

No. 4535

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
ROMANIA**

**Treaty concerning the provision of legal assistance in civil,  
family and criminal cases. Signed at Moscow, on  
3 April 1958**

*Official texts: Russian and Romanian.*

*Registered by the Union of Soviet Socialist Republics on 2 October 1958.*

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES  
et  
ROUMANIE**

**Traité relatif à l'entraide judiciaire en matière civile,  
familiale et pénale. Signé à Moscou, le 3 avril 1958**

*Textes officiels russe et roumain.*

*Enregistré par l'Union des Républiques socialistes soviétiques le 2 octobre 1958.*

[TRANSLATION — TRADUCTION]

No. 4535. TREATY<sup>1</sup> BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE ROMANIAN PEOPLE'S REPUBLIC CONCERNING THE PROVISION OF LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES. SIGNED AT MOSCOW, ON 3 APRIL 1958

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the Presidium of the Grand National Assembly of the Romanian People's Republic, being desirous of strengthening and further developing the bonds of fraternal friendship between the peoples of the Union of Soviet Socialist Republics and of the Romanian People's Republic, and attaching great importance to co-operation in the sphere of legal relations, have decided to conclude this Treaty concerning the provision of legal assistance in civil, family and criminal cases, and for this purpose have appointed as their plenipotentiaries :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics : Mr. Nikolai Semenovitch Patolichev, First Deputy Minister of Foreign Affairs of the Union of Soviet Socialist Republics,

The Presidium of the Grand National Assembly of the Romanian People's Republic : Mr. Aurel Mălnășan, Deputy Minister of Foreign Affairs of the Romanian 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. Citizens and juridical persons (hereinafter called " 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 and juridical persons of the other Party.

2. Citizens of either Contracting Party shall have free and unimpeded access to the courts, the procurator's office and notarial organs (hereinafter

<sup>1</sup> Came into force on 19 September 1958, thirty days after the exchange of the instruments of ratification on 19 August 1958 at Bucharest, in accordance with article 75.

called "judicial authorities") and to other authorities of the other Party having jurisdiction in civil, family or criminal cases, and may appear, present petitions and institute proceedings before such authorities under the same conditions as citizens of the other Party.

### Article 2

#### PROVISION OF LEGAL ASSISTANCE

1. The judicial authorities of the two Contracting Parties shall provide one another with legal assistance in civil, family and criminal cases.

2. The judicial authorities shall also provide legal assistance to other authorities having jurisdiction in the cases referred to in paragraph 1 of this article.

### Article 3

#### METHOD OF COMMUNICATION

In providing legal assistance, the judicial authorities of the Contracting Parties shall, save as otherwise provided herein, communicate with one another through the intermediary of their central organs.

### Article 4

#### SCOPE OF LEGAL ASSISTANCE

The Contracting Parties shall provide one another with legal assistance by performing specific acts required in connexion with judicial proceedings, for example, by drawing up and transmitting documents, by carrying out searches and seizures, by transmitting or delivering material evidence, by conducting expert examinations, by interrogating accused persons, witnesses and experts, by taking evidence from litigants and other persons, by carrying out judicial inspections *in situ*, and by serving documents.

### Article 5

#### OFFICIAL FORM OF DOCUMENTS

1. Documents transmitted by judicial or other authorities (hereinafter called "authorities") in connexion with legal assistance shall bear an official seal.

2. In applying for legal assistance, the Contracting Parties shall use forms drawn up in two languages; model forms shall be exchanged by the Parties.

### Article 6

#### CONTENTS 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 judicial 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 citizenship, occupation and domicile or residence;
  - (e) The names and addresses of their legal representatives;
  - (f) The nature of the application and any necessary relevant information, including, in criminal cases, a description of the *corpus delicti*.
2. Applications for the service of documents must indicate in addition the exact address of the recipient and the nature of the document to be served.

