

No. 4419

**UNION OF SOVIET SOCIALIST REPUBLICS
and
GERMAN DEMOCRATIC REPUBLIC**

**Treaty concerning legal assistance in civil, family and
criminal cases. Signed at Berlin, on 28 November 1957**

Official texts: Russian and German.

Registered by the Union of Soviet Socialist Republics on 14 July 1958.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Traité relatif à l'entraide judiciaire en matière civile,
familiale et pénale. Signé à Berlin, le 28 novembre 1957**

Textes officiels russe et allemand.

Enregistré par l'Union des Républiques socialistes soviétiques le 14 juillet 1958.

[TRANSLATION — TRADUCTION]

No. 4419. TREATY¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GERMAN DEMOCRATIC REPUBLIC CONCERNING LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES. SIGNED AT BERLIN, ON 28 NOVEMBER 1957

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the President of the German Democratic Republic, desiring to strengthen further the fraternal friendship and co-operation between the two States in the sphere of legal relations as in others, in order to safeguard socialist construction and to protect the personal rights and interests of the citizens of both countries, have decided to conclude a treaty on legal assistance in civil, family and criminal cases.

For this purpose they have appointed as their plenipotentiaries :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics : Mr. Valerian Aleksandrovich Zorin, Deputy Foreign Minister of the USSR,

The President of the German Democratic Republic : Dr. Hilde Benjamin, 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. Citizens 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 citizens of the other Party.

The same shall also apply to corporations constituted in accordance with the legislation of either Contracting Party.

¹ Came into force on 12 June 1958, one month after the exchange of the instruments of ratification, in accordance with article 78.

2. They shall have free and unimpeded access to the authorities of the other Contracting Party having jurisdiction in civil, family or criminal cases; they may appear, present petitions and institute proceedings before such authorities under the same conditions as citizens of the other Party.

Article 2

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 preparing and transmitting files and documents, by carrying out searches and seizures, by transmitting or delivering material evidence, by interrogating accused persons, witnesses and experts, by taking evidence from litigants and other persons, by judicial inspection *in situ* and by executing applications for the service of documents.

Article 3

PROVISION OF LEGAL ASSISTANCE

1. The courts and the Procurator's and State notarial offices of the two Contracting Parties shall provide one another with legal assistance in civil, family and criminal cases.

2. The authorities referred to in paragraph 1 shall also provide legal assistance to other authorities having jurisdiction in civil, family and criminal cases.

Article 4

METHOD OF COMMUNICATION

In providing legal assistance, the authorities of the Contracting Parties referred to in article 3, paragraph 1, shall communicate with one another, save as otherwise provided herein, through the intermediary of their central judicial and procuratorial organs.

Article 5

FORM OF APPLICATIONS FOR LEGAL ASSISTANCE

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

- (a) The title of the applicant authority;
- (b) The title of the authority applied to;
- (c) The title of the case in respect of which legal assistance is applied for;

- (d) The first names and family names of the parties, or of the accused or convicted persons, their citizenship, occupation, domicile or, in certain cases, residence;
- (e) The names and addresses of their authorized legal representatives;
- (f) Any necessary relevant information including, in criminal cases, a description of the criminal offence.

2. In applying for legal assistance the authorities of the Contracting Parties shall use bilingual forms, models of which they shall exchange.

Article 6

PROCEDURE FOR EXECUTING APPLICATIONS

1. In providing legal assistance, the authority applied to shall follow the laws of its own State. It may, however, at the request of the applicant authority, employ judicial procedures in effect in the territory of the applicant Contracting Party, provided that such procedures do not conflict with the laws of the Party applied to.

2. If the authority applied to is not competent to execute the application, it shall transmit the application to the competent authority, notifying the applicant authority accordingly.

3. The authority applied to shall, at the request of the applicant authority, notify the latter in due time of the date and place of execution of the application for legal assistance.

4. After executing an application for legal assistance, the authority applied to shall return the documents to the applicant authority; if it has not been able to provide the legal assistance requested, it shall at the same time advise the applicant authority of the circumstances which prevented the execution of the application.

Article 7

IMMUNITY OF WITNESSES AND EXPERTS

1. No person of whatsoever citizenship who, in response to a request transmitted to him by an authority of the Contracting Party applied to, appears as a witness or an expert before an authority of the applicant Party may be prosecuted or detained either for the punishable offence which is the subject of the proceedings or for any other punishable 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 Party.

