



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
 Αρ. 2187 της 14ης ΝΟΕΜΒΡΙΟΥ 1986
ΝΟΜΟΘΕΣΙΑ

Ο Κυρωτικός της Συνθήκης μεταξύ της Κυπριακής Δημοκρατίας και της Ένωσης Σοβιετικών Σοσιαλιστικών Δημοκρατιών για Παροχή Νομικής Συνδρομής σε θέματα Αστικού και Ποινικού Δικαίου Νόμος του 1986 εκδίδεται με δημοσίευση στην επίσημη εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 172 του 1986

ΝΟΜΟΣ ΓΙΑ ΤΗΝ ΚΥΡΩΣΗ ΤΗΣ ΣΥΝΘΗΚΗΣ ΜΕΤΑΞΥ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΚΑΙ ΤΗΣ ΕΝΩΣΗΣ ΣΟΒΙΕΤΙΚΩΝ ΣΟΣΙΑΛΙΣΤΙΚΩΝ ΔΗΜΟΚΡΑΤΙΩΝ ΓΙΑ ΠΑΡΟΧΗ ΝΟΜΙΚΗΣ ΣΥΝΔΡΟΜΗΣ ΣΕ ΘΕΜΑΤΑ ΑΣΤΙΚΟΥ ΚΑΙ ΠΟΙΝΙΚΟΥ ΔΙΚΑΙΟΥ.

Η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα:

1. Ο Νόμος αυτός θα αναφέρεται ως ο Κυρωτικός της Συνθήκης μεταξύ της Κυπριακής Δημοκρατίας και της Ένωσης Σοβιετικών Σοσιαλιστικών Δημοκρατιών για Παροχή Νομικής Συνδρομής σε θέματα Αστικού και Ποινικού Δικαίου Νόμος του 1986.

Συνοπτικός τίτλος.

2. Στο Νόμο αυτό,

Ερμηνεία.

«Συνθήκη» σημαίνει τη Συνθήκη μεταξύ της Κυπριακής Δημοκρατίας και της Ένωσης Σοβιετικών Σοσιαλιστικών Δημοκρατιών για Παροχή Νομικής Συνδρομής σε θέματα Αστικού και Ποινικού Δικαίου, της οποίας το αυθεντικό κείμενο στην Αγγλική εκτίθεται στο πρώτο Μέρος του Πίνακα και σε Ελληνική μετάφραση στο Δεύτερο Μέρος του Πίνακα:

Πίνακας
 Πρώτο Μέρος
 Δεύτερο Μέρος.

Νοείται ότι σε περίπτωση αντίθεσης μεταξύ των δύο κειμένων υπερισχύει αυτό που εκτίθεται στο Πρώτο Μέρος του Πίνακα.

3. Η Συνθήκη, την οποία η Κυπριακή Δημοκρατία έχει υπογράψει στις 19 Ιανουαρίου 1984 κατόπιν Απόφασης του Υπουργικού Συμβουλίου με αριθμό 24.016 και ημερομηνία 29 Δεκεμβρίου 1983, με το Νόμο αυτό κυρώνεται.

Κύρωση της Συνθήκης.

ΠΙΝΑΚΑΣ
(Άρθρο 2)
ΠΡΩΤΟ ΜΕΡΟΣ
TREATY

BETWEEN THE REPUBLIC OF CYPRUS AND THE
UNION OF SOVIET SOCIALIST REPUBLICS ON
LEGAL ASSISTANCE IN CIVIL AND CRIMINAL
MATTERS

The President of the Republic of Cyprus and the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics,

Animated by their desire to strengthen further the ties of friendship and co-operation between the two States in the spirit of the provisions of the Final Act of the Conference on Security and Co-operation in Europe and wishing to regulate, on the basis of reciprocity, the legal assistance in civil and criminal matters,

Have decided to conclude the present Treaty and to this end they have appointed as their Plenipotentiaries:—

The President of the Republic of Cyprus—

Mr. Phoebus N. Clerides,
Minister of Justice of the Republic of Cyprus,

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics—

Mr. Vladimir I. Terebilov,
Minister of Justice of the Union of Soviet Socialist Republics,

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

CHAPTER I
General Provisions

Article 1
Legal Protection

1. Citizens of one Contracting Party shall enjoy in the territory of the other Contracting Party the same legal protection in respect of their personal and property rights as citizens of the other Contracting Party.

2. Citizens of one Contracting Party shall be entitled to free and unimpeded access to the Courts, the Public Prosecutor's Office (hereinafter referred to as «judicial authorities») and to other authorities of the other Contracting Party having competence in civil and criminal matters and may appear before them, file petitions, sue and perform other acts required in connection with judicial proceedings under the same conditions as citizens of the other Contracting Party. The term «civil matters» in this Treaty shall also include family matters.

3. The provisions of this Treaty shall apply 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 law.

Article 2
Legal Assistance

1. The judicial authorities of the Contracting Parties shall provide each other with legal assistance in civil and criminal matters in accordance with the provisions of this Treaty.

2. The judicial authorities shall also provide legal assistance to other authorities having competence in matters referred to in paragraph 1.

Article 3
Extent of Legal Assistance

Legal assistance in civil and criminal matters shall include service and sending of documents, supply of information on the law in force and the judicial practice and performance of specific procedural acts provided by the law of the requested Contracting Party and in particular the taking of evidence from litigants, accused persons, defendants, witnesses and experts as well as recognition and enforcement of judgments in civil matters, institution of criminal prosecutions and extradition of offenders.

