

No. 6313

**CZECHOSLOVAKIA
and
HUNGARY**

Treaty regulating legal relations in civil, family and criminal cases. Signed at Prague, on 2 November 1961

Official texts: Czech and Hungarian.

Registered by Czechoslovakia on 26 September 1962.

**TCHÉCOSLOVAQUIE
et
HONGRIE**

Traité régissant les relations juridiques en matière civile, familiale et pénale. Signé à Prague, le 2 novembre 1961

Textes officiels tchèque et hongrois.

Enregistré par la Tchécoslovaquie le 26 septembre 1962.

[TRANSLATION — TRADUCTION]

No. 6313. TREATY¹ BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC REGULATING LEGAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL CASES. SIGNED AT PRAGUE, ON 2 NOVEMBER 1961

The President of the Czechoslovak Socialist Republic and
The Presidential Council of the Hungarian People's Republic,

Desiring to strengthen and develop friendly relations between the two countries and their peoples as fully as possible in the sphere of legal co-operation as in others, have decided to conclude a Treaty regulating legal relations in civil, family and criminal cases and for that purpose have appointed as their Plenipotentiaries :

The President of the Czechoslovak Socialist Republic :

Dr. Alois Neuman, Minister for Justice;

The Presidential Council of the Hungarian People's Republic :

Dr. Ferenc Nezvál, Minister for Justice,

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

PART I

GENERAL PROVISIONS

Article 1

LEGAL PROTECTION

1. Nationals and bodies corporate (hereinafter called "nationals") of either Contracting Party shall enjoy in the territory of the other Contracting Party, in respect of their persons and property, the same legal protection as nationals of the latter Contracting Party.

2. Nationals of either Contracting Party may appear, institute proceedings, present petitions and complaints, make motions and apply for the performance of other acts required in order to establish their rights, before the authorities

¹ Came into force on 8 July 1962, thirty days after the exchange of the instruments of ratification which took place at Budapest on 7 June 1962, in accordance with article 86.

of the other Contracting Party having jurisdiction in civil, family and criminal cases, under the same conditions as nationals of the latter Contracting Party.

Article 2

LEGAL ASSISTANCE

The courts, procurators' and State notaries' offices, and other authorities of the Contracting Parties having jurisdiction in civil, family and criminal cases shall provide one another with legal assistance in such cases.

Article 3

METHOD OF COMMUNICATION

In providing legal assistance, the courts and the procurators' and State notaries' offices of the Contracting Parties shall communicate with one another directly; other authorities having jurisdiction in civil, family and criminal cases shall provide one another with legal assistance through the courts.

Article 4

SCOPE OF LEGAL ASSISTANCE

The two Contracting Parties shall provide each other with legal assistance by performing specific acts required in connexion with judicial proceedings, in particular, by transmitting or delivering material evidence, by furnishing and transmitting documents, by obtaining expert opinions, by interrogating accused persons, witnesses, experts, litigants and other persons, by carrying out judicial inspections *in situ*, by serving documents and by seizing articles.

Article 5

CONTENTS OF APPLICATIONS FOR LEGAL ASSISTANCE

1. Applications must contain the following particulars :

- (a) The title of the authority making the application;
- (b) The title of the authority to which the application is made;
- (c) The title of the case in respect of which legal assistance is applied for;
- (d) The given names and surnames (titles) of the parties or of the accused or convicted persons, their domicile or residence (head office), their nationality, their occupation, and in criminal cases, where possible, the place and date of birth of the accused persons and the names of their parents;
- (e) The given names, surnames and addresses of the legal representatives;

- (f) The subject of the application and the information required for its execution;
- (g) In criminal cases, a description and definition of the offence.

2. In making application, the Contracting Parties shall use bilingual forms.

3. Documents transmitted under this Treaty shall bear an official seal and a signature.

Article 6

PROCEDURE FOR EXECUTING APPLICATIONS FOR LEGAL ASSISTANCE

1. In executing an application, the authority applied to shall follow the laws of its own State. However, it may, if requested to do so, employ judicial procedures in effect in the State of the applicant authority.

2. If the authority applied to is not competent in the matter, it shall transmit the application to the competent authority and shall notify the applicant authority accordingly.

3. If the exact address of a person specified in the application is not known, the authority applied to shall take appropriate steps to determine such address; if it is unable to determine the address, it shall so inform the applicant authority and shall at the same time return the application.

4. The authority applied to shall, if the applicant authority so requests, notify the latter in due time of the date and place of execution of the application.

5. After executing an application, the authority applied to shall return the relevant documents to the applicant authority; if it has not been possible to execute the application, the authority applied to shall return the documents and shall at the same time indicate the circumstances which prevented such execution.

Article 7

PROTECTION OF WITNESSES AND EXPERTS

1. No person of whatsoever nationality who, in response to a summons served on him by an authority of one Contracting Party, appears as a witness or an expert before an applicant authority of the other Contracting Party may be prosecuted or punished for the offence which is the subject of the application or for any other offence which he committed before crossing the frontier of the applicant State.

2. The witness or expert shall, however, forfeit this protection if he fails to quit the territory of the applicant Contracting Party within one week from the date on which the interrogating authority informs him that his presence is no longer necessary. Such period of one week shall not be deemed to include any period of time during which the witness or expert is unable through no fault of his own to quit the territory of the applicant Contracting Party.

Article 8

SERVICE OF DOCUMENTS

1. In serving documents, the authority applied to shall employ the procedures in effect in the territory of the Party applied to, provided that the document to be served is drawn up in the language of the Contracting Party applied to or is accompanied by a certified translation into that language. Otherwise, the authority applied to shall deliver the document to the recipient only if he is willing to accept it.

2. If the applicant authority expressly so requests, the authority applied to shall deliver the document into the recipient's own hand, subject to the provisions in force in the territory of the Party applied to.

3. The application shall indicate the exact address to which the document is to be delivered and the nature of the said document.

4. If a document cannot be served at the address indicated in the application, the authority applied to shall of its own motion take the necessary steps to determine the exact address; if it is unable to determine such address, it shall so inform the applicant authority and shall at the same time return the document in question.

5. The translation of a document which is to be served shall be certified by an authorized interpreter or a diplomatic or consular mission of one of the Contracting Parties.

Article 9

CONFIRMATION OF SERVICE OF DOCUMENTS

Service of documents shall be confirmed in accordance with the appropriate regulations of the Contracting Party applied to. Such confirmation shall indicate the place and date of service and the person to whom the document was delivered.

Article 10

SERVICE OF DOCUMENTS ON OWN NATIONALS

1. Each Contracting Party shall have the right to serve documents on its own nationals through its diplomatic or consular missions.

2. No compulsion may be used or threatened in such service.

Article 11

COSTS OF LEGAL ASSISTANCE

1. The Contracting Party applied to shall make no claim for repayment of the costs of legal assistance. Each Contracting Party shall bear all costs incurred in providing legal assistance in its territory.