2. The witness or expert shall forfeit this privilege if, being at liberty to do so, he fails to quit the territory of the applicant Contracting Party within one

week from the date on which the applicant authority informs him that his presence is no longer 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 quit the territory of the applicant Contracting Party.

Article 8

FORM OF DOCUMENTS

Documents transmitted in pursuance of this Treaty shall bear a seal.

Article 9

APPLICATIONS FOR THE SERVICE OF DOCUMENTS

1. In serving documents, the authority applied to shall employ the procedure in effect in its own country, provided that the document to be served is drawn up in the language of the authority applied to or is accompanied by a certified translation. Otherwise, the authority applied to shall deliver the document to the recipient if he freely expresses his willingness to accept it.

2. The translation may be certified by the translator himself, or by the applicant authority, or by a diplomatic or consular representative of one of the Contracting Parties.

3. An application for the the service of documents must contain the exact address of the recipient and the designation of the documents to be served.

4. 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 recipient's address. If the authority applied to is unable to determine such address, it shall so inform the applicant authority when returning to it the document in question.

Article 10

CONFIRMATION OF SERVICE OF DOCUMENTS

Service of documents shall be confirmed in accordance with the appropriate regulations in effect in the Contracting Party applied to.

The authority applied to shall notify the applicant authority of the time and place of service.

Article 11

SERVICE OF DOCUMENTS ON OWN CITIZENS

1. Each Contracting Party shall have the right to serve documents on its own citizens through the intermediary of its diplomatic or consular missions.
2. No compulsion of any kind may be used in such service.

Article 12

RECOGNITION OF DOCUMENTS

1. Documents drawn up or attested in the territory of either Contracting Party by the competent State authority or public official in due form, and bearing an official seal, shall not require legalization in the territory of the other Party.

The same shall apply to signatures attested in accordance with the regulations of either Contracting Party.

2. Documents which are considered official documents in the territory of either Contracting Party shall have the evidential value of official documents in the territory of the other Party also.

Article 13

COSTS OF LEGAL ASSISTANCE

1. The Contracting Party applied to shall make no claim for repayment of the costs of legal assistance. Each Party shall assume all costs incurred in providing legal assistance in its territory, including expenses incurred in taking evidence.
2. The authority applied to shall communicate to the applicant authority the amount of the costs incurred. If the applicant authority recovers these costs from the person liable therefor, they shall be retained by the Contracting Party which recovered them.

Article 14

DENIAL OF LEGAL ASSISTANCE

Legal assistance may be denied if its provision might be prejudicial to the sovereignty or security of the Contracting Party applied to.

Article 15

INFORMATION ON LEGAL QUESTIONS

The Judicial Commission of the Council of Ministers or the Procurator's Office of the USSR and the Ministry of Justice or the Chief Procurator's Office of the German Democratic Republic shall on request exchange information on legal questions.

Article 16

LANGUAGES

In communicating with one another concerning the provision of legal assistance, the authorities of the Contracting Parties shall use either the Russian or the German language.

PART II

SPECIAL PROVISIONS

Chapter I

LEGAL ASSISTANCE IN CIVIL AND FAMILY CASES

(a) *LEGAL COSTS**Article 17*

Citizens of one of the Contracting Parties appearing before the courts of the other party and present in the territory of either Party shall not be required to deposit security for legal costs on the sole ground that they are aliens or have no permanent domicile or residence in the country in question.

Article 18

Citizens of either Contracting Party shall be accorded exemption from payment of legal costs in the territory of the other Party on the same conditions and to the same extent as the citizens of the State concerned.

Article 19

I. The document relating to personal or family status, income and property required for exemption from payment of legal costs shall be issued by the competent authority of the Contracting Party in whose territory the petitioner has his domicile or residence.

2. If the petitioner has neither his domicile nor his residence in the territory of either Contracting Party, a document issued or certified by the diplomatic or consular mission of his State shall be acceptable.

3. The court which rules on the petition for exemption from payment of legal costs may request the authority which issued the certificate for further information.

Article 20

1. A citizen of one of the Contracting Parties who wishes to petition a court of the other Party for exemption from costs or for the appointment of counsel for the proceedings may make such petition in the form of an oral statement before the competent court of the place in which he has his domicile or residence, and the said court shall draw up a record of his statement and transmit such record, together with the certificate referred to in article 19, paragraph I, and the other documents submitted by the petitioner to the competent court of the other Party.

2. The complaint or other application may be entered in the record at the same time as the petition for exemption from payment of legal costs.

