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No. 7511

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**HUNGARY  
and  
ALBANIA**

**Treaty concerning legal assistance in civil, family and criminal matters. Signed at Tirana, on 12 January 1960**

*Official texts: Hungarian and Albanian.*

*Registered by Hungary on 3 December 1964.*

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**HONGRIE  
et  
ALBANIE**

**Traité régissant l'assistance juridique en matière civile, familiale et pénale. Signé à Tirana, le 12 janvier 1960**

*Textes officiels hongrois et albanais.*

*Enregistré par la Hongrie le 3 décembre 1964.*

## [TRANSLATION — TRADUCTION]

No. 7511. TREATY<sup>1</sup> BETWEEN THE HUNGARIAN PEOPLE'S  
REPUBLIC AND THE PEOPLE'S REPUBLIC OF ALBANIA  
CONCERNING LEGAL ASSISTANCE IN CIVIL, FAMILY  
AND CRIMINAL CASES. SIGNED AT TIRANA, ON  
12 JANUARY 1960

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The Presidential Council of the Hungarian People's Republic and the Presidium of the National Assembly of the People's Republic of Albania,

Desiring to strengthen the close and lasting friendship between the two countries in the sphere of legal co-operation as in others, have decided to conclude a Treaty concerning legal assistance in civil, family and criminal cases.

For this purpose they have appointed as their plenipotentiaries :  
The Presidential Council of the Hungarian People's Republic :  
Dr. Ferenc Nezvál, Minister of Justice of the Hungarian People's Republic;

The Presidium of the National Assembly of the People's Republic of Albania :  
Bilbil Klosi, Minister of Justice of the People's Republic of Albania,  
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 of either Contracting Party (individuals and bodies corporate) 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 and present petitions and complaints before the authorities of the other Contracting Party having jurisdiction in civil, family and criminal cases under the same conditions as nationals of the latter Contracting Party.

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<sup>1</sup> Came into force on 28 October 1960, thirty days after the date of the exchange of the instruments of ratification which took place at Budapest on 27 September 1960, in accordance with article 77 (1).

*Article 2*

## PROVISION OF LEGAL ASSISTANCE

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

2. The authorities referred to in paragraph 1 shall also provide legal assistance to other authorities having jurisdiction in civil, family and criminal cases.

*Article 3*

## METHOD OF COMMUNICATION

In providing legal assistance, the authorities of the Contracting Parties referred to in article 2 shall communicate with one another through their central authorities, save as otherwise provided in this Treaty.

*Article 4*

## SCOPE OF LEGAL ASSISTANCE

Legal assistance shall include the performance of specific acts required in connexion with judicial proceedings, especially the execution of searches and seizures, the attachment of property, the transmittal and delivery of physical evidence, the interrogation of litigants, accused persons, witnesses, experts and other persons, the conduct of judicial inspections *in situ*, the execution of applications for the service of documents, the transmittal of files, and the preparation and transmittal of documents.

*Article 5*

## FORM OF APPLICATION FOR LEGAL ASSISTANCE

1. An application for legal assistance must contain the following particulars :

- (a) The title of the applicant authority;
- (b) The title of the authority applied to;
- (c) The title of the case in which legal assistance is applied for;
- (d) The given names and surnames of the parties or of the persons accused or convicted, their domicile or residence, 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 names and addresses of the legal representatives;
- (f) The subject of the application and the information required for its execution, including, in criminal cases, a description of the offence.

2. Documents transmitted in pursuance of this Treaty shall be signed and sealed.

3. In applying for legal assistance, the Contracting Parties shall use bilingual forms, models of which they shall exchange.

### *Article 6*

#### PROCEDURE FOR EXECUTING APPLICATIONS

1. In providing legal assistance, the authority applied to shall follow the law of its own State. However, it may, if requested to do so, employ judicial procedures in effect in the State of the applicant authority, provided that such procedures do not conflict with mandatory provisions of its domestic law.

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

3. The authority applied to shall, if requested to do so by the applicant authority, notify the latter in due time of the place and date of execution of the application for legal assistance.

4. The authority applied to shall, after executing an application for legal assistance, return the files to the applicant authority, or shall advise it of the circumstances which prevent execution of the application.

### *Article 7*

#### PROTECTION OF WITNESSES AND EXPERTS

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

2. The witness or expert shall 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*

#### APPLICATIONS FOR THE SERVICE OF DOCUMENTS

1. In serving documents, the authority applied to shall employ the procedure in effect in its own country, 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. Applications for the service of documents must indicate the exact address of the recipient and the nature of the document to be served.

3. 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. If such address cannot be determined, the applicant authority shall be so informed and the document in question shall be returned.

### *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. The document confirming such service shall indicate the date and place of service.

### *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 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 the 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 costs from the person liable therefor, the sums recovered shall be retained by the Contracting Party which recovered them.

### *Article 12*

#### PROVISION OF INFORMATION

The Ministries of Justice of the Contracting Parties shall, on request, provide each other with information concerning laws, in force or formerly in force in their respective States and concerning the interpretation of laws by the competent courts of the Contracting Parties.