### Article 7

#### PROCEDURE FOR THE PROVISION OF LEGAL ASSISTANCE

1. In executing an application for legal assistance, the judicial authority applied to shall follow the judicial procedures 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 judicial authority applied to is not competent to execute the application, it shall transmit the application to the competent judicial authority and shall notify the applicant authority accordingly.
3. The judicial authority applied to shall, if requested to do so, notify the applicant authority of the time and place of execution of the application for legal assistance.
4. After executing an application, the judicial 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 8

#### IMMUNITY OF WITNESSES AND EXPERTS

1. No person of whatsoever citizenship who, in response to a summons served by a judicial authority of the Contracting Party applied to, appears as a witness or an expert before an authority of the applicant Party may be prosecuted,

detained or punished in the territory of the latter Party for an offence committed before he crossed the frontier

2. The witness or expert shall forfeit this protection if, being at liberty to do so, he fails to quit the territory of the applicant Contracting Party within fifteen days from the date on which the judicial authority taking evidence from him informs him that his presence is no longer necessary. Such period of fifteen days 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 9*

#### PROCEDURE FOR SERVING DOCUMENTS

1. In effecting the service of a document, the judicial authority applied to shall employ the procedure for service of documents in effect in its own State, provided that the document to be served is drawn up in the language of that State or is accompanied by a certified translation. Otherwise, the judicial authority shall deliver it to the recipient if he is willing to accept it.

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

3. If a document cannot be served at the address indicated in the application, the judicial authority applied to shall of its own motion take the necessary steps to determine the recipient's address. If the judicial authority applied to is unable to determine such address, it shall so inform the applicant authority, returning to it the document in question.

### *Article 10*

#### CONFIRMATION OF SERVICE OF DOCUMENTS

Service of documents shall be officially confirmed in accordance with the regulations in effect in the State of the authority applied to.

### *Article 11*

#### SERVICE OF DOCUMENTS ON OWN CITIZENS

Each Contracting Party shall have the right to serve documents on its own citizens through the intermediary of its diplomatic or consular missions.

*Article 12*

## VALIDITY OF DOCUMENTS

1. Documents drawn up or attested in the territory of either Contracting Party by judicial authorities or public officials (official translators, experts, etc.) within the limits of their official powers, in due form and bearing an official seal, shall be valid in the territory of the other Party without further authentication.

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.

*Article 13*

## COSTS OF LEGAL ASSISTANCE

1. The Contracting Party to which an application for legal assistance is addressed shall make no claim for repayment of the costs of such assistance. Each party shall assume all costs incurred in providing legal assistance in its territory.

2. The judicial 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, the sum recovered shall accrue to the Contracting Party in whose territory they were recovered.

*Article 14*

## INFORMATION ON LEGAL QUESTIONS

The Judicial Commission of the Council of Ministers of the Union of Soviet Socialist Republics and the Ministry of Justice or the Procurator's Office of the Romanian People's Republic shall exchange information on request concerning laws in force or formerly in force in their respective States.

*Article 15*

## LANGUAGES

In communicating with one another concerning the provision of legal assistance, the authorities of the Contracting Parties shall use their official languages.

## PART II

## SPECIAL PROVISIONS

## Chapter I

*LEGAL ASSISTANCE IN CIVIL AND FAMILY CASES*A. *LEGAL COSTS**Article 16*

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, residence or abode in the country in question.

*Article 17*

1. If one of the citizens referred to in article 16 of this Treaty is required in the territory of the other Party to pay legal costs, the competent court in the territory of the former Party shall, upon a petition for recovery of such costs being made, authorize the compulsory recovery thereof free of charge.

2. Legal costs include the costs of drawing up certificates and translations and the costs of attestation of the documents specified in article 18 of this Treaty.

*Article 18*

1. In authorizing the enforcement of an order for the recovery of legal costs, the court shall confine itself to determining whether the order has become final and is enforceable.

2. The petition for such authorization shall be accompanied by a transcript of the order as to costs, authenticated by the court of first instance, and by a certificate of the same court that the order has become final and is enforceable.