(b) *FAMILY LAW*

Article 21

FORM OF MARRIAGE

1. The form of marriage shall be that prescribed by the law of the Contracting Party in whose territory the marriage takes place.

2. The form of a marriage solemnized by a competent diplomatic or consular mission shall be that prescribed by the law of the sending State.

Article 22

PERSONAL AND PROPERTY RELATIONS OF SPOUSES

1. Where one of two spouses having the same citizenship lives in the territory of one Contracting Party and the other in that of the other Party, their personal and property relations shall be those prescribed by the law of the Contracting Party of which they are citizens.

2. Where one spouse is a citizen of one Contracting Party and the other a citizen of the other Party, their personal and property relations shall be those prescribed by the law of the Party in whose territory they have or had their joint domicile.

Article 23

DISSOLUTION OR ANNULMENT OF MARRIAGE

1. In actions for the dissolution or annulment of marriages the applicable law and, in principle, the courts having jurisdiction shall be those of the Contracting Party of which the spouses are citizens at the time when the proceedings are instituted. Where the spouses are domiciled in the territory of the other Party, the courts of that Party shall also have jurisdiction.

2. If at the time when proceedings for the dissolution or annulment of a marriage are instituted, one of the spouses is a citizen of one Contracting Party and the other that of the other Party and one of them resides in the territory of one Contracting Party and the other in that of the other Party, the courts of both Contracting Parties shall have jurisdiction with respect to an action for dissolution or annulment of the marriage. The courts shall apply the law of their own State.

Article 24

DECLARATION OF PERSONS AS MISSING OR DEAD; ESTABLISHMENT OF THE FACT OF DEATH

1. Proceedings for declaring persons missing or dead (declaration of death) or for the establishment of the fact of death (establishment of the time of death) shall be within the jurisdiction of the authorities of the Contracting Party of which the person concerned was a citizen at the time when he was last known to be alive.

2. The authorities of one Contracting Party may declare a citizen of the other Party missing or dead (declaration of death) or establish the fact of his death (establishment of the time of death) upon the application of any person resident in its territory whose rights and interests are governed by its law.

3. In the cases referred to in paragraphs 1 and 2, the authorities of each Contracting Party shall apply the law of their own State.

LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

Article 25

Actions to contest or establish paternity or to establish that a child is the issue of a particular marriage shall be decided in accordance with the law of the Contracting Party of which the child is a citizen by birth.

Article 26

In the case of a child born out of wedlock, the legal relations between the child and his mother or between the child and his father shall be determined by the law of the Contracting Party of which the child is a citizen.

Article 27

Decisions on the legal relations referred to in articles 25 and 26 shall be within the jurisdiction of the courts of the Contracting Party whose laws are applicable.

If both plaintiff and defendant are resident in the territory of one of the the Contracting Parties, the courts of that Party shall also have jurisdiction, without prejudice to the provisions of articles 25 and 26.

GUARDIANSHIP AND CURATORSHIP

Article 28

1. The authority having jurisdiction in proceedings relating to guardianship of curatorship over citizens of the Contracting Parties shall, save as otherwise provided by this Treaty, be that of the Party of which the ward is a citizen.

2. The legal relations between guardians or curators and their wards shall be determined by the law of the Contracting Party by an authority of which the guardian or curator was appointed.

Article 29

1. Where need arises to provide for guardianship or curatorship in the interests of a ward whose domicile, residence or property is in the territory of the other Contracting Party, the guardianship authority of such Party shall at once notify the guardianship authority of the Party concerned having jurisdiction under the terms of article 28, paragraph 1.

2. In urgent cases, the guardianship authority of the other Contracting Party may itself take the necessary measures, provided that it at once notifies the guardianship authority having jurisdiction under the terms of article 28, paragraph 1, of the provisional measures adopted. Such measures shall remain in effect pending other measures by the latter guardianship authority.

Article 30

1. The guardianship authority having jurisdiction under the terms of article 28, paragraph 1, may transfer guardianship or curatorship to the guardianship authorities of the other Contracting Party if the ward's domicile, residence

or property is in that State. Such transfer shall be effective only if the authority applied to specifically consents to assume guardianship or curatorship and notifies the applicant authority accordingly.

2. The guardianship authority of the Contracting Party having jurisdiction under the terms of paragraph 1 shall exercise guardianship or curatorship in the manner prescribed by the law of its own State. However, it shall apply the law of the Party of which the ward is a citizen in any matters relating to the juridical personality or legal capacity of the ward. It shall have no authority to decide questions relating to the personal status of the ward, but may give its consent to marriage where such consent is required by the law of the Contracting Party of which the ward is a citizen.

