

No. 6833

**UNION OF SOVIET SOCIALIST REPUBLICS
and
YUGOSLAVIA**

Treaty concerning legal assistance in civil, family and criminal cases. Signed at Moscow, on 24 February 1962

Official texts: Russian and Serbo-Croat.

Registered by the Union of Soviet Socialist Republics on 24 July 1963.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
YUGOSLAVIE**

Traité relatif à l'entraide judiciaire en matière civile, familiale et pénale. Signé à Moscou, le 24 février 1962

Textes officiels russe et serbo-croate.

Enregistré par l'Union des Républiques socialistes soviétiques le 24 juillet 1963.

[TRANSLATION — TRADUCTION]

No. 6833. TREATY¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA CONCERNING LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES. SIGNED AT MOSCOW, ON 24 FEBRUARY 1962

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the President of the Federal People's Republic of Yugoslavia, attaching great importance to co-operation in the sphere of legal relations, have decided to conclude a Treaty concerning legal assistance in civil, family and criminal cases, and for this purpose have appointed as their Plenipotentiaries:

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics:
Mr. Grigory Efimovich Vilkov, Deputy Chief of the Treaty and Legal Section of the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics;

The President of the Federal People's Republic of Yugoslavia:
Mr. Alexander Jelić, Minister Plenipotentiary in the State Secretariat for Foreign Affairs of the Federal People's Republic of Yugoslavia, who, having exchanged their full powers, found in good and due form, have agreed as follows:

PART I

GENERAL PROVISIONS

1. LEGAL PROTECTION

Article 1

1. Citizens of either 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 such other Party.

2. They shall have free and unimpeded access to the courts, the procurators' offices and other authorities of the other Contracting Party having jurisdiction

¹ Came into force on 26 May 1963, thirty days after the exchange of the instruments of ratification which took place at Belgrade on 26 April 1963, in accordance with article 77 (1).

in civil, family or criminal cases and may appear, present petitions and institute proceedings before such authorities under the same conditions as citizens of the other Party.

3. The provisions of paragraphs 1 and 2 of this article shall also apply to juridical persons.

2. LEGAL ASSISTANCE

Article 2

PROVISION OF LEGAL ASSISTANCE

The authorities of the Contracting Parties referred to in article 1, paragraph 2, of this Treaty shall on request provide one another with legal assistance in civil, family and criminal cases in the manner specified in this Treaty.

Article 3

METHOD OF COMMUNICATION

In providing legal assistance, the competent authorities of the Contracting Parties shall communicate with one another through the appropriate authorities, whose titles the Contracting Parties shall make known to each other through the diplomatic channel.

Article 4

LANGUAGES

In communications relating to the provision of legal assistance, the authorities of the Union of Soviet Socialist Republics shall use the Russian language and the authorities of the Federal People's Republic of Yugoslavia shall use the Serbo-Croat language.

Article 5

SCOPE OF LEGAL ASSISTANCE

Legal assistance in civil and family cases shall include the transmittal of documents and the performance of specific acts required in connexion with judicial proceedings, such as the interrogation of witnesses and litigants and the conduct of expert examinations and inspections *in situ*.

Article 6

INFORMATION TO BE FURNISHED IN APPLICATIONS

1. Applications for legal assistance shall contain the following particulars: the title of the applicant authority; the title of the authority applied to;

a statement of the case in respect of which legal assistance is applied for; the names, occupations, domicile or residence and citizenship of the persons involved in the case; the names and addresses of their legal representatives; any necessary information regarding the case.

2. Applications for the service of documents shall indicate in addition the exact address of the recipient and the designation of the document to be served.

Article 7

FORM OF APPLICATIONS AND DOCUMENTS

1. Applications and documents transmitted in connexion with the provision of legal assistance shall be signed and bear an official seal.

2. The Contracting Parties may by common accord draw up model forms to be used in applications for legal assistance.

Article 8

PROCEDURE FOR EXECUTING APPLICATIONS

1. In executing an application for legal assistance, the authority applied to shall follow the law of its own State. At the request of the applicant authority, it may employ judicial procedures in effect in the territory of the applicant Contracting Party, provided that this does not conflict with the law of the Contracting Party applied to.

2. If the authority applied to is not competent to provide legal assistance, it shall transmit the application to the competent authority.

3. The authority applied to shall on request notify the applicant authority of the time and place of execution of the application.

4. If it has been impossible to execute the application for legal assistance, the authority applied to shall return the documents to the applicant authority, at the same time advising it of the reasons which prevented the execution of the application.

Article 9

APPLICATIONS FOR THE SERVICE OF DOCUMENTS

1. In effecting the service of a document, the authority applied to shall follow the regulations in effect in its own State, if the document to be served is drawn up in the language of that State or is accompanied by a certified translation.

2. If the document is not drawn up in the language of the Contracting Party applied to or is not accompanied by a certified translation into that language, the authority applied to shall deliver the document to the recipient if he is willing to accept it.

3. The translation shall be certified by the translator himself or by the applicant authority. It may also be certified by the diplomatic or consular mission of one of the Contracting Parties.

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 recipient's address.

Article 10

CONFIRMATION OF SERVICE OF DOCUMENTS

Official confirmation of the service of documents shall be given in accordance with the regulations of the Contracting Party applied to; such confirmation shall include particulars of the date of service, the recipient's signature, and, where necessary, particulars of the manner and time of service.

Article 11

SERVICE OF DOCUMENTS ON OWN CITIZENS

Each Contracting Party shall have the right to serve documents on its own citizens, if the latter are willing to accept them, through the intermediary of its diplomatic or consular missions.

Article 12

DENIAL OF LEGAL ASSISTANCE

Either Contracting Party may deny legal assistance to the other Party if the provision of such assistance might be prejudicial to the sovereignty or security of the Contracting Party applied to or would be incompatible with the fundamental principles of its law.

Article 13

COSTS OF LEGAL ASSISTANCE

1. Neither Contracting Party shall make any claim for repayment of costs incurred in providing legal assistance in its territory.

2. The authority applied to shall communicate to the applicant authority the amount of the costs incurred. If the applicant authority recovers these