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**Belarus  
and  
Turkey**

**Agreement on legal assistance in civil, commercial and criminal matters between the Republic of Belarus and the Republic of Turkey. Ankara, 13 March 2012**

**Entry into force:** *19 April 2018, in accordance with article 72*

**Authentic texts:** *English, Russian and Turkish*

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**Bélarus  
et  
Turquie**

**Accord relatif à l'assistance juridique en matière civile, commerciale et pénale entre la République du Bélarus et la République turque. Ankara, 13 mars 2012**

**Entrée en vigueur :** *19 avril 2018, conformément à l'article 72*

**Textes authentiques :** *anglais, russe et turc*

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**AGREEMENT ON LEGAL ASSISTANCE IN CIVIL,  
COMMERCIAL AND CRIMINAL MATTERS  
BETWEEN THE REPUBLIC OF BELARUS AND  
THE REPUBLIC OF TURKEY**

The Republic of Belarus and The Republic of Turkey hereinafter referred to as «Contracting Parties»,

desirous of further promoting friendly relations and of arranging mutual legal assistance in civil, commercial and criminal matters, extradition and transfer of sentenced persons 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 an Agreement on mutual legal assistance in civil, commercial and criminal matters and have agreed as follows:

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1**

1. Nationals of the Contracting Parties shall be entitled to equal judicial and legal protection in the territory of the other party with respect to themselves, their property and interests as if they themselves were nationals of the latter Contracting Party.

2. Nationals of Contracting Parties shall in the territory of the other Party, be entitled to free access to courts and other competent authorities to lodge claims and to protect their rights and interests in respect of civil, commercial and criminal matters, in the same terms and conditions as nationals of the latter Party.

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

**Article 2**

1. Unless otherwise provided by the present Agreement, the judicial authorities of the Contracting Parties shall communicate with each other through the Central Authorities designated by the Contracting Parties.

The Central Authorities as specified in this Agreement shall be:

a) for the Republic of Belarus - the Investigative Committee, the General Prosecutor's Office, the Ministry of Internal Affairs (concerning

criminal matters); the General Prosecutor's Office (concerning extradition and transfer of sentenced persons); the Ministry of Justice, the Supreme Court (concerning civil matters); the Highest Economic Court (concerning commercial matters).

b) for the Republic of Turkey - the Ministry of Justice of the Republic of Turkey.

2. The provisions of the present Agreement shall not prevent the communication through diplomatic or consular channels.

3. For the purposes of the present Agreement, the judicial authorities shall be determined in accordance with the internal law of each of the Contracting Parties.

4. In implementation of the present Agreement each of the Contracting Parties shall use its national language accompanied by the translation into the national language of other Contracting Party unless this Agreement stipulates otherwise.

### **Article 3**

The Ministries of Justice of the Contracting Parties shall, upon a request mutually give information to each other on their law and practices in that country with regard to legal problems that constitute subject to the present Agreement.

## **CHAPTER II**

### **SECTION 1**

#### **LEGAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS**

### **Article 4**

1. The competent authorities of the Contracting Parties undertake to afford each other mutual legal assistance in civil and commercial matters.

2. Mutual legal assistance includes enforcement of procedural decisions in particular such as service of documents; making of examinations, hearing of parties, witnesses and experts.

### **Article 5**

1. A request for legal assistance shall specify:

- a) the names of the Requesting and Requested authorities;
- b) the content of the case on which the rendering of legal assistance is requested;

c) the names and surnames, the nationality, the occupation, permanent and temporary addresses (domicile or residence) of persons on which the request is made, in relation to legal persons – their names, judicial addresses and the location;

d) the names and surnames, addresses of the representatives of the parties;

e) information necessary for the subject matter and execution of the request.

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 apply the provisions of its own law as for the execution of the request. However, it may, upon the request of the Requesting authority, follow the procedure of the latter unless this is incompatible with the law of the Requested Contracting Party.

2. If the authority to whom the request has been sent is not competent to enforce it, such authority shall forward the request to the competent authority in the Requested Contracting Party and shall inform the Requesting authority thereof.

3. The Requested authority shall send the documents establishing the execution of the request to the Requesting authority or shall inform the latter where the request is not executed, with 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 prepared in the language of the Requested Contracting Party or accompanied by translations in that language and certified as correct, 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 can not be served to the address stated in the request for service, the Requested authority shall take necessary measures for establishment of the true address. If it has been impossible to establish the true address, the Requested Contracting Party shall inform the Requesting Contracting Party thereof, and shall forward the document to the latter.

### **Article 8**

The receipt of the documents to be served shall be prepared in accordance with the law of the Requested Contracting Party. The receipt shall contain the date and place of such service.

### **Article 9**

The Requested Contracting Party shall bear all of the costs incurred in its territory for execution of the request and shall not claim the reimbursement thereof.

### **Article 10**

A request for legal assistance may be refused if it is deemed that granting such request would infringe sovereignty, security or public order of the Requested Contracting Party, contradict the basic principles of the law of the Requested Contracting Party.

### **Article 11**

1. Certification of translations may be effected by sworn translator, notary or diplomatic representative or consular officials of the Contracting Parties.
2. Documents obtained through execution of requests for legal assistance shall be prepared in the language of the Requested Contracting Party.

### **Article 12**

1. A witness or expert, whatever his nationality, appearing on a summons before the judicial authorities of the Requesting Contracting 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. The immunity provided for in this article shall cease when the witness or expert, having had for a period of 30 consecutive days from the date when his presence is no longer required by the judicial authorities an opportunity of leaving, has nevertheless remained in the territory, or having left it, has returned. The period that prevents a witness or expert leaving the territory of the Requesting Contracting Party freely, for reasons out of his control, shall be exempted from the period provided in this paragraph. Such