Article 31

ADOPTION

1. Adoption or termination of adoption shall be governed by the law of the Contracting Party of which the adopter is a citizen at the time of the adoption or termination of adoption.

2. Where the child is a citizen of the other Party, adoption or termination of adoption shall be subject to the consent of the child, if this is prescribed by the law of the country of which he is a citizen, and to the consent of his legal representative and of the competent public authority of such Party.

3. If the child is adopted by a married couple of whom one spouse is a citizen of one of the Contracting Parties and the other spouse a citizen of the other Party, the adoption or termination of adoption shall be carried out in accordance with the law in effect in the territory of both Parties.

4. In matters of adoption or termination of adoption the authorities having jurisdiction shall be those of the Contracting Party of which the adopter is a citizen at the time of the adoption or termination of adoption. In the case specified in paragraph 3, the authority having jurisdiction shall be the authority in whose district the married couple have, or last had, a common domicile or residence.

Article 32

TRANSMITTAL OF CIVIL REGISTRATION CERTIFICATES AND OTHER DOCUMENTS

Each of the Contracting Parties undertakes to transmit to the other on request and free of charge civil registration certificates and other documents relating to the personal rights and interests of citizens of the other Party.

(c) PROVISIONS RELATING TO SUCCESSION

Article 33

PRINCIPLE OF EQUAL RIGHTS

1. Citizens of either Contracting Party shall enjoy the same rights as citizens of the other Party resident in the territory of the latter as regards the capacity to make or revoke wills disposing of property situated in the territory of the other Party or of rights to be exercised in the territory of the other Party and as regards the capacity to succeed to property or rights. The property or rights shall descend to them under the same conditions as those applying to citizens of the Contracting Party resident in its territory.

2. Documents attesting the right to succession, including certificates of succession or certificates of execution of a will, issued by the competent authorities of one of the Contracting Parties shall also serve as attestation of the relevant facts in the territory of the other Party.

Article 34

LAW OF SUCCESSION

1. Succession to movables shall be determined by the law of the Contracting Party of which the testator was a citizen at the time of his death.

2. Succession to immovables shall be determined by the law of the Party in whose territory the immovable is situated.

Article 35

ESCHEAT

Where under the law of the Contracting Parties an escheated estate reverts to the State, movables shall revert to the State of which the decedent was a citizen at the time of his death and immovables to the State in whose territory they are situated.

Article 36

WILLS

1. The capacity to make or revoke a testamentary disposition and the legal effects of defective testamentary dispositions shall be determined according to the law of the Contracting Party of which the testator was a citizen at the time of making the testamentary disposition. The same law shall also determine the admissible types of testamentary dispositions.

2. The form of the testamentary disposition shall be determined by the law of the Contracting Party of which the testator was a citizen at the time of making the testamentary disposition. It shall, however, be deemed sufficient if the law of the Party in whose territory the testamentary disposition was made is complied with.

The same shall apply to the revocation of testamentary dispositions.

Article 37

JURISDICTION IN MATTERS OF SUCCESSION

1. Proceedings in matters of succession to movables shall, with the exception specified in paragraph 4, be conducted by the authorities of the Contracting Party of which the testator was a citizen at the time of death.

2. Proceedings in matters of succession to immovables shall be conducted by the authorities of the Party in whose territory the immovable is situated.

3. The provisions of paragraphs 1 and 2 shall apply, *mutatis mutandis*, to disputes arising out of claims to succession.

4. If the entire movable estate of a deceased citizen of one of the Contracting Parties is situated in the territory of the other Party, proceedings in matters of succession to such estate shall, upon petition by an heir or a legatee, and subject to the consent of all heirs, be conducted by the authorities of the latter Party.

Article 38

NOTIFICATION OF DEATH

1. If a citizen of one of the Contracting Parties dies in the territory of the other Party, the local authority shall immediately notify the diplomatic or consular mission of the former Party of such death, communicating to it whatever information is available concerning the heirs, their domicile or residence, the size and value of the estate and the existence of a will.

The same rule shall apply in cases where the competent authority of one of the Contracting Parties learns that a citizen of the other Party who has died outside the territories of both Parties has left property in its territory.

2. If the diplomatic or consular mission learns of the death first, it shall notify the competent succession authority with a view to the protection of the estate.

