

**No. 27065**

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**FINLAND  
and  
GERMAN DEMOCRATIC REPUBLIC**

**Agreement on legal assistance in civil, family and criminal matters. Signed at Berlin on 1 October 1987**

*Authentic texts: Finnish and German.*

*Registered by Finland on 26 January 1990.*

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**FINLANDE  
et  
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord relatif à l'entraide judiciaire en matière civile, familiale et pénale. Signé à Berlin le 1<sup>er</sup> octobre 1987**

*Textes authentiques : finnois et allemand.*

*Enregistré par la Finlande le 26 janvier 1990.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE REPUBLIC OF FINLAND AND THE  
GERMAN DEMOCRATIC REPUBLIC ON LEGAL ASSISTANCE  
IN CIVIL, FAMILY AND CRIMINAL MATTERS

The Republic of Finland and the German Democratic Republic,

Seeking to promote friendly cooperation between the two States on the basis of the purposes and principles for inter-State relations laid down in the Final Act of the Helsinki Conference on Security and Cooperation in Europe,<sup>2</sup>

Desiring to regulate relations between the two States in the area of legal assistance in civil, federal and criminal matters,

Have agreed to conclude this Convention and have, for this purpose, appointed as their plenipotentiaries:

The Republic of Finland: Mr. Kalevi Sorsa, Minister for Foreign Affairs;

The German Democratic Republic: Mr. Hans-Joachim Heusinger, Vice-Chairman of the Council of Ministers and Minister of Justice,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

## PART I. GENERAL PROVISIONS

*Article 1. ACCESS TO THE COURTS*

1. The nationals of one Contracting State shall have in the territory of the other Contracting State free access to the competent authorities in civil, family and criminal matters in order to safeguard their rights and interests and may appear before such authorities under the same conditions as nationals of that Contracting State.

2. Nationals of a Contracting State are persons who, under the legislation of that State, have its nationality.

3. Paragraph 1 shall apply, as appropriate, to bodies corporate and other institutions and organizations having legal capacity or the capacity to sue and be sued, which are constituted in accordance with the legislation of a Contracting State and have their head office in the territory of that State.

*Article 2. EXEMPTION FROM “CAUTIO JUDICATUM SOLVI”*

1. Nationals of one Contracting State who appear before the courts of the other Contracting State shall be exempted from the payment of security for the costs of the proceedings.

<sup>1</sup> Came into force on 29 June 1989, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Helsinki on 30 May 1989, in accordance with article 44 (1).

<sup>2</sup> *International Legal Materials*, vol. 14 (1975), p. 1292 (American Society of International Law).

2. Paragraph 1 shall apply, as appropriate, to bodies corporate and other institutions and organizations having legal capacity or the capacity to sue and be sued, which are constituted in accordance with the legislation of a Contracting State and have their head office in the territory of that State.

### *Article 3. EXEMPTION FROM COSTS*

The nationals of one Contracting State shall, in the territory of the other Contracting State, be exempted from the costs of the proceedings and the obligation to pay such costs in advance and shall also be provided, free of charge, with an attorney and legal advice under the same conditions and to the same extent as nationals of that Contracting State.

### *Article 4. REQUEST FOR EXEMPTION FROM COSTS*

1. A request for exemption from costs shall be accompanied by a certificate attesting that the applicant does not have the means needed to meet the costs of the case. The certificate shall be issued by the competent authority of the Contracting State in whose territory the applicant is domiciled or resident.

2. If the applicant is neither domiciled nor resident in the territory of one of the Contracting States, a certificate from the diplomatic mission or consular establishment of his State of nationality competent in respect of his place of domicile or residence shall suffice.

### *Article 5. TRANSMITTAL OF THE REQUEST*

A request for exemption from costs may be submitted through the competent authority of the Contracting State in whose territory the applicant is domiciled or resident. The said authority shall transmit the request and the certificate in accordance with article 4 to the authority of the other Contracting State by the means stipulated in article 12.

### *Article 6. EXEMPTION FROM LEGALIZATION*

Requests and applications as well as accompanying papers and documents which have been issued or certified by the competent authorities and are transmitted in compliance with the provisions of this Convention shall not require legalization or similar formalities.

