

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 άρθρῳ 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 ὑπερισχύει 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.