

**AGREEMENT**

**BETWEEN**

**THE GOVERNMENT OF  
THE CZECH REPUBLIC**

**AND**

**THE CABINET OF MINISTERS OF UKRAINE**

**ON**

**WAR GRAVES**

The Government of the Czech Republic and the Cabinet of Ministers of Ukraine (hereinafter referred to as "Parties"),

Following the Agreement on friendly relations and cooperation between Ukraine and the Czech Republic, signed in Prague on April 26, 1995;

Aiming at the enforcement of the principles of international humanitarian law dealing with disposing with the deceased as contained in Geneva Conventions for the Protection of the Victims of Armed Conflicts of August 12, 1949 and in their Additional Protocols of June 8, 1977;

Taking into account the existence of war graves on the territory of Ukraine and the Czech Republic, in which the citizens of both states are buried, with a view to guarantee their preservation and mutual contribution to tending of war graves, including the determination of their location and maintenance in the proper state,

Have agreed as follows:

### **Article 1** **Definitions**

For the purposes of this Agreement the terms shall be interpreted as follows:

- 1) „war graves“ - places where the remains of persons who died in consequence of war operation or in consequence of war imprisonment or internment are buried;
- 2) „Czech war graves“ - war graves on the territory of Ukraine where the remains of Czech citizens (or the citizens of Czechoslovakia or of former Austro-Hungarian Empire, with permanent residence on the territory of present Czech Republic) are buried;
- 3) „Ukrainian war graves“ - war graves on the territory of the Czech Republic where Ukrainian citizens (the citizens of the Ukrainian Soviet Socialist Republic with permanent residence on the territory of present Ukraine) are buried;
- 4) „arrangement of war graves“ – package of activities directed at indication of borders of burial places, repair and reconstruction of memorials on burial places, perpetuation of the memory of the buried;
- 5) „maintenance of war graves“ - activities aiming to preserve war graves in the ordered and recognizable state;
- 6) „recognizable state of war graves“ - such state of war graves from which the fact, that it is a Ukrainian or a Czech war grave, is clearly recognizable.

**Article 2**  
**Obligation to inform**

1. The Parties shall inform each other on current national legislation on war graves and perpetuation of the memory of the perished in wars, and also on recorded or newly found war graves of the other Party and on their state.
2. The Parties shall inform each other on all known cases of wanton damage of war graves of the other Party and on measures taken to its remedy.

**Article 3**  
**Maintenance of war graves**

1. The Parties shall implement this Agreement in accordance with the national legislation of the state where the searching, arrangement and maintenance of war graves are conducted, and shall follow national, religious and other traditions of this state.
2. The Parties shall provide for maintenance of war graves of the other Party on the territory of its own state.
3. The Parties shall facilitate each other with searching, arrangement and maintenance of war graves.
4. In cases mentioned in paragraph 2 of article 2 of this Agreement the Parties shall take measures to bring the damaged war graves back to their original state.

**Article 4**  
**Access to war graves**

Either Party shall, in accordance with the national legislation of its state, grant the citizens of the state of the other Party the access to war graves in order to pay tribute to the perished.

**Article 5**  
**Location of war graves**

1. The Parties shall, under the principle of reciprocity, ensure the free-of-charge and timely unlimited use of the piece of land on which the war graves of the other Party are situated. This right shall be terminated when the piece of land is no longer used for the specified purpose. Property rights to the piece of land shall not be affected by this Agreement.

2. Should the Party need the piece of land mentioned in paragraph 1 of this Article for other purposes, it shall provide another suitable piece of land and bear the costs related to the re-interment of the remains, relocation of memorials and arrangement of a new war grave.

3. The choice of the new location of a war grave shall be performed solely with the consent of the other Party. This consent may be stipulated in the presentation of a new plan of measures meant for the re-interment of remains and of a project of a new war grave arrangement.

**Article 6**  
**Exhumation and re-interment**

1. The Parties shall facilitate each other on all issues connected with exhumation, relocation and re-interment of remains.

2. The exhumation of remains of buried persons from war graves for the purpose of their re-interment shall be carried out solely upon request of the Party concerned and with the consent of the other Party.

3. The exhumation and re-interment of remains shall be carried out in accordance with the procedure provided for by the national legislation of the state on the territory of which they are located taking into account ethnical, religious and cultural traditions.

4. Representatives of both Parties may be present during the procedures of exhumation and re-interment.

5. The Party which performs the exhumation of remains from war graves, in which also the remains of citizens of third states are buried, shall be responsible for acquiring the consent of these states.

6. The record shall be drawn up about every exhumation and re-interment done according to this Agreement. The record shall include the data of the previous and the new place of the war grave and the personal data of the persons buried therein.

**Article 7**  
**Costs**

1. Either Party at its own expense carries out works for the maintenance of the war graves located on the territory of its state.
2. Costs of the activities provided for in the articles of this Agreement shall be borne by the requesting Party, if the opposite is not specified.

**Article 8**  
**Implementing Authorities**

1. The bodies authorised for the implementation of this Agreement, from the Government of the Czech Republic is the Ministry of Defence of the Czech Republic and from the Cabinet of Ministers of Ukraine is the State Interdepartmental Commission for Commemorating the Victims of War and Political Repressions. The Parties shall notify each other about any change of authorised bodies in a diplomatic way.
2. The authorised bodies may conclude technical protocols to this Agreement and send their respective experts to the state of the other Party to implement the provisions of this Agreement, in particular to estimate the real state of war graves.
3. Either authorised body can empower the third parties to carry out the particular works arising from this Agreement with the proviso that it timely informs the other authorised body.

**Article 9**  
**Settlement of disputes**

1. Any dispute arisen from the interpretation or during the implementation of this Agreement shall be solved through the bilateral negotiation by authorised bodies.
2. In the event that the dispute is not settled under paragraph 1, it shall be settled by the Parties.

**Article 10**  
**Final provisions**

1. This Agreement shall be concluded for an indefinite period of time and shall enter into force on the thirtieth (30<sup>th</sup>) day following the day of delivery of the latter diplomatic note through which the Parties have informed each other about the completion of fulfilment of the requirements set up by their domestic legislation for the entry into force of this Agreement.
2. Either Party may suspend the implementation of this Agreement in full or in part. Suspension or resuming of the implementation of this Agreement shall enter into force on the thirtieth (30<sup>th</sup>) day following the day of delivery of the diplomatic notification of such a measure to the other Party.

3. This Agreement may be modified and amended by mutual agreement of the Parties in writing. The modifications shall be done by Protocols which shall constitute an integral part of this Agreement and shall enter into force in the way referred to in paragraph 1 of this article.

4. Either Party may notify the other Party its intention to terminate this Agreement. Agreement shall expire on the ninetieth (90<sup>th</sup>) day following the day of delivery of the notification of the termination to the other Party.

Done in           Kiev           on   21. October   2013 in two originals in the Czech, Ukrainian and English languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

For the Government  
of the Czech Republic

Vlastimil Pícek  
Minister of Defence

For the Cabinet of Ministers  
of Ukraine

Oleksandr J. Vilkul  
Vice Prime Minister