Article 39

RIGHT OF DIPLOMATIC AND CONSULAR MISSIONS TO ACT IN MATTERS OF SUCCESSION

1. In all succession proceedings arising in the territory of one of the Contracting Parties, diplomatic or consular missions shall have the right to represent the interests of citizens of their State before the authorities of such Party, where such citizens do not take part in the proceedings and have not appointed their representatives; in such cases no special power of attorney shall be necessary.

2. If a citizen of one of the Contracting Parties not domiciled or resident in the territory of the other Party dies while travelling in such territory, his personal effects shall be delivered to the diplomatic or consular mission without any formal proceedings.

Article 40

OPENING OF WILLS

The opening and publication of a will shall be within the jurisdiction of the competent succession authority of the Contracting Party in whose territory the will is to be found. If the testator had his residence in the territory of the other Party, the competent succession authority shall be furnished with a copy of the will and a minute concerning the condition, content and, if necessary, opening and publication thereof; on request, the original will shall also be transmitted.

Article 41

MEASURES FOR THE PROTECTION OF THE ESTATE

1. The succession authorities of each Contracting Party shall take, in accordance with their law, such measures as are necessary to ensure the protection or the administration of estates left in the territory of their State by citizens of the other Party.

2. The diplomatic or consular mission shall be informed immediately of any measures taken under paragraph 1; it may participate in carrying out such measures either direct or through its representative. At the request of the diplomatic or consular mission, measures taken under paragraph 1 and any other necessary measures may be modified, rescinded or postponed.

3. Measures taken under paragraph 1 must be rescinded at the request of the succession authority of the home country.

4. The movable property and papers of the deceased shall be delivered to the diplomatic or consular mission at its request.

Article 42

DELIVERY OF THE ESTATE

1. If, after the completion of succession proceedings, the decedent's movable estate or the moneys realized from the sale of his movable or immovable estate are to be delivered to heirs in the territory of the other Contracting Party, the estate or the moneys realized shall be delivered to the diplomatic or consular mission of such Party.

2. The succession authority shall issue instructions for the delivery of the estate to the diplomatic or consular mission if :

- (a) All claims of the deceased's creditors presented within the period prescribed by the law of the Contracting Party in which the estate is situated have been paid or secured;
- (b) All estate duties have been paid or secured;
- (c) The competent authorities have approved the export of the estate, where such approval is required.

Moneys shall be transferred in accordance with the currency laws in effect in the territories of the Contracting Parties.

(d) *RECOGNITION AND ENFORCEMENT OF JUDGEMENTS**Article 43*

RECOGNITION OF JUDGEMENTS IN MATTERS NOT RELATING TO PROPERTY

Final decisions of courts and guardianship or curatorship authorities of either Contracting Party in matters not relating to property shall be recognized in the territory of the other Party without further proceedings, provided that no court or guardianship or curatorship authority of the other Party has previously rendered a final decision in the matter.

This provision shall also apply to decisions rendered before the entry into force of this Treaty.

Article 44

RECOGNITION OF JUDGEMENTS IN MATTERS RELATING TO PROPERTY

1. Final judgements of courts in civil and family cases relating to property rendered in the territory of either Contracting Party, with the exception of the judgements referred to in paragraph 2, shall be recognized and enforced in the territory of the other Party, provided that they were rendered after the entry into force of this Treaty.

This provision shall also apply to final judgements of courts relating to damages in criminal cases.

2. Final judgements of courts of either Contracting Party in cases having reference to the legal relations referred to in article 26 shall be recognized and enforced in the territory of the other Party if the relations in respect of which the judgements were rendered came into being after the entry into force of this Treaty.

ENFORCEMENT OF JUDGEMENTS

Article 45

1. The competent courts of either Contracting Party shall, on application, issue authorization for the enforcement of judgements rendered by the courts of the other Party, where such judgements are recognized in their own territory under article 44.

Enforceable documents shall be treated in the same way as court judgements.

2. The law applicable to the issue of authorization of enforcement and to enforcement shall be that of the Contracting Party in whose territory enforcement takes place.

Article 46

1. The consideration of applications for authorization of enforcement shall be within the jurisdiction of the courts of the Contracting Party in whose territory enforcement is sought.

2. The application for authorization of enforcement shall be made to the court which rendered judgement in the case at first instance and shall then be transmitted to the court competent to decide on the application.

3. The application shall be accompanied by a translation in the language of the Contracting Party to which the application is directed; the translation shall be certified in the manner specified in article 9, paragraph 2.