Article 4
Mode of Communication

In providing legal assistance the authorities of the Contracting Parties shall communicate with each other through diplomatic channels.

Article 5
Request for Legal Assistance

1. A request for legal assistance shall be in writing and shall contain the following:—

- (1) The designation of the requesting authority.
- (2) The designation of the requested authority.
- (3) The specification of the case in relation to which legal assistance is requested and the content of the request.
- (4) Names and surnames of the persons to whom the request relates, their citizenship, occupation and permanent or temporary residence.
- (5) Names and surnames and addresses of the legal representatives of the persons referred to in sub-paragraph 4 of this paragraph.
- (6) If necessary, the facts to be elucidated as well as the list of the required documents and any other evidence.
- (7) In criminal matters, in addition to the above, particulars of the offence and its legal definition.

2. The request for legal assistance shall be signed by an authorised person and shall be sealed.

Article 6
Execution of the Request for Legal Assistance

1. The requested authority shall provide legal assistance in the manner provided by the procedural laws and rules of its own State. However, it may execute the request in a manner specified therein if not in conflict with the law of its own State.

2. If the requested authority is not competent to execute the request for legal assistance it shall forward the request to the competent authority and shall advise the requesting authority accordingly.

3. The requested authority shall, upon request, in due time notify the requesting authority of the place and time of the execution of the request.

4. The requested authority shall notify the requesting authority in writing of the execution of the request. If the request cannot be executed the requested authority shall forthwith notify in writing the requesting authority giving the reasons for failure to execute it and shall return the documents.

Article 7
Service of Documents

1. The requested authority shall effect service of documents in accordance with the rules of service in force in its State, if the documents to be served are drawn up in

its language or are accompanied by a certified translation in that language. When the documents are not drawn up in the language of the requested Contracting Party and are not accompanied by a translation they shall be served on the addressee only if he is willing to accept them.

2. A request for service shall contain the exact address of the addressee and the title of the document to be served. If the address given in the request for service is not complete or exact the requested authority shall, in accordance with its law, take the necessary measures to ascertain the correct address.

Article 8

Proof of Service

The service of documents shall be proved in accordance with the rules of service in force in the territory of the requested Contracting Party. The time and place of service as well as the person on whom the document was served shall be indicated in the Certificate of Service.

Article 9

Service of Documents on own Citizens

1. The Contracting Parties shall be entitled to effect service of documents on their own citizens through their diplomatic missions or consular offices.

2. No compulsion shall be applied in connection with such service.

Article 10

Immunity of Witnesses and Experts

1. A witness or expert of whatever citizenship who, in response to a summons served upon him by the requested authority, has appeared before the requesting authority shall not be prosecuted in the territory of the requesting Contracting Party nor detained or punished for an offence committed before he entered the territory of the Party in question. Nor may such person be prosecuted, detained or punished in connection with his testimony or expert opinion.

2. A witness or expert shall be deprived of this immunity if he fails to leave the territory of the requesting Contracting Party within 15 days after being informed by the authority which summoned him that his presence is no longer necessary. Such period shall not include any period of time during which the witness or expert was unable to leave the territory of the requesting Contracting Party for reasons beyond his control.

3. Witnesses and experts shall have the right to be reimbursed their costs and experts shall be also entitled to remuneration.

Article 11

Costs of Legal Assistance

Each Contracting Party shall bear all costs incurred in connection with the provision of legal assistance in its territory.

Article 12

Refusal of Legal Assistance

Legal Assistance shall not be provided if its provision might be prejudicial to the sovereignty or security of the requested Contracting Party or in conflict with its fundamental legal principles (Public policy).

Article 13

Languages

1. Requests for legal assistance as well as documents attached to them shall be drawn up in the language of the requesting Contracting party and shall be accompanied by their translation into the language of the requested Contracting Party.

2. The translation shall be certified by an official translator or by the diplomatic mission or consular office of the requesting Contracting Party.

Article 14

Delivery or Transmission of Objects and Transfers of Money

Delivery or transmission of objects and transfers of money under the provisions of this Treaty from the territory of one Contracting Party to the territory of the other Contracting Party shall be effected in accordance with the law of the State from the Territory of which such delivery or transmission of objects or transfers of money shall be made.

CHAPTER II

Documents

Article 15

Recognition of Documents

1. Documents issued or certified in the prescribed form and sealed with an official seal of the Competent State authority or official person 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 16

Personal Status Documents and other Documents

For the purposes of this Treaty each Contracting Party shall, in accordance with its law, provide the other Contracting Party, on request, with documents relating to personal status and any other documents relating to rights and lawful interests of citizens of the other Contracting Party. The other Contracting Party shall be provided with the said documents through the diplomatic channels without being translated and free of charge.

CHAPTER III

Exemption from Payment of Security for Legal Costs and Free Legal Assistance

Article 17

Waiving of Security for Legal Costs

Citizens of one Contracting Party who appear before the Courts of the other Contracting Party may not be required to give security for legal costs solely by reason of the fact that they are foreigners or do not have their permanent or temporary residence in the territory of the Contracting Party before whose Courts they appear.

Article 18

Free Legal Assistance

Citizens of one Contracting Party shall be exempted in the territory of the other Contracting Party from payment of fees and costs and shall be afforded facilities and free legal assistance under the same conditions and to the same extent as citizens of the other Contracting Party.