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**Turkey
and
Turkmenistan**

Agreement on legal assistance in civil and criminal matters between the Republic of Turkey and Turkmenistan. Ankara, 29 February 2012

Entry into force: *29 June 2013, in accordance with article 70*

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**Turquie
et
Turkménistan**

Accord d'entraide judiciaire en matière civile et pénale entre la République turque et Turkmenistan. Ankara, 29 février 2012

Entrée en vigueur : *29 juin 2013, conformément à l'article 70*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
ON
LEGAL ASSISTANCE IN
CIVIL AND CRIMINAL MATTERS
BETWEEN
THE REPUBLIC OF TURKEY
AND
TURKMENISTAN**

The Republic of Turkey and Turkmenistan, (hereinafter referred to as the Contracting Parties),

Desirous of further promoting friendly relations and arranging mutual legal assistance in civil and criminal matters on the basis of the principals for national sovereignty, equality of rights and of non-interference in the internal affairs of Contracting Parties,

Have decided to conclude the Agreement on Mutual Assistance in Civil And Criminal Matters, and

Have agreed as follows;

**CHAPTER I
GENERAL PROVISIONS**

Article 1

1. Nationals of the Contracting Parties shall enjoy equal rights in the territory of the other Party as the nationals of the latter Party, for judicial and legal protection with respect to themselves, their property and interests.

2. Nationals of each Contracting Party shall in the territory of the other Party, be entitled to free access to courts, prosecutor's offices and other competent authorities and to perform all legal proceedings set forth in the legislation of the Contracting Parties and act within the framework of these proceedings in respect of civil and criminal matters.

3. Legal persons, whose headquarters are located in the territory of one of the Contracting Parties and which have been established in accordance with the Law of that Party, shall be entitled to enjoy the provisions of the present Agreement as much as they are applicable.

Article 2

1. The authorities of the Contracting Parties shall communicate to each other through central authorities or diplomatic channel for the implementation of the present Agreement.

2. Central Authority of the Republic of Turkey is the Ministry of Justice of the Republic of Turkey and the Central Authorities of Turkmenistan are the Ministry of Justice of

Turkmenistan, in legal assistance in civil matters and Chief Prosecutor's Office of Turkmenistan in legal assistance in criminal matters concerning the extradition and transfer (hereinafter referred as competent authorities).

Article 3

The competent authorities of the Contracting Parties shall, upon request, give information to each other on laws in force in their territories and judicial practices with regard to legal matters that constitute subject to the present Agreement.

CHAPTER II

SECTION 1

LEGAL ASSISTANCE IN CIVIL MATTERS

Article 4

1. The competent authorities of the Contracting Parties shall undertake mutual legal assistance in civil matters.
2. Mutual legal assistance includes especially enforcement of legal procedures such as service of documents, transmission of relevant explanations and statements, making expert examinations, hearing of parties, witnesses and experts and their statements and other transactions.

Article 5

1. A request for legal assistance shall cover:
 - a) The names of the Requesting and Requested authorities,
 - b) The nature and name of the case for which legal assistance is required.
 - c) The names, permanent and temporary addresses (domicile or residence), nationalities and professions of the parties related with the request, and information on names and addresses of the legal persons,
 - d) The names and addresses of the representatives of the parties,
 - e) Information necessary for the subject matter and execution of the request,
 - f) Reason for the request and detailed explanation of the proceedings requested to be fulfilled.
2. A request for legal assistance and its supporting documents shall be signed and officially sealed by the requesting authority.

Article 6

1. The requested authority shall execute the request for legal assistance in the manner specified by the provisions in its current law. However, the requested authority may, to the extent not contrary to proceeding law of the Requested Party, upon the request of requesting authority, apply the law of the Requesting Party.
2. If the authority to which the request for legal assistance has been sent is not competent to enforce it, such authority shall forward the request for execution to the relevant competent authority and inform the Requesting authority thereof.
3. The Requested authority shall send the documents establishing the execution of the request to the Requesting authority. In the case where the legal assistance request cannot be executed, it shall return the request to the Requesting Party and inform the reasons thereof.

Article 7

1. A request for service of documents shall be effected by the requested authority in compliance with the provisions of its law regulating such procedure, if such documents have been translated into the language of Requested Party and duly certified. Otherwise, the requested authority shall effect the service of documents only if the addressee consents to receive it.
2. A request for service of documents shall state the full address of the addressee and the documents to be served.
3. If the document cannot be served to the address stated in the request for service, the requested authority shall take necessary measures for establishment of the true address of the addressee. If it has been impossible to establish the true address, the requested authority shall inform the requesting authority, and shall forward the document to the latter.

Article 8

The receipt of service of documents shall be prepared in accordance with the law of the Requested Party. The receipt shall contain the name of the recipient, the delivering authority, the date and place of service.

Article 9

1. The Requested Party shall bear all of the costs incurred in its territory for the execution of legal assistance request and shall not claim the reimbursement thereof.
2. In case the costs of provision of the legal assistance prove to be heavy or extra-ordinary, the Contracting Parties shall in advance agree on the terms thereto and the way of payment.

Article 10

A request for legal assistance may be refused if it is deemed that granting such request would infringe sovereignty, security, public order or laws of the Requested Party or contradicts its international obligations.

Article 11

Other than those provided for in paragraph 1 of Article 7 and, Article 13 of the present Agreement;

- a) Competent authorities shall communicate with each other in the language of the requested Party or in English.
- b) Requests for legal assistance and its supporting documents shall be in the language of the Requesting Party accompanied by certified translations in the language of the Requested Party or English or Russian.
- c) Certification of translations may be effected by the requesting authority, translator, notary or diplomatic representative or counselor official of the Contracting Parties.
- d) Documents obtained through execution of requests for legal assistance shall be prepared in the language of the Requested Party.

Article 12

1. A witness or expert, whatever his nationality, willingly appearing on a summons before the judicial authorities of the Requesting Party, shall not be prosecuted or detained or subjected to any punishment due to a judgment rendered previously in the territory of that Party in respect of any offense occurring before his arrival to that State.
2. If a witness or expert, when informed by the authority invited him that his presence is no longer required, does not leave the territory of the Requesting Party within 15 days following that notification, such immunity shall cease. The period that prevents a witness or expert leaving the territory of the Requesting Party freely for reasons out of his control shall be exempted from the period provided in this paragraph.
3. Such persons shall not be prosecuted or detained because of the procedures carried out with regard to the case.
4. The requesting authority shall inform the witness or expert summoned that travel expenses, subsistence allowances and expertise fees will be refunded in accordance with its legislation. Upon request of said person, an advance for traveling and subsistence expenses shall be granted by the requesting authority.