3. An order of enforcement may be contested in accordance with the laws in effect in the territory of the State in which the court that made the order is situated.

4. The documents specified in paragraph 2 of this article shall be accompanied by a translation, certified in the manner indicated in article 9, paragraph 2, of this Treaty, in the language of the Contracting Party in whose territory enforcement is sought.

*Article 19*

A petition for authorization of enforcement in the territory of the other Contracting Party shall be submitted to the court which made the order as to costs, or to the court which heard the action at first instance. Such court shall then transmit the petition to the competent court of the other Party in the manner specified in article 3 of this Treaty.

*Article 20*

The costs of drawing up the certificate, of translation and of attesting the documents referred to in article 18 of this Treaty shall be fixed by the court which heard the action at first instance or by the court which is competent to authorize enforcement. The latter court shall also determine the costs of enforcement.

## EXEMPTION FROM LEGAL STAMP TAX AND COSTS

*Article 21*

1. Citizens of either Contracting Party shall be exempted in the territory of the other Party from the payment of legal stamp tax and costs, and shall be accorded legal assistance free of charge, under the same conditions and to the same extent as citizens of the other Party.

2. An exemption from legal stamp tax and costs accorded by the competent authority of either Contracting Party shall be recognized as valid with respect to the same case by the judicial authorities of the other Party.

*Article 22*

1. Documents relating to personal or family status, earnings and property required for exemption from legal stamp tax and costs shall be issued by the competent authority of the Contracting Party in whose territory the petitioner has his domicile or residence.

If the person petitioning for exemption from legal stamp tax and costs also owns property in the territory of the other Contracting Party, the authority ruling on the petition may, if necessary, require the competent authority in the territory of such other Party to furnish data on the condition of the property.

2. If the petitioner has no domicile or residence in the territory of the Contracting Party the interested authority of which is to rule on the petition, a document issued by a diplomatic or consular mission of his State shall be acceptable.

3. The authority ruling on a petition for exemption from legal stamp tax and costs may require additional data to be furnished.



*Article 23*

A citizen of one of the Contracting Parties who wishes to petition an authority of the other Party for exemption from legal stamp tax or costs may make such petition in the form of an oral statement before the competent judicial authority of the place in which he has his domicile or residence, and the said judicial authority shall draw up a record of his statement. It shall transmit such record, together with the documents referred to in article 22, paragraph 1, of this Treaty and the other documents submitted by the petitioner, to the judicial authority of the other Party.

**B. PROVISIONS CONCERNING PERSONAL STATUS AND FAMILY LAW***Article 24*

## LEGAL CAPACITY

Legal capacity shall be determined according to the law of the Contracting Party of which the person concerned is a citizen.

*Article 25*

## RECOGNITION OF DECREES OF DISSOLUTION OR ANNULMENT OF MARRIAGE

Final decrees of courts of one of the Contracting Parties concerning the dissolution or annulment of marriages of citizens of either Party shall be recognized in the territory of the other Party without further proceedings unless they conflict with final decrees previously pronounced by courts of such other Party.

This provision shall also apply to decrees pronounced before the entry into force of this Treaty.

## LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

*Article 26*

1. The legal relations between parents and children shall be determined by the law of the Contracting Party in whose territory they have their common domicile.

2. If the domicile of either of the parents is in the territory of one of the Contracting Parties and that of the child in the territory of the other Party, their legal relations shall be determined by the law of the Contracting Party of which the child is a citizen.

*Article 27*

Actions to contest or establish paternity or maternity 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.

*Article 28*

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 29*

Decisions on the legal relations referred to in articles 26 (2), 27 and 28 shall be within the jurisdiction of the courts of the Contracting Party of which the child is a citizen.

If both plaintiff and defendant are resident in the territory of the same Contracting Party, the courts of that Party shall also have jurisdiction, without prejudice to the provisions of articles 27 and 28 of this Treaty.