Article 47

1. An application for authorization of enforcement must be accompanied by the following :

- (a) An official copy of the judgement, with confirmation that it has become final;
- (b) If the respondent did not participate in the proceedings, the originals or certified copies of documents showing that he was served in due time and proper form with a summons or with other official notice of the initiation of the proceedings;
- (c) Certified translations of the application and of the documents specified in (a) and (b).

2. An application for authorization of enforcement may be accompanied by the application for the execution of enforcement.

Article 48

OBJECTIONS BY THE RESPONDENT

The court considering the application for authorization of enforcement shall permit the respondent to state his objections either to the admissibility of enforcement or to the claim defined in the judgement for which enforcement is sought, provided that such objections are admissible under the law of the Contracting Party in whose territory the judgement was rendered.

Article 49

REFUSAL TO ENFORCE JUDGEMENTS

Apart from the cases provided for in article 14, authorization for the enforcement of judgements may be refused :

- (a) If the applicant or the respondent did not participate in the proceedings either because he or his representative was not served in due time and in proper form with a summons to appear in court, or because he was summoned only by public notice or in some other form not in accordance with the provisions of this Treaty;
- (b) If the judgement conflicts with an earlier judgement which has become final and which was rendered in an action between the same parties relating to the same claim and based on the same grounds by a court of the Contracting Party in whose territory enforcement is sought.

However, this provision shall not apply where there has been a material change in the circumstances on which the nature of the enforcement provisions and the time of enforcement were based in the earlier judgement.

ENFORCEMENT OF DECISIONS RELATING TO PAYMENT OF LEGAL COSTS

Article 50

1. If a party to proceedings exempt under article 17 from depositing security for legal costs is required in pursuance of a final decision to pay legal or non-legal costs, the competent court of the other Contracting Party shall on application issue without charge authorization for the enforcement of the decision regarding the repayment of costs to the party concerned.

2. Decisions within the meaning of paragraph 1 shall include decisions fixing costs.

Article 51

1. The court authorizing the enforcement of a decision for the payment of legal costs shall confine itself to determining whether the decision has become final and is enforceable.

2. An application for authorization of enforcement shall be accompanied by : a copy of the decision relating to costs certified by the court of first instance, a certificate issued by such court to the effect that the decision has become final and is enforceable, and certified translations of these documents.

3. The costs of making the translations referred to in paragraph 2 shall be regarded as part of the costs of enforcement.

Article 52

1. So far as concerns the recovery of unpaid legal costs, the court of the Contracting Party in whose territory the claim for payment of costs is made which dealt with the matter at first instance shall request the competent court of the other Party to recover legal costs. The latter shall initiate the enforcement proceedings and transmit the sum recovered to the diplomatic or consular mission of the other Party.

2. The request shall be accompanied by :

- (a) The bill of costs;
- (b) A certificate confirming that the decision on which enforcement is based has become final;
- (c) Certified translations of the documents referred to in (a) and (b).

3. The costs of making the translations referred to in paragraph 2 shall be regarded as part of the costs of enforcement.

Article 53

DELIVERY OF ARTICLES

In cases of enforcement the delivery of articles to citizens resident in the territory of the other Contracting Party shall be effected in accordance with the regulations for the export of articles or the transfer of funds in force in the exporting State.

Article 54

COSTS OF ENFORCEMENT

The calculation and recovery of costs arising in connexion with enforcement shall be subject to the same rules as those applied in the enforcement of judgements of courts of the Contracting Party in whose territory the judgement is enforced.

Article 55

ENFORCEMENT OF AMICABLE ARRANGEMENTS

The provisions of articles 44 to 49, 53 and 54 relating to judgements shall also apply *mutatis mutandis* to amicable arrangements arrived at before courts or other public authorities.

Chapter II

LEGAL ASSISTANCE IN CRIMINAL CASES

Article 56

EXTRADITABLE OFFENCES

1. Each Contracting Party shall extradite to the other on request, in accordance with the terms of this Treaty, persons whose presence is required for the purpose of criminal prosecution or for the execution of a sentence.

2. Extradition shall take place only in respect of acts which are punishable under the law of both Contracting Parties with deprivation of liberty for a term of more than one year or with heavier penalty (hereinafter called "extraditable offences").

