ποινικῶς ἢ ὑποχρεωθῆ νὰ ἐκτίσῃ ποινὴν δι' ἀξιόποιον πράξιν τελεσθεῖσαν πρὸ τῆς ἐκδόσεώς του πλην δι' ἐκείνην ἀναφορικῶς πρὸς τὴν ὁποίαν ἐπετράπη ἡ ἐκδοσις.

(2) "Ανευ τής συγκαταθέσεως του προς δ ή αίτησις Συμβαλλομένου Μέρους τὸ ἐκδοθὲν πρόσωπον δὲν δύναται νὰ ἐκδοθῆ εἰς τι τρίτον Κράτος.

ι(3) Ἡ συγκατάθεσις του προς δ ή αίτησις Συμβαλλομένου Μέρους δὲν εἶναι ἀπαραίτητος ἐάν—

ι(α) τὸ ἐκδοθὲν πρόσωπον δὲν ἐγκαταλείψη τὸ ἔδαφος του αἰτουήτος Συμβαλλομένου Μέρους πρὸ τής ἐκπνοῆς ἐνὸς μηνὸς ἀπὸ του πέρατος τής ποινικῆς διαδικασίας ἢ τής ἐκτίσεως τής ποινῆς· ἡ προθεσμία αὕτη δὲν περιλαμβάνει τὸν χρόνον κατὰ τὸν ὁποῖον τὸ ἐκδοθὲν πρόσωπον, διὰ λόγους πέραν τής βουλήσεώς του, δὲν ἠδύνατο νὰ ἐγκαταλείψη τὸ ἔδαφος του αἰτουήτος Συμβαλλομένου Μέρους·

ι(β) τὸ ἐκδοθὲν πρόσωπον, ἀφοῦ ἐγκατέλειψε τὸ ἔδαφος του αἰτουήτος Συμβαλλομένου Μέρους, ἐπέστρεψε πάλιν ἐκουσίως εἰς τὸ ἐν λόγω ἔδαφος.

#### "Ἀρθρον 41

##### Παράδοσις του Ἐκδοτέου Προσώπου

Τὸ προς δ ή αίτησις Συμβαλλόμενον Μέρος θὰ γνωστοποιῆ εἰς τὸ αἰτοῦν Συμβαλλόμενον Μέρος τὸν τόπον καὶ τὴν ἡμερομηνίαν τής παραδόσεως. Ἐάν τὸ αἰτοῦν Συμβαλλόμενον Μέρος δὲν ἀναλάβῃ τὸ πρόσωπον ἐντὸς 7 ἡμερῶν ἀπὸ τής ὀρισθείσης ἡμερομηνίας, τὸ ζητούμενον προς ἐκδοσιν πρόσωπον δύναται νὰ ἀφεθῆ ἐλευθερον. Ἐπὶ τῇ αἰτήσει ἐνὸς τῶν Συμβαλλομένων Μερῶν ἡ προθεσμία δύναται νὰ παραταθῆ διὰ μίαν περαιτέρω προθεσμίαν 7 ἡμερῶν.

#### "Ἀρθρον 42

##### Ἐπαναλαμβανομένη Ἐκδοσις

Ἐάν καθ' οἰονδήποτε τρόπον ἐκδοθὲν τι πρόσωπον ἀποφύγῃ τὴν ποινικὴν διαδικασίαν ἢ τὴν ἐκτίσιν τής ποινῆς που καὶ ἐάν τοῦτο ἐπιστρέψῃ πάλιν εἰς τὸ ἔδαφος του προς δ ή αίτησις Συμβαλλομένου Μέρους, τοῦτο ὀφείλει νὰ ἐκδοθῆ ἐπὶ τῇ ὑποβολῇ νέας αἰτήσεως, μὴ περιλαμβανούσης ὁμῶς τὰ ἔγγραφα ἅτινα ἀναφέρονται εἰς τὸ ἄρθρον 33 τής παρούσης Συμφωνίας.