In the case specified in article 26, paragraph 1, the competent courts shall be those of the country in whose territory the parents and children are resident.

*Article 30*

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

1. Proceedings for declaring persons missing or dead shall be within the jurisdiction of the judicial authority of the Contracting Party in whose territory the missing person had his domicile.

2. The judicial authorities of either Contracting Party shall be competent to declare citizens of their respective States missing or dead, where such citizens had their last domicile in the territory of the other Party, in the event that :

(a) Such a declaration is requested by a person wishing to exercise the right of succession, or a right deriving from property relations between a husband and wife, to immovable property of a missing person which is situated in the territory of the Party of which the said person was a citizen;

(b) Such a declaration is requested by a husband or wife who at the time application is made is resident in the territory of the Party of which the missing person was a citizen.

3. In proceedings for declaring a person missing or dead, or for the establishment of the fact of his death, the judicial authorities of each Contracting Party shall apply the law of their own State.

## GUARDIANSHIP AND CURATORSHIP

*Article 31*

1. The authorities having jurisdiction in proceedings relating to guardianship or curatorship over citizens of the Contracting Parties shall, save as otherwise provided by the present Treaty, be those 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.

3. With respect to the obligation to accept the office of guardian or curator, the applicable law shall be that of the Contracting Party of which the guardian or curator is a citizen.

#### *Article 32*

1. Where need arises to provide for guardianship or curatorship in the interests of a citizen of one of the Contracting Parties whose domicile, residence or property is in the territory of the other Party, the interested authority of such other Party shall at once notify the authority having jurisdiction under the terms of article 31, paragraph 1, of this Treaty.

2. In cases admitting of no delay, the authority of such other Party may itself take measures under its own law, provided that it at once notifies the authority having jurisdiction under the terms of article 31, paragraph 1, of this Treaty. Such measures shall remain in effect pending other measures by the authority having jurisdiction under article 31, paragraph 1, of this Treaty.

#### *Article 33*

1. The authority having jurisdiction under the terms of article 31, paragraph 1, of this Treaty may transfer guardianship or curatorship to an authority of the other Contracting Party if the ward has his domicile or residence or owns property in the territory of the latter Party. Such transfer shall become effective when the authority receiving the request for transfer assumes the guardianship or curatorship and notifies the requesting authority accordingly.

2. The authority assuming the guardianship or curatorship in accordance with paragraph 1 above shall exercise it in the manner prescribed by the law of its own State. However, in the matter of juridical personality or legal capacity it shall apply the law of the Party of which the ward is a citizen. It may not decide questions of personal status.

#### *Article 34*

##### ADOPTION

1. Matters of adoption or termination or annulment of adoption shall be dealt with in accordance with the law of the Contracting Party of which the adopter is a citizen at the time of the adoption or the termination or annulment of adoption.

2. If the child is a citizen of the other Contracting Party, the adoption or the termination or annulment of adoption shall be subject to the consent of that Party.

If the law of the Contracting Party of which the child being adopted is a citizen prescribes that the consent of the child, of his legal representative or of the guardianship and curatorship authorities must be obtained, the relevant provisions of such law shall be observed.

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 the termination or annulment of adoption shall be carried out in accordance with the law of both Parties.

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

### *Article 35*

#### TRANSMITTAL OF CIVIL REGISTRATION AND OTHER DOCUMENTS

1. Each of the Contracting Parties shall, if requested through the diplomatic channel, transmit to the other Party civil registration certificates, documents concerning educational qualifications and employment experience and other documents relating to the personal rights and interests of citizens of the other Party.

2. Such documents shall be sent to the other Party, untranslated and free of charge, through the diplomatic channel.

### *C. SUCCESSION*

#### *Article 36*

#### PRINCIPLE OF EQUALITY

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 such 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.

*Article 37*

## 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 38*

## ESCHEAT

Escheated movables shall revert to the State of which the testator was a citizen at the time of his death; escheated immovable shall revert to the State in whose territory they are situated.

