

No. 47750

**Turkey
and
Slovakia**

Agreement between the Government of the Republic of Turkey and the Government of the Slovak Republic on war graves. Bratislava, 2 November 2009

Entry into force: *23 August 2010 by notification, in accordance with article 9*

Authentic texts: *English, Slovak and Turkish*

Registration with the Secretariat of the United Nations: *Turkey, 9 September 2010*

**Turquie
et
Slovaquie**

Accord entre le Gouvernement de la République turque et le Gouvernement de la République slovaque sur les tombes des anciens combattants. Bratislava, 2 novembre 2009

Entrée en vigueur : *23 août 2010 par notification, conformément à l'article 9*

Textes authentiques : *anglais, slovaque et turc*

Enregistrement auprès du Secrétariat des Nations Unies : *Turquie, 9 septembre 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
between
the Government of the Republic of Turkey
and
the Government of the Slovak Republic
on war graves

the Government of the Republic of Turkey
and
the Government of the Slovak Republic

(hereinafter referred to as “Contracting Parties”),

taking into account the existence of the war graves in the territory of the States of Contracting Parties, where the remains of the Turkish and the Slovak war victims are buried,

wishing to honour their commemoration and to ensure them dignified place of the last rest, following the principles of humanity and provisions of Geneva Conventions of 12 August 1949 and the Protocol numbered 1 relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 and other provisions of international humanitarian law,

have agreed as follows:

Article 1
Definitions

For the purpose of this Agreement the following terms shall mean:

- a. “war grave“ shall mean the place where the remains of a war victim are placed, together with a tombstone, a memorial, other pious symbol or a commemorative place that remind a war event, including the graves of the individuals and massive graves;
- b. “Turkish war victim” shall mean a member of the Ottoman Empire armed forces, a prisoner of war or a civilian person, who was a citizen of the Ottoman Empire with a permanent residence in the territory of the then Ottoman Empire, who died during the First World War or as a consequence of this event and was buried in the territory of the present day Slovak Republic;
- c. “Slovak war victim” shall mean a member of the Austria-Hungary armed forces, a prisoner of war or a civilian person, who was a citizen of Austria-Hungary with a permanent residence in the territory of the present day Slovak Republic, who died during the First World War or as a consequence of this event and was buried in the territory of the present day Republic of Turkey,

- d. "Turkish war monument" shall mean memorials, tablets or other constructions or pieces of art built to commemorate the Turkish war victims, which are situated in the territory of the Slovak Republic;
- e. "Slovak war monument" shall mean memorials, tablets, or other constructions or piece of art built to commemorate the Slovak war victims, which are situated in the territory of the Republic of Turkey

Article 2
Forms of Co-operation

- 1. Contracting Parties shall ensure the identification, evidence, arrangement and maintenance of the war graves and placement of war monuments on their territory and pious treatment for them and ensure the transport of remains to the territory of the other Contracting Party if requested. For the arrangement and maintenance of the war graves, Contracting Parties act in accordance with their national legislation and respect national, religious and other traditions of their States.
- 2. Contracting Parties shall Exchange:
 - a) lists of names and other data on the Turkish and the Slovak war victims buried in the territory of their States,
 - b) information on the placement and state of the Turkish and the Slovak war graves and on the new found Turkish and Slovak war graves
 - c) information on serious damages caused to the Turkish and the Slovak war graves and measures adopted for their eradication
- 3. Inscriptions on the war monuments shall be written in both Turkish and Slovak languages.
- 4. In accordance with the relevant national legislation, either Contracting Party shall enable the other Contracting Party to access the war graves to ensure their arrangement and maintenance
- 5. In accordance with the relevant national legislation, either Contracting Party shall enable the nationals, the members of the diplomatic corps and the registered civil associations of the other Contracting Party to access the war graves in order to pay tribute to the war victims buried here.

Article 3
Use of the Grounds

- 1. Under the principle of reciprocity, Contracting Parties shall ensure the free-of-charge use of the grounds where the war graves and the war monuments are located. This right shall lapse where the ground is no longer used for the specified purpose.

2. Due to public interest, if the Contracting Party needs the ground pursuant to paragraph 1 for another purpose, it will provide the other Contracting Party with other suitable ground and bear all costs related to replacement or arrangement of the war graves and the war monuments.
3. Selection of the new ground shall be made solely with the consent of the other Contracting Party. Property rights for the grounds pursuant to paragraph 1 shall not be affected by this Agreement.
4. New war graves shall be arranged on the grounds where the remains of the war victims are located or if not possible, on another suitable ground. This is also applied to war monuments accordingly.
5. Contracting Parties shall be bound that no constructions or establishments which are not acceptable due to respect for such places shall be placed in the near surroundings of the war graves.

Article 4
Exhumation, transport and re-interment

1. Exhumation of the remains of the war victims and their transport for the purpose of the re-interment within the State of the Contracting Party or to the State of the other Contracting Party, shall be carried out solely upon the request of Contracting Party concerned and with the consent of the other Contracting Party in the territory of which the remains of the war victim are buried. Request and the respective reply shall be delivered via diplomatic channels.
2. Provided the request was granted pursuant to paragraph 1, Contracting Parties shall agree upon the procedure of exhumation, transport and re-interment or handover of the remains.
3. Exhumation, transport and re-interment pursuant to paragraph 1 shall be carried out by the competent authorities of Contracting Parties. Representatives of the State of the other Contracting Party may be present at the exhumation and re-interment.
4. A record shall be kept about every re-interment, including the data of the previous and the new place of the war grave and the personal data of the war victims buried in the war grave.

Article 5
Costs

1. Each Contracting Party shall bear the costs for the arrangement and maintenance of the war graves situated in the territory of its State.
2. Each Contracting Party may carry out at its own expense the arrangement and maintenance of its war graves situated in the territory of the State of the other Contracting Party.

3. Costs for ensuring the works pursuant to Article 4 of this Agreement, shall be borne by the requesting Contracting Party.
4. The competent authorities of Contracting Parties may agree in writing the other way of the reimbursement of the costs on case to case basis.

Article 6
Implementation of the Agreement

1. Authorities competent for the implementation of this Agreement shall be the Ministry of Defence of the Republic of Turkey and the Ministry of Interior of the Slovak Republic. Contracting Parties shall notify each other in case of any change of the competent authorities via diplomatic channels.
2. Authorities competent for the implementation of this Agreement may adopt implementation protocols.
3. Authorities competent for the implementation of this Agreement may empower third persons to carry out particular tasks and works arising from this Agreement.

Article 7
Commission

In order to solve the issues which require a joint procedure, Contracting Parties shall establish an intergovernmental war graves commission, which consists of members of each Contracting Party, empowered by the authorities competent for implementation of this Agreement. The list of its members shall be notified via diplomatic channels.

Article 8
Settlement of disputes

Any dispute arisen during the implementation of this Agreement shall be solved by mutual negotiations or via diplomatic channels and shall not be submitted to the international court or the third party.

Article 9
Final provisions

1. This Agreement shall be concluded for an indefinite period.
2. This Agreement shall enter into force on the ninetieth (90) day following the date of delivery of the latter notification informing on the completion of the national requirements necessary for the entry into force of this Agreement
3. Either Contracting Party may suspend the implementation of this Agreement as a whole or in part, provided its sovereignty, security or public order is endangered. Contracting Parties shall inform each other of the acceptance or annulment of such