#### "Ἀρθρον 43

##### Γνωστοποιήσις τῶν Ἀποτελεσμάτων τής Ποινικῆς Διαδικασίας

Τὸ αἰτοῦν Συμβαλλόμενον Μέρος ὀφείλει νὰ γνωστοποιῆ εἰς τὸ προς δ ἀπευθύνεται ἡ αίτησις Συμβαλλόμενον Μέρος τὸ ἀπὸτέλεσμα τής ποινικῆς διαδικασίας ἐναντίον του ἐκδοθέντος προσώπου. Ἐάν ἔχη ἀπαγγελθῆ καταδικαστικὴ ἀπόφασις ἐναντίον του ἐκδοθέντος προσώπου, ἐν ἀντίγραφον τής ἀποφάσεως του δικαστηρίου δέον ὅπως ἀποσταλῆ εὐθὺς ὡς αὕτη καταστή τελεσίδικος.

#### "Ἀρθρον 44

##### Ἐξοδα Ἐκδόσεως

Τὰ ἔξοδα ἅτινα συνεπάγεται ἡ ἐκδοσις θὰ βαρύνουν τὸ Συμβαλλόμενον Μέρος εἰς τὸ ἔδαφος του ὁποῖου προέκυψαν. Τὰ ἔξοδα μεταφορᾶς θὰ βαρύνουν τὸ αἰτοῦν Συμβαλλόμενον Μέρος.

#### "Ἀρθρον 45

##### Παράδοσις Περιουσίας

ι(1) Οἰαδήποτε ἀντικείμενα ἅτινα ἐχρησιμοποίηθησαν ὑπὸ τινος προσώπου τὸ ὁποῖον κατηγορεῖται ὅτι διέπραξεν ἀξιόποιόν τινα

πραξίν δια τήν οποίαν ἐπιτρέπεται ἡ ἔκδοσις συμφώνως πρὸς τήν παροῦσαν Συμφωνίαν, ὡς ἐπίσης οἰαδήποτε περιουσία ἀποκτήθεισα ὑπ' αὐτοῦ συνετεία τῆς ἀξιοποιήσου πράξεως καὶ πᾶν ἕτερον ἀντικείμενον δυνάμενον νὰ χρησιμοποιηθῆ ὡς ἀποδεικτικὸν στοιχείον, ὀφείλει νὰ παραδοθῆ πρὸς τὸ αἰτοῦν Συμβαλλόμενον Μέρος· τὰ ἐν λόγῳ ἀντικείμενα θὰ παραδίδωνται ἔστω καὶ ἐὰν ὁ κατηγορούμενος δὲν ἔκδοθῆ.

(2) Τὸ πρὸς δ ἡ αἴτησις Συμβαλλόμενον Μέρος δύναται νὰ ἀναβάλῃ προσωρινῶς τήν παράδοσιν τῶν ζητουμένων ἀντικειμένων, ἐφ' ὅσον ταῦτα εἶναι ἀναγκαῖα δι' ἑτέραν ποινικὴν διαδικασίαν.

(3) Τὰ δικαιώματα τρίτων προσώπων ἐπὶ τῶν οὕτω παραδιδόμενων ἀντικειμένων οὐδὲν ἔπηρέαζονται. Μετὰ τὸ πέρας τῆς ποινικῆς διαδικασίας τὸ αἰτοῦν Μέρος ὀφείλει νὰ ἐπιστρέψῃ τὰ ἀντικείμενα εἰς τὸ πρὸς δ ἀπευθύνεται ἡ αἴτησις Συμβαλλόμενον Μέρος διὰ νὰ παραδοθῶν εἰς τοὺς ἰδιοκτῆτας των. Ὅσακις εἶναι εὐλόγως δεδικαιολογημένον καὶ κατόπιν συγκαταθέσεως τοῦ πρὸς δ ἀπευθύνεται ἡ αἴτησις Συμβαλλομένου Μέρους, τὰ ἀντικείμενα δύναται νὰ παραδοθῶν ἀπ' εὐθείας εἰς τοὺς ἰδιοκτῆτας των.