*Article 39*

## WILLS

1. The capacity to make or revoke a testamentary disposition and the legal effects of defective testamentary disposition 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.
2. The form of the testamentary disposition and of its revocation 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, or by the law of the Party in whose territory the testamentary disposition was made.

*Article 40*

## JURISDICTION

1. Proceedings in matters of succession to movables shall, with the exception specified in paragraph 4 below, be conducted by the judicial 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 judicial authorities of the Party in whose territory the immovable is situated.
3. The provisions of paragraphs 1 and 2 above shall apply, *mutatis mutandis*, to disputes arising in connexion with the right of 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 other heirs, be conducted by the judicial authorities of the latter Party.

#### *Article 41*

##### NOTIFICATION OF DEATH

1. If a citizen of one of the Contracting Parties dies in the territory of the other Party, the competent authority shall notify the diplomatic or consular authority of the former Party thereof without delay, 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 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 authority learns of the death before receiving notice thereof from the competent authority, it shall notify the judicial authority competent to take measures for the protection of the estate.

#### *Article 42*

##### COMPETENCE OF DIPLOMATIC AND CONSULAR AUTHORITIES IN SUCCESSION PROCEEDINGS

1. In all succession proceedings arising in the territory of one of the Contracting Parties, the diplomatic or consular authorities of the other Party shall have the right to represent their citizens before the judicial or other authorities concerned if such citizens are not present and are not otherwise represented; 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 in transit through such territory, his personal effects shall be delivered without any formal proceedings to the diplomatic or consular authority of the Party of which he was a citizen.

#### *Article 43*

##### OPENING AND PUBLICATION OF WILLS

The opening and publication of a will shall be within the jurisdiction of the judicial authorities of the Contracting Party in whose territory the will is to be found. A certified copy of the will, the minute concerning the condition and content thereof and, according to circumstances, a certified copy of the minute of publication of the will and, on request, the original will itself shall be transmitted to the judicial authority of the State of which the testator was a citizen or to the judicial authority of the other Contracting Party which is conducting the proceedings in the case.

*Article 44*

## MEASURES FOR THE PROTECTION OF THE ESTATE

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

2. The measures taken under paragraph 1 above shall be immediately reported to a diplomatic or consular authority of the other Party, which may participate in carrying out such measures. The measures taken under paragraph 1 above shall be modified, rescinded or postponed if the diplomatic or consular authority so requests.

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

*Article 45*

## DELIVERY OF THE ESTATE

If, after the completion of succession proceedings in the territory of one of the Contracting Parties, the decedent's movable estate, or the moneys realized from the sale of his movable or immovable estate, are to descend to heirs domiciled or resident in the territory of the other Party, such estate or moneys shall be delivered to the diplomatic or consular authority of the latter Party, provided that

(a) Where the law of the country in which the estate is situated so provides, the State notary's office has duly summoned the deceased's creditors to present their claims within a period of six months;

(b) All estate duties and all claims presented by creditors have been secured or paid; and

(c) The competent authorities have approved the export of the things constituting the estate or the transfer of the moneys realized from their sale.

*D. RECOGNITION AND ENFORCEMENT OF JUDGEMENTS IN CIVIL AND FAMILY CASES**Article 46*

The Contracting Parties shall reciprocally recognize and enforce in their respective territories :

(a) Final judgements of judicial authorities in civil and family cases, or decisions of guardianship or curatorship authorities relating to matters within their competence, rendered in the territory of the other Party in respect of legal relations arising after the entry into force of this Treaty; and

(b) Final awards of damages in criminal cases.

## PROCEDURE FOR ENFORCEMENT OF JUDGEMENTS IN CIVIL AND FAMILY CASES

*Article 47*

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. It shall then be transmitted to the court competent to issue authorization of enforcement.

3. The formal requirements for the application shall be determined in accordance with the law of the Party in whose territory enforcement is sought.

