

No. 7816

**CZECHOSLOVAKIA
and
YUGOSLAVIA**

Treaty regulating legal relations in civil, family and criminal cases. Signed at Belgrade, on 20 January 1964

Official texts: Czech and Serbo-Croat.

Registered by Czechoslovakia on 14 June 1965.

**TCHÉCOSLOVAQUIE
et
YOUgoslavie**

Traité régissant les relations juridiques en matière civile, familiale et pénale. Signé à Belgrade, le 20 janvier 1964

Textes officiels tchèque et serbo-croate.

Enregistré par la Tchécoslovaquie le 14 juin 1965.

[TRANSLATION—TRADUCTION]

No. 7816. TREATY¹ BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA REGULATING LEGAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL CASES. SIGNED AT BELGRADE, ON 20 JANUARY 1964

The Czechoslovak Socialist Republic and the Socialist Federal Republic of Yugoslavia,

Desiring to develop relations between their peoples in a spirit of mutual friendship and co-operation and to facilitate legal relations between the two countries,

Have decided to conclude a Treaty regulating legal relations in civil, family and criminal cases.

The plenipotentiaries appointed for this purpose :

For the Czechoslovak Socialist Republic :

Dr. Pavel Winkler, Chief of the Treaty Law Division of the Ministry of Foreign Affairs;

For the Socialist Federal Republic of Yugoslavia :

Prof. Borislav Blagojević, Chief Legal Counsel in the State Secretariat for Foreign Affairs,

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 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.

¹ Came into force on 2 August 1964, thirty days after the exchange of the instruments of ratification which took place at Prague on 2 July 1964, in accordance with article 85 (1).

(2) In order to exercise their rights and defend their interests, nationals of either Contracting Party may appear, under the same conditions as nationals of the other Contracting Party, before the authorities of the latter Contracting Party having jurisdiction in civil, family and criminal cases.

Article 2

LEGAL ASSISTANCE

The courts, procurators' offices, arbitral bodies 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 under the conditions laid down in this Treaty.

Article 3

SCOPE OF LEGAL ASSISTANCE

Legal assistance in civil, family and criminal cases shall include the service of documents and the performance of specific acts required in connexion with judicial proceedings, such as the interrogation of witnesses, litigants or accused persons, the taking of expert testimony, and inspections *in situ*.

Article 4

METHOD OF COMMUNICATION

Save as otherwise provided in this Treaty, the competent authorities of the Contracting Parties shall, in providing legal assistance, communicate with one another through authorities which the Contracting Parties shall designate to each other through the diplomatic channel.

Article 5

LANGUAGE OF COMMUNICATION

In providing legal assistance, the authorities of the Contracting Parties shall use one or another of the languages of the Contracting Parties.

Article 6

CONTENTS OF APPLICATIONS

(1) An application for legal assistance must state the title of the applicant authority; the title of the authority applied to; the title of the case in which legal assistance is applied for; the given names and surnames or, where applicable, the titles of litigants and accused persons; their nationality, occupation and

domicile or residence (head office); the given names, surnames and addresses of their representatives; the object of the application, and the particulars needed in order to comply with it. In criminal cases, a description and the title of the offence and, where possible, the place and date of birth of the accused persons and the names of their parents must also be given.

(2) The application shall be signed and shall bear an official seal.

(3) The central judicial authorities of the Contracting Parties may by agreement draw up model forms for use in applying for and providing legal assistance.

Article 7

PROCEDURE FOR COMPLIANCE WITH APPLICATIONS

(1) In complying with an application for legal assistance, the authority applied to shall act in accordance with the legal provisions of its own State. At the request of the applicant authority, however, it may employ the procedure for compliance specified in the application.

(2) If the authority applied to is not competent in the matter, it shall transmit the application to the competent authority.

(3) If the address indicated in the application is incorrect or if no address is indicated, the authority applied to shall take steps to ascertain the address.

(4) The authority applied to shall, at the request of the applicant authority, inform it directly, in good time, of the place and time at which action is to be taken.

(5) If it is not possible to comply with the application, the authority applied to shall return the documents and indicate the reasons for non-compliance.

Article 8

SERVICE OF DOCUMENTS

(1) The authority applied to shall serve documents in accordance with the legal provisions of its own State, provided that they are drawn up in a language of the Contracting Party applied to or are accompanied by a certified translation into such a language. Otherwise, the authority applied to shall serve the document on the recipient only if he is willing to accept it.

(2) The translation of a document which is to be served shall be certified by an authorized translator or State authority or, where appropriate, by the diplomatic mission or consular office of one of the Contracting Parties.

Article 9

CERTIFICATE OF SERVICE

A certificate of service shall be prepared in accordance with the legal provisions of the Contracting Party applied to. The certificate must indicate the place and date of receipt and bear the signature of the recipient or, if service was effected in some other manner, must give particulars thereof.

Article 10

SERVICE OF DOCUMENTS ON OWN NATIONALS

The Contracting Parties shall also be entitled to serve documents on their own nationals through their diplomatic missions or consular offices. No compulsion shall be used in such cases.

Article 11

PROTECTION OF WITNESSES AND EXPERTS

(1) If, in proceedings before the authorities of either Contracting Party, the need arises for a person who is in the territory of the other Contracting Party to appear in person for interrogation as a witness or expert, a summons shall be transmitted to him through the competent authority of the other Contracting Party.

(2) The person summoned shall not be bound to appear, and the summons shall contain no threat of compulsion in the event of his failure to appear.

(3) No person of whatsoever nationality who, in response to a summons, appears as a witness or expert before an authority of the other Contracting Party shall, in its territory, be prosecuted, taken into custody or made to serve a sentence previously passed by a court for an offense which he committed before crossing the frontier of the applicant Contracting Party. Nor shall he be prosecuted either in connexion with the evidence or expert opinion which he has given or for the offense which is the subject of the proceedings.

(4) A witness or expert shall forfeit the protection specified in paragraph (3) if he fails to quit the territory of the applicant Contracting Party within a period of seven days from the date on which he is informed that his presence is no longer necessary. Such period shall not be deemed to include any time during which the witness or expert is prevented by circumstances beyond his control from quitting the territory of the said Contracting Party.

(5) The persons summoned shall be entitled to compensation for their travelling and subsistence expenses and for loss of earnings, and experts shall also be entitled to a fee for their opinion. The summons shall specify what compensation is payable to the said persons, and an advance to cover their expenses shall be paid to them at their request.