

No. 9646

**HUNGARY
and
MONGOLIA**

**Treaty concerning the provision of legal assistance in civil, family
and criminal cases. Signed at Budapest on 22 November 1968**

Authentic texts: Hungarian, Mongolian and Russian.

Registered by Hungary on 20 June 1969.

**HONGRIE
et
MONGOLIE**

**Traité relatif à l'entraide judiciaire en matière civile, familiale et
pénale. Signé à Budapest le 22 novembre 1968**

Textes authentiques: hongrois, mongol et russe.

Enregistré par la Hongrie le 20 juin 1969.

[TRANSLATION — TRADUCTION]

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

The Presidential Council of the Hungarian People's Republic and
The Presidium of the Great People's Khural of the Mongolian People's Republic,

Being desirous of strengthening, in the sphere of legal relations as in others, the close and steadfast friendship which unites the two countries, have decided to conclude a Treaty concerning the provision of legal assistance in civil, family and criminal cases.

They have for that purpose appointed as their Plenipotentiaries:

The Presidential Council of the Hungarian People's Republic:

Dr. Mihály Korom, Minister of Justice of the Hungarian People's Republic;

The Presidium of the Great People's Khural of the Mongolian People's Republic:

Khorloogiin Damdin, President of the Supreme Court of the Mongolian People's Republic,

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. Nations (individuals and bodies corporate) of either Contracting Party shall enjoy in the territory of the other Contracting Party the same legal protection of their persons and property as nationals of the other Contracting Party.

¹ Came into force on 28 April 1969, i.e., the thirtieth day after the exchange of the instruments of ratification, which took place at Ulan Bator on 27 March 1969, in accordance with articles 75 and 76.

2. Nationals of either Contracting Party may appear before the authorities of the other Contracting Party having jurisdiction in civil, family and criminal cases, institute proceedings and submit petitions and complaints under the same conditions as nationals of the other Contracting Party.

Article 2

PROVISION OF LEGAL ASSISTANCE

1. The courts and the procurator's and State notarial offices 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 of this article shall also provide legal assistance to other authorities having jurisdiction in civil, family and criminal cases.

Article 3

METHOD OF COMMUNICATION

1. In providing legal assistance, the authorities referred to in article 2, paragraph 1, shall, save as otherwise provided by this Treaty, communicate with one another through their central organs.

2. Other authorities dealing with civil, family and criminal cases shall, save as otherwise provided by this Treaty in specific cases, address their applications for legal assistance to the authorities referred to in article 2, paragraph 1.

Article 4

SCOPE OF LEGAL ASSISTANCE

The Contracting Parties shall provide each other with legal assistance by performing specific acts required in connexion with judicial proceedings, for example, by carrying out searches, seizures and attachment of property, by transmitting or delivering physical evidence, by interrogating accused persons, witnesses and experts, by taking evidence from litigants and other persons, by carrying out judicial inspections *in situ*, by executing applications for the service of documents, by transmitting material bearing on the case, and by drawing up and transmitting documents.

Article 5

FORMS OF APPLICATIONS FOR LEGAL ASSISTANCE

1. Applications for legal assistance 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 names of the parties or of the accused, tried or convicted persons, their domicile or residence, nationality and occupation and, in criminal cases, where possible, the place and date of birth of the accused and the names of the latter's parents;
- (e) The names and addresses of the legal representatives of the persons in question;
- (f) The nature of the application and any necessary relevant information, including, in criminal cases, a description of the *corpus delicti*.

2. Documents transmitted under the terms of this Treaty shall bear a signature and an official seal.

Article 6

PROCEDURE FOR EXECUTING APPLICATIONS

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 employ judicial procedures in effect in the territory of the applicant Contracting Party, provided that such procedures do not conflict with the laws of its own State.

2. If the authority applied to is not competent to execute the 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, notify the applicant authority in good time of the time and place of execution of the application.

4. After executing an application, the authority applied to shall return the documents to the applicant authority; if it has not been able to execute the application, it shall advise the applicant authority of the circumstances which prevented such execution.

Article 7

IMMUNITY OF WITNESSES AND EXPERTS

1. No person who, in response to a summons served 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 or detained for the offence which is the subject of the proceedings or for any other offence committed before he crossed the frontier of the applicant State, nor may he be punished for such offences in the territory of the applicant Contracting Party.

2. The witness or expert shall forfeit this privilege if he fails to quit the territory of the applicant Contracting Party within one month from the date on which the authority taking evidence from him informs him that his presence is no longer necessary. Such period of one month 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 effecting the service of a document, the authority applied to shall comply with the laws governing service of documents in effect in its own State, 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. Otherwise, the authority applied to shall deliver the document to the addressee only if he is willing to accept it.

2. Applications for the service of documents must indicate the exact address of the intended recipient and the designation 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 intended recipient's address. If the authority applied to is unable to determine such address, it shall so inform the applicant authority, returning to it the document in question.

Article 9

CONFIRMATION OF SERVICE OF DOCUMENTS

Service of documents shall be officially confirmed in accordance with the relevant regulations in effect in the State applied to. Such confirmation shall indicate the date and place of service.