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

*Article 48*

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

(a) The complete text of the judgement, and, if such text does not show that the judgement has become final, an official document to that effect;

(b) If the respondent did not participate in the proceedings, a document showing that he was served at least once, in due time and proper form, with a summons to appear in court;

(c) Translations of the documents specified in (a) and (b) above, duly certified in accordance with article 9, paragraph 2, of this Treaty.

*Article 49*

If the court has any doubts as to issuing authorization of enforcement, it may summon the applicant to appear before it and require him to furnish clarification or, if his application is defective, to correct it. It may also interrogate the debtor concerning the application or may request the court which rendered the judgement to furnish clarification.

*Article 50*

1. The enforcement procedure shall be determined by the law of the Contracting Party in whose territory enforcement is sought.

2. The debtor may not submit to the court which issued authorization of enforcement objections either to the admissibility of such authorization or to the claims satisfied by the judgement unless such objections are admissible under the law of the Contracting Party in whose territory the judgement was rendered.



*Article 51*

With respect to legal costs arising in connexion with enforcement, the law of the Contracting Party in whose territory the judgement is enforced shall apply.

*Article 52*

## REFUSAL TO RECOGNIZE OR ENFORCE JUDGEMENTS IN CIVIL AND FAMILY CASES

Recognition of a judgement or authorization of enforcement 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 lawful fashion with a summons to appear in court; or

(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 recognition or 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.

*Article 53*

## ENFORCEMENT OF AMICABLE ARRANGEMENTS

The provisions of articles 46 to 52 of this Treaty relating to judgements shall also apply to amicable arrangements arrived at before judicial authorities.

## Chapter II

*LEGAL ASSISTANCE IN CRIMINAL CASES**Article 54*

## OBLIGATION TO EXTRADITE

1. Each Contracting Party undertakes to extradite to the other, on request, persons in its territory whose presence is required for the purpose of criminal prosecution or for the execution of a sentence.

2. Extradition shall be admissible only in respect of offences which, under the law of both Contracting Parties, are punishable with deprivation of liberty for a period of more than one year or with a heavier penalty (hereinafter called

“extraditable offences”), and in respect of sentences involving deprivation of liberty for a period of more than one year which have become final.

### *Article 55*

#### 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 person claimed has already been prosecuted in the territory of the Party applied to for the same offence and sentenced or discharged, and such sentence or discharge has become final.

### *Article 56*

#### 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 are believed on the basis of sufficient evidence to have committed an extraditable offence in the territory of the other Party.

2. The request for prosecution shall be accompanied by a document containing the particulars of the offence and all the available evidence relating thereto.

3. The Contracting Party applied to shall notify the requesting Party of the result of the prosecution and, if sentence has been passed and has become final, shall transmit a copy of the sentence.

### *Article 57*

#### 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 Procurator's Office of the Romanian People's Republic.

### *Article 58*

#### DOCUMENTS TO ACCOMPANY REQUISITIONS FOR EXTRADITION

The requisition for extradition shall be accompanied by

- (a) A certified copy of the warrant of arrest or, if extradition is requested for purposes of execution, a certified copy of the final sentence; these documents

shall contain particulars of the nature of the offence, the time and place of its commission and its legal definition and, if the offence resulted in material loss or injury, the extent of such loss or injury;

(b) The text of the statute of the applicant Party defining the offence;

(c) If the person claimed is a convicted person who has already served a part of his sentence, particulars as to the part of the sentence still to be served;

(d) Such particulars as are available regarding the citizenship of the person claimed; documents and information concerning his domicile or residence; and particulars concerning his identity, including a personal description, photographs and finger-prints.

#### *Article 59*

##### SUPPLEMENTARY INFORMATION

1. If any doubts arise as to the commission of an extraditable offence, or if the requisition for extradition does not contain all the necessary particulars, the Contracting Party applied to may request supplementary information, for the receipt of which a time-limit of one to two months shall be fixed. This time-limit may be extended for serious reasons at the request of the applicant Party.

