

No. 9633

**BULGARIA
and
MONGOLIA**

**Treaty concerning the provision of legal assistance in civil, family
and criminal cases (with additional protocol). Signed at
Sofia on 27 November 1968**

Authentic texts: Bulgarian, Mongolian and Russian.

Registered by Bulgaria and Mongolia on 16 June 1969.

**BULGARIE
et
MONGOLIE**

**Traité relatif à l'entraide judiciaire en matière civile, familiale et
pénale (avec protocole additionnel). Signé à Sofia le 27 novem-
bre 1968**

Textes authentiques: bulgare, mongol et russe.

Enregistré par la Bulgarie et la Mongolie le 16 juin 1969.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE MONGOLIAN PEOPLE'S REPUBLIC AND THE PEOPLE'S REPUBLIC OF BULGARIA
CONCERNING THE PROVISION OF LEGAL ASSISTANCE
IN CIVIL, FAMILY AND CRIMINAL CASES

The Government of the Mongolian People's Republic and the Government of the People's Republic of Bulgaria,

Being desirous of further strengthening and developing the bonds of friendship between the peoples of the two countries,

Attaching great importance to co-operation in the sphere of legal relations,

Have decided to conclude a Treaty concerning the provision of legal assistance in civil, family and criminal cases, and for this purpose have appointed as their plenipotentiaries:

The Government of the Mongolian People's Republic:

Khorloogiin Damdin, President of the Supreme Court;

The Government of the People's Republic of Bulgaria:

Svetla Daskalova, Minister of 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 of either Contracting Party shall enjoy in the territory of the other Party, in respect of their personal and property rights, the same legal protection as nationals of the latter Party.

¹ Came into force on 9 April 1969, i.e., thirty days after the exchange of the instruments of ratification, which took place at Ulan Bator on 10 March 1969, in accordance with article 83.

2. Nationals of either Contracting Party shall have free and unimpeded access to the courts, the procurator's office and notarial organs (hereinafter called "judicial authorities") and to other authorities of the other Party having jurisdiction in the cases which are the subject of this Treaty and may appear, present petitions and institute proceedings before such authorities under the same conditions as nationals of the latter Party.

3. The provisions of this Treaty shall also apply, *mutatis mutandis*, to bodies corporate of the Contracting Parties.

Article 2

LEGAL ASSISTANCE

1. The judicial authorities of the two Contracting Parties shall provide one another with legal assistance in civil, family and criminal cases.

2. The judicial authorities shall also provide legal assistance to other authorities having jurisdiction in the cases referred to in paragraph 1 above.

Article 3

METHOD OF COMMUNICATION

In providing legal assistance, the judicial authorities shall, save as otherwise provided in this Treaty, communicate with one another through their central organs.

Article 4

SCOPE OF LEGAL ASSISTANCE

The Contracting Parties shall provide one another with legal assistance by performing specific acts required in connexion with judicial proceedings, for example, by drawing up, transmitting and serving documents, by carrying out searches and seizures, by transmitting or delivering physical evidence, by conducting expert examinations, by interrogating accused persons, witnesses and experts, by taking evidence from litigants and other persons and by carrying out judicial inspections *in situ*.

Article 5

INFORMATION TO BE FURNISHED IN APPLICATIONS FOR LEGAL ASSISTANCE

1. Applications for legal assistance must contain the following particulars:

- (a) The designation of the authority making the application;
- (b) The designation 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 names, addresses and nationalities of the litigants or of the accused, tried or convicted persons;
- (e) The names and addresses of the legal representatives of the litigants;
- (f) The subject of the application and any necessary information concerning its execution;
- (g) In criminal cases, a description of the *corpus delicti* and the definition of the offence.

2. In making application for legal assistance the judicial authorities may use forms drawn up in the languages of the Contracting Parties or in the Russian language, and models of such forms shall be exchanged.

3. Applications for legal assistance must be signed and sealed.

Article 6

PROCEDURE FOR EXECUTING APPLICATIONS FOR LEGAL ASSISTANCE

1. In executing an application for legal assistance, the authority applied to shall follow the laws of its own State. However, at the request of the applicant authority, it may apply the laws of the applicant Contracting Party, provided that they do not conflict with the laws of its own State.

2. If the authority applied to does not have jurisdiction, it shall transmit the application to the authority having jurisdiction and shall notify the applicant authority accordingly.

3. Where the exact address of the person referred to in the application is unknown, the authority applied to shall take the necessary steps to determine the address; if it fails to do so, it shall notify the applicant authority accordingly and shall, at the same time, return to the latter the documents relating to the application for legal assistance.

4. The authority applied to shall, at the request of the applicant authority, notify the latter in due course of the place and date of execution of the application.

5. After executing an application, the authority applied to shall return the documents to the applicant authority or shall advise it of the circumstances which prevented the execution of the application.

Article 7

IMMUNITY OF WITNESSES AND EXPERTS

1. No person of whatsoever nationality who, in response to a summons served upon him by a judicial 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 for the offence which is the subject of the proceedings or punished in the territory of the applicant Contracting Party for an offence committed before he crossed the frontier.

2. The witness or expert shall forfeit his immunity if he fails to leave the territory of the applicant Contracting Party within one week from the date on which the judicial authority which summoned him informs him that his presence is not 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 leave the territory of the country.

Article 8

SERVICE OF DOCUMENTS

1. In effecting the service of documents, the judicial authority applied to shall employ the procedure for service of documents in effect in its own State, provided that the documents to be served are drawn up in the language of that State or are accompanied by a certified translation. If the documents do not meet the above conditions, the judicial authority shall deliver them to the recipient if he is willing to accept them.

2. An application for the service of documents must contain the exact address of the recipient and the title of the document to be served.

3. If a document cannot be served at the address indicated, the authority applied to shall take the necessary steps to determine the exact address; if the