### Κεφάλαιον 3

#### Εἰδικαὶ Διατάξεις περὶ Νομικῆς Συνδρομῆς εἰς Ποινικὰ Θέματα

##### Ἄρθρον 46

#### Γνωστοποιήσις Ποινικῶν Καταδικῶν

(1) Τὰ Συμβαλλόμενα Μέρη θὰ γνωστοποιοῦν εἰς ἄλληλα πάσας τὰς ποινικὰς καταδικὰς καὶ τὰ ἐν συνεχείᾳ μέτρα ἅτινα διατάσσονται ὑπὸ τῶν δικαστηρίων ἐνὸς Συμβαλλομένου Μέρους ἐν σχέσει πρὸς πολίτας τοῦ ἑτέρου Συμβαλλομένου Μέρους.

(2) Ἐπὶ τῇ βάσει δεδικαιολογημένης τινὸς αἰτήσεως, τὰ Συμβαλλόμενα Μέρη θὰ πληροφοροῦν ἄλληλα περὶ τῶν ἀπαγγελεθειῶν καταδικῶν ἐναντίον προσώπων ἅτινα δὲν εἶναι πολῖται τοῦ αἰτοῦντος Συμβαλλομένου Μέρους.

(3) Τὰ Συμβαλλόμενα Μέρη, ὅσακις εἶναι ἐφικτόν, θὰ ἀποστέλλουν εἰς ἄλληλα, κατόπιν αἰτήσεως, τὰ δακτυλικά ἀποτυπώματα τῶν προσώπων ἅτινα ἀναφέρονται εἰς τὰς παραγράφους (1) καὶ (2) τοῦ παρόντος Ἄρθρου.

##### Ἄρθρον 47

#### Ἀντίγραφα ἐκ τῶν Ποινικῶν Μητρώων

Αἱ ἀρχαὶ ἐνὸς Συμβαλλομένου Μέρους θὰ ἀποστέλλουν, κατόπιν αἰτήσεως, ἀντίγραφα ἐκ τῶν ποινικῶν μητρώων πρὸς τὰς δικαστικὰς ἀρχὰς τοῦ ἑτέρου Συμβαλλομένου Μέρους.

### ΜΕΡΟΣ IV

#### Τελικαὶ Διατάξεις

##### Ἄρθρον 48

(1) Ἡ παρούσα Συμφωνία δέον ὅπως ἐπικυρωθῆ. Τὰ ἔγγραφα ἐπικυρώσεως θὰ ἀνταλλαγῶν ἐν Λευκωσίᾳ.

(2) Ἡ παρούσα Συμφωνία θὰ ἰεθῆ ἐν ἰσχύϊ τὴν 30ὴν ἡμέραν ἀπὸ τῆς ἀνταλλαγῆς τῶν ἐγγράφων ἐπικυρώσεως.

##### Ἄρθρον 49

Ἡ παρούσα Συμφωνία συναμολογεῖται δι' ἀόριστον χρονικὴν πε-

ρίοδον. Ἐκαστον τῶν Συμβαλλομένων Μερῶν δύναται νὰ καταγγεῖλῃ τὴν Συμφωνίαν ἐγγράφως μέσῳ τῆς διπλωματικῆς ὁδοῦ. Ἡ καταγγελία θὰ λάβῃ ἰσχὺν ἐξ ἡμέρας ἀφ' ἧς αὕτη θὰ ἔχῃ ληφθῆ.

Εἰς μαρτυρίαν τῶν ἀνωτέρω οἱ πληρεξούσιοι ἀντιπρόσωποι ἀμφοτέρων τῶν Συμβαλλομένων Μερῶν ὑπέγραψαν τὴν παροῦσαν Συμφωνίαν καὶ ἔθεσαν ἐπ' αὐτῆς τὰς σφραγίδας τῶν.

Ἐγένετο ἐν Λευκωσίᾳ τὴν 23ην Ἀπριλίου, 1982, εἰς δύο πρωτότυπα ἀντίγραφα, ἐκάστου εἰς τὴν Ἀγγλικὴν γλῶσσαν, ἀμφοτέρων τῶν κειμένων τούτων ὄντων ἐξ ἴσου ἀuthεντικῶν.