Article 57

REFUSAL OF EXTRADITION

Extradition shall not take place if :

- (a) The person claimed is a citizen of the Contracting Party applied to;
- (b) The offence was committed in the territory of the Party applied to;
- (c) Under the law of the Party applied to, exemption from prosecution or punishment has been acquired by lapse of time or for other legal reasons;
- (d) The offender has already been sentenced for the same offence or discharged by a court or other authority of the Contracting Party applied to;
- (e) Proceedings in respect of the offence are initiated under the law of both Parties by way of private complaint.

Article 58

OBLIGATION TO PROSECUTE

1. Each Contracting Party undertakes to prosecute under its own law, at the request of the other Party, any of its citizens who have committed extraditable offences in the territory of the other Party.

2. The request shall be accompanied by all the available evidence relating to the case.

3. The Contracting Party applied to shall notify the requesting Party of the result of the prosecution. If sentence has been passed in the case and has become final, a copy of the sentence shall be enclosed with the notification.

Article 59

METHOD OF COMMUNICATION

In matters of extradition or prosecution the channel of communication shall be between the Procurator's Office of the Union of Soviet Socialist Republics and the Ministry of Justice or the Chief Procurator's Office of the German Democratic Republic.

Article 60

REQUISITION FOR EXTRADITION

1. The requisition for extradition shall be accompanied :

- (a) If extradition is requested for purposes of execution—by an official copy of the sentence with confirmation that it has become final;
- (b) In the case of other requisitions—by a certified copy of the warrant of arrest, a description of the offence explaining the circumstances of the case, and the text of the statutes on which the legal definition of the offence is based. If the offence resulted or may result in material damage, the extent of such damage shall also be specified.

2. The requisition for extradition shall also so far as possible be accompanied by a personal description and biographical particulars of the person claimed, particulars regarding his citizenship and residence and his photograph and finger-prints.

3. The applicant Party shall not be bound to enclose with its requisition proof of the guilt of the person claimed.

Article 61

SUPPLEMENTARY INFORMATION ACCOMPANYING THE REQUISITION FOR EXTRADITION

1. If the information communicated is insufficient to permit a decision regarding extradition, the Contracting Party applied to may request supplementary information. For this purpose it may set the applicant Party a time-limit not exceeding two months.

Such time-limit may be extended on request.

2. If the applicant Party fails to furnish the necessary supplementary information within the specified time-limit, the State applied to may release the person claimed from custody.

ARREST OF PERSONS LIABLE TO EXTRADITION

Article 62

Upon receipt of a requisition for extradition, the Contracting Party applied to shall take immediate steps to arrest the person claimed.

Article 63

1. A person liable to extradition shall be arrested even before receipt of the requisition for extradition, if one of the Contracting Parties applies for his arrest, specifying that there exists a warrant for such arrest or a final sentence or other corresponding judicial decision, and that a requisition for extradition will be made. An application for arrest may be transmitted to the competent authorities by post, telegraph, telephone or wireless.

2. A person may also be arrested in the absence of the application referred to in paragraph 1 if there is sufficient reason to believe that he has committed an extraditable offence in the territory of the other Party.

3. Where an arrest has been made under paragraphs 1 and 2, the other Contracting Party shall be notified immediately.

Article 64

1. A person detained in accordance with article 63, paragraph 1, may be released if a requisition for his extradition is not received within two months from the date on which notification of his arrest was sent.

2. A person detained in accordance with article 63, paragraph 2, may be released if an application pursuant to article 63, paragraph 1, is not received within one month from the date on which notification of his arrest was sent. Such person may also be released if a requisition for extradition is not received within the following month.

Article 65

POSTPONEMENT OF EXTRADITION

If the person claimed is under trial or has been convicted for another offence, his extradition may be postponed until the termination of the proceedings or the completion or remission of the sentence.

Article 66

TEMPORARY EXTRADITION

1. In the cases referred to in article 65, a person may be extradited temporarily on request, if the postponement of extradition might result in exemption from prosecution being acquired by lapse of time or might prejudice seriously the investigation of an offence.

2. The person extradited shall be returned after the completion of the criminal proceeding for the period of which he was extradited.

Article 67

CONCURRENT REQUISITIONS FOR EXTRADITION

If requisitions for a person's extradition have been received from more than one State, the Contracting Party applied to shall decide which of the requisitions shall be complied with.

Article 68

LIMITS TO THE PROSECUTION OF EXTRADITED PERSONS

1. An extradited person may not, without the consent of the Contracting Party applied to, be prosecuted, punished or extradited to a third State for an offence which was committed before his extradition and which is not the offence for which he was extradited.