### *Article 7. TRANSMITTAL OF CIVIL REGISTRATION CERTIFICATES AND OTHER DOCUMENTS*

1. The Contracting States shall, in implementation of the provisions of this Convention and in accordance with their legislation, transmit to each other, at the request of the competent authorities, documents relating to the civil status, education and occupation of nationals of the other Contracting State.

2. The documents shall be transmitted free of fee or charge and without a translation.

*Article 8.* INFORMATION CONCERNING APPLICABLE LEGISLATION

The Contracting Parties shall provide each other, on request, with information concerning legislation which is or was in force in their territory in respect of the matters dealt with under this Convention.

*Article 9.* INFORMATION FROM POLICE RECORDS

The Contracting Parties shall provide each other, upon request, with information from police records in accordance with their legislation for pending criminal proceedings in the manner set forth in article 12.

PART II. LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL MATTERS

*Article 10.* PROVISION OF LEGAL ASSISTANCE

1. The judicial authorities of the Contracting Parties shall grant each other, on request, legal assistance in civil, family and criminal matters in accordance with the provisions of this Convention.

2. The following shall be considered to be judicial authorities for the purposes of this Convention:

In the German Democratic Republic: the courts, the Public Prosecutor's Office, the State notary's offices and youth aid services;

In the Republic of Finland: the courts and public prosecutors.

3. Other authorities that are competent in civil, family and criminal matters shall transmit their requests for legal assistance through the judicial authorities of the requesting State.

*Article 11.* SCOPE OF LEGAL ASSISTANCE

Legal assistance shall include the delivery of documents; interrogation of witnesses, experts, litigants and other persons concerned; performance of acts required in connection with investigations and judicial proceedings, and the transmission of evidence, information and documents.

*Article 12.* METHOD OF COMMUNICATION

The Ministry of Justice or the General Public Prosecutor of the German Democratic Republic and the Ministry of Justice of the Republic of Finland shall communicate directly with each other in providing legal assistance.

*Article 13.* CONTENT AND FORM OF REQUESTS

1. Requests for legal assistance shall be submitted in writing; they shall indicate the following information:

(a) The judicial authority making the request and, if known, the judicial authority requested;

(b) The purpose of the request;

(c) The names of the parties concerned, their nationality, profession, domicile or residence and their function in the case;

(d) Should the need arise, the names and addresses of their legal representatives;

(e) The facts to be proved or the obligations to be enforced, together with a summary of the facts if one is required for an understanding of the matter; in the case of requests for delivery, in particular, the address and nationality of the addressee and the documents to be delivered;

(f) In criminal matters, a statement describing the actual circumstances of the criminal offence committed and a legal evaluation of it.

2. Requests for legal assistance and attached documents shall be signed and bear the seal or stamp of the judicial authority.

#### *Article 14.* LANGUAGES AND TRANSLATIONS

1. Requests for legal assistance and enclosed documents which are not drawn up in the official language or one of the official languages of the requested State shall be accompanied by a certified translation.

2. The official languages are:

In the German Democratic Republic: German;

In the Republic of Finland: Finnish and Swedish.

#### EXECUTION OF REQUESTS

#### *Article 15*

1. Requests for legal assistance shall be executed in accordance with the legislation of the Contracting State to which the requested judicial authority belongs.

2. On application by the requesting judicial authority, a procedure which does not comply with legislation may be used provided that it is not incompatible with the public law of the requested State.

3. On application, the requested judicial authority shall inform the requesting judicial authority and the persons concerned or their representatives of the place and date of execution of the request for judicial assistance so that the persons concerned may be aware of their rights with regard to legal action under the legislation of the requested State.

4. The judicial authorities concerned may, on application, be present during the execution of the request for judicial assistance if the requested State consents.

#### *Article 16*

1. If the requested judicial authority is not competent to execute the request for judicial assistance, it shall transmit the request to the competent judicial authority and shall so inform the requesting judicial authority.

2. If the person designated in the request cannot be found at the address given, the necessary measures shall be taken to determine his residence.