

No. 5868

**HUNGARY
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement concerning mutual legal assistance in matters
relating to the temporary presence of Soviet forces in
the territory of the Hungarian People's Republic.
Signed at Budapest, on 24 April 1958**

Official texts: Hungarian and Russian.

Registered by Hungary on 26 September 1961.

**HONGRIE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Accord d'assistance juridique pour les affaires résultant
de la présence temporaire de troupes soviétiques sur le
territoire de la République populaire hongroise. Signé
à Budapest, le 24 avril 1958**

Textes officiels hongrois et russe.

Enregistré par la Hongrie le 26 septembre 1961.

[TRANSLATION — TRADUCTION]

No. 5868. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING MUTUAL LEGAL ASSISTANCE IN MATTERS RELATING TO THE TEMPORARY PRESENCE OF SOVIET FORCES IN THE TERRITORY OF THE HUNGARIAN PEOPLE'S REPUBLIC. SIGNED AT BUDAPEST, ON 24 APRIL 1958

In accordance with article 7 of the Agreement concerning the legal status of Soviet forces temporarily stationed in the territory of the Hungarian People's Republic, signed at Budapest on 27 May 1957,² the Government of the Hungarian People's Republic and the Government of the Union of Soviet Socialist Republics have resolved to conclude this Agreement and have for this purpose appointed as their plenipotentiaries :

The Government of the Hungarian People's Republic :

Dr. Mihály Jahner-Bakos, Deputy Minister for Justice;

The Government of the Union of Soviet Socialist Republics :

V. N. Sukhodrev, Vice-Chairman of the Legal Commission of the Council of Ministers of the USSR;

who, having exchanged their full powers, found in good and due form, have agreed as follows :

CHAPTER I

GENERAL PROVISIONS

Article 1

The judicial, administrative and police authorities of the Hungarian People's Republic and the judicial authorities of the Soviet forces temporarily stationed in the territory of the Hungarian People's Republic shall render each other legal assistance in criminal, civil and administrative matters relating to the temporary presence of Soviet forces in the territory of the Hungarian People's Republic.

¹ Came into force on 15 July 1958, upon the exchange of the instruments of ratification at Moscow, in accordance with article 33.

² United Nations, *Treaty Series*, Vol. 407.

Article 2

Legal assistance shall include the execution of applications for the service of documents, the performance of specific acts required in connexion with judicial proceedings, such as interrogations, searches, seizures, ensuring the attendance of accused persons, witnesses and others and the delivery and transmission of material evidence, as well as the performance of other acts required in connexion with judicial proceedings and the transmission of information concerning previous convictions.

Article 3

In rendering legal assistance, the authority applied to shall follow the laws of its own State.

Article 4

1. In rendering legal assistance, the judicial, administrative and police authorities of the Hungarian People's Republic shall communicate directly with the Military Procurator and the Military Tribunal of the Soviet forces in Hungary and, as appropriate, with the military procurators and military tribunals of Soviet garrisons. The military procurators and military tribunals of the Soviet forces shall communicate directly with the competent Hungarian authorities.

2. In urgent cases, the competent authorities of the Hungarian People's Republic shall apply to the nearest Soviet military commander.

3. If the authority applied to is not competent, it shall immediately refer the matter to the appropriate authority and shall notify the applicant authority accordingly.

Article 5

1. The authority applied to shall notify the applicant authority, at its request, of the place and time of execution of the application.

2. Representatives of applicant authorities may be given permission to be present when acts required in connexion with judicial proceedings are performed by the authorities applied to, provided that no disclosure of military or State secrets is involved.

Article 6

If a document cannot be served at the address indicated in the application or if the address is unknown, the authority applied to shall of its own motion take the necessary steps to determine the recipient's address. If the address cannot be determined, the applicant authority shall be so informed and the document in question shall be returned to it.

Article 7

The competent authorities of the Soviet forces shall give individuals serving with the Soviet forces the necessary permission to give evidence before the Hungarian judicial authorities provided that this does not conflict with the security interests of the Soviet forces temporarily stationed in the territory of the Hungarian People's Republic.

Article 8

The Contracting Parties shall render legal assistance free of charge. The costs incurred in the performance of acts of legal assistance shall be borne by the Party performing such acts.

Article 9

In communicating with one another for purposes of legal assistance, the competent authorities of the Contracting Parties shall use the Hungarian or the Russian language.

Article 10

When the competent Hungarian authorities are trying cases under their jurisdiction which involve individuals serving with the Soviet forces and members of the families of such individuals, the said persons shall have the same rights and obligations as nationals of the Hungarian People's Republic at every stage of the proceedings; the same shall apply, in particular, when such persons are serving a sentence.

Article 11

In matters relating to the acceptance or transfer of jurisdiction under article 5, paragraph 3, of the Agreement of 27 May 1957, proposals shall be made and decisions taken: on the Hungarian side, by the General Procurator or Minister for Justice of the Hungarian People's Republic; on the Soviet side, by the Military Procurator or the Military Tribunal of the Soviet forces in Hungary, depending upon the authority which is conducting or is to conduct the case.

Article 12

In the event of a dispute relating to jurisdiction, the question shall be settled by the Hungarian-Soviet Mixed Commission, whose decision shall be binding. Pending the decision of the Mixed Commission, the competent authorities of the Contracting Parties shall determine by agreement what action must be taken urgently to preserve clues and evidence relating to an offence, to identify and arrest the offender, etc.

CHAPTER II

LEGAL ASSISTANCE IN CRIMINAL CASES

Article 13

The competent authorities of the Soviet forces shall immediately inform the competent Hungarian authorities whenever they learn that a serious offence subject to the jurisdiction of the Hungarian authorities has been committed by an individual serving with the Soviet forces or by a member of the family of such individual, and shall take immediate steps to investigate the case pending the arrival of a representative of the competent Hungarian authorities.

Article 14

The competent Hungarian authorities shall assist the judicial authorities of the Soviet forces in the prosecution of any individual serving with the Soviet forces or member of the family of such individual who has committed a serious offence subject to Soviet jurisdiction. In particular, they shall inform the judicial authorities of the Soviet forces whenever they learn of any serious offence which is subject to Soviet jurisdiction, take steps to identify the offender and, so far as possible, preserve clues and any material evidence.

Article 15

At the duty stations of Soviet forces (article 16 of the Agreement of 27 May 1957) such acts of legal assistance, required in connexion with judicial proceedings, as may be requested by the competent Hungarian authorities shall be performed by the competent Soviet authorities.

Article 16

1. In cases under Hungarian jurisdiction, the arrest or remand in custody, by order of the Hungarian authorities, of an individual serving with the Soviet forces or a member of the family of such individual shall be effected by the competent Soviet authorities unless the person concerned is caught at the scene of the offence. The warrant of arrest shall contain a short description of the circumstances and shall state where and when the offence was committed. A person detained by a Soviet authority at the request of the Hungarian authorities shall be handed over to the competent Hungarian authority.

2. If, in the case provided for in part 3, paragraph 87, of the Hungarian Code of Criminal Procedure, a person not serving with the Soviet forces is caught at the scene of an offence against the Soviet forces, individuals serving therewith or members of their families, and is detained by an individual serving with the Soviet forces, the person detained shall be handed over immediately to the nearest competent Hungarian authority.