2. Consent in accordance with paragraph 1 shall not be required, if the extradited person fails to quit the territory of the applicant Contracting Party within one month after the conclusion of the criminal proceedings or, in the event of his conviction, within one month after the completion or the remission of the sentence, or if he returns thereto. Such period of one month shall not be deemed to include any period of time during which the extradited person is unable through no fault of his own to quit the territory of the applicant Party.

Article 69

EXTRADITION

The Contracting Party applied to undertakes to notify the applicant Party of the time and place of extradition. If the applicant Party fails to accept the person claimed within one month after the date fixed for extradition, such person may be released from custody.

Article 70

RE-EXTRADITION

If an extradited person evades prosecution and returns to the territory of the Contracting Party applied to, he shall be arrested and re-extradited upon receipt of a requisition without production of the documents and information specified in articles 60 and 61.

Article 71

NOTIFICATION OF RESULTS OF PROSECUTION

The applicant Contracting Party shall inform the Party applied to of the results of proceedings taken against extradited persons. Where sentence is passed, a copy of such sentence shall be transmitted after it has become final. This provision shall also apply to the cases referred to in article 68.

Article 72

CONVEYANCE OF OFFENDERS IN TRANSIT

1. Each Contracting Party shall at the request of the other Party convey through its territory any person extradited by a third State to the other Party. The Contracting Parties shall not be bound to authorize conveyance in transit in cases where extradition is not provided for under the terms of this Treaty.

2. A request under paragraph 1 shall be submitted and treated in the same manner as a requisition for extradition.

Article 73

REFUSAL OF LEGAL ASSISTANCE

Apart from the cases referred to article 14, legal assistance in criminal cases shall not be provided if :

- (a) It is requested in connexion with an act which is not punishable under the criminal law of the Contracting Party applied to;
- (b) It is requested in connexion with a non-extraditable offence.

Article 74

TEMPORARY DELIVERY OF ARRESTED PERSONS

1. If need arises for the interrogation of a witness who is held in custody in the territory of the Contracting Party applied to, the authorities specified in article 59 of the latter Party may arrange for such person to be delivered to the territory of the requesting Party, subject to his being kept in custody and returned as soon as the interrogation is completed.

2. If a person held in custody in a third State is summoned for interrogation as a witness by the authorities of the requesting State, the authorities specified in article 59 of the Party applied to shall authorize the conveyance of such person through the territory of their State, without prejudice to the provisions of article 7.

Article 75

DELIVERY OF ARTICLES

1. Each Contracting Party undertakes to deliver to the other on request :
- (a) Articles acquired through the commission of an extraditable offence;
 - (b) Articles having relevance to the extraditable offence;
 - (c) Articles which may be important as material evidence in criminal proceedings, even if the offender cannot be extradited by reason of death, escape or any other circumstances.

2. If the articles claimed are needed by a court or a procurator's office of the Contracting Party applied to as material evidence in criminal proceedings, their delivery may be postponed until such proceedings are concluded.

3. These provisions shall not affect the rights of third parties to the articles to be delivered. After the conclusion of the proceedings such articles shall be returned to the Contracting Party applied to for transmittal to the person entitled to them.

Article 76

NOTIFICATION OF SENTENCES

1. Each Contracting Party shall annually communicate to the other Party information concerning final sentences pronounced by its courts with respect to citizens of the other Party, at the same time arranging for the transmittal of the finger-prints of the convicted persons, if such finger-prints are available.

2. Each Contracting Party shall on request transmit to the other Party information regarding the previous convictions of persons formerly resident in its territory, where criminal proceedings have been initiated against such persons in the territory of the applicant Party.

PART III

FINAL PROVISIONS

Article 77

The present Treaty shall be subject to ratification. The instruments of ratification shall be exchanged as soon as possible in Moscow.

Article 78

The present Treaty shall enter into force one month after the exchange of the instruments of ratification and shall remain in force for a period of five years from the day on which it entered into force.

Unless either of the Parties gives notice of termination of the Treaty not later than six months before the expiry of such period, the Treaty shall continue in effect for a further five-year period, and similarly thereafter.

The present Treaty has been drawn up in duplicate in the Russian and German languages, both texts being equally authentic.

IN FAITH WHEREOF the plenipotentiaries of the two Contracting Parties have signed the present Treaty and have thereto affixed their seals.

DONE at Berlin on 28 November 1957.

For the Presidium
of the Supreme Soviet of the Union
of Soviet Socialist Republics :

(Signed) V. ZORIN

For the President
of the German Democratic Republic :

(Signed) Dr. BENJAMIN