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

#### *Article 60*

##### DETENTION PENDING EXTRADITION

Upon receipt of the requisition, the Contracting Party applied to shall take immediate steps to detain the person claimed, save in cases in which extradition may not take place.

#### *Article 61*

##### DETENTION PENDING RECEIPT OF REQUISITION FOR EXTRADITION

1. A person may be detained pending receipt of the requisition for his extradition, if an application has been made for his detention. It must be specified in such application that there exists a warrant of arrest or a final sentence in respect of the person claimed, and that the application will be followed by a requisition for extradition. An application for detention pending receipt of the requisition for extradition may be transmitted by post, telegraph, telephone or wireless.

2. A person may be detained in the absence of the application referred to in paragraph 1 above if sufficient evidence exists that he has committed an extraditable offence in the territory of the other Party.

3. Notification of detention pending receipt of the requisition for extradition shall be sent immediately to the other Party.

### *Article 62*

#### RELEASE FROM DETENTION IN THE EVENT OF NON-RECEIPT OF THE REQUISITION FOR EXTRADITION

A person detained in accordance with article 61, paragraphs 1 and 2, of this Treaty may be released if the requisition for his extradition is not received within one month from the date on which notification of his detention was sent.

### *Article 63*

#### POSTPONEMENT OF EXTRADITION

If the person claimed is under trial or has been convicted in the territory of the Contracting Party applied to for another offence, his extradition may be postponed until the termination of the proceedings or the execution or remission of the sentence.

### *Article 64*

#### TEMPORARY EXTRADITION

1. If the postponement of extradition as provided in article 63 of this Treaty may result in exemption from prosecution being acquired by lapse of time or may prejudice seriously the investigation of an offence, the person claimed may be extradited for a temporary period on receipt of an application for such extradition with statement of grounds.

2. A temporarily extradited person shall be returned as soon as the criminal proceedings for the purpose of which he was extradited is concluded.

### *Article 65*

#### CONCURRENT REQUISITIONS FOR EXTRADITION

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

### *Article 66*

#### 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 surrendered 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. Such consent 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 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 67*

EXTRADITION

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

*Article 68*

RE-EXTRADITION

If an extradited person evades prosecution and returns to the territory of the Contracting Party applied to, he shall be re-extradited upon receipt of a new requisition, without production of the documents and information specified in articles 58 and 59 of this Treaty.

*Article 69*

NOTIFICATION OF RESULTS OF PROSECUTION

The Contracting Parties shall inform each other of the results of proceedings taken against persons extradited to them. If such persons are convicted and sentenced, a copy of the sentence shall be transmitted after it has become final.

*Article 70*

CONVEYANCE IN TRANSIT OF PERSONS EXTRADITED BY A THIRD STATE

1. Each Contracting Party shall, on application being made, authorize the conveyance through its territory of any person extradited by a third State to the other Party.

2. An application for authorization of such conveyance shall be made and considered in the same manner as a requisition for extradition.

3. A Contracting Party shall not be bound to authorize the conveyance in transit of a person who is not extraditable under this Treaty.

*Article 71*

## APPEARANCE OF PERSONS HELD IN CUSTODY

1. If need arises for the interrogation as a witness of a person who is held in custody in the territory of the other Contracting Party, the agencies specified in article 57 of this Treaty 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 possible after the interrogation is completed.

2. If need arises for the interrogation as a witness of a person who is held in custody in a third State, the agency specified in article 57 of this Treaty of the Contracting Party applied to shall authorise the conveyance of such person through the territory of its State, without prejudice to the provisions of article 8 of this Treaty.

*Article 72*

## DELIVERY OF ARTICLES

1. Each Contracting Party undertakes to deliver to the other :

- (a) Articles acquired through the commission of an extraditable offence;
- (b) Articles which may be important as evidence in criminal proceedings; such articles shall be delivered even if the offender cannot be extradited by reason of death, escape or any other circumstances.

2. If the Contracting Party applied to has need of the claimed articles as evidence in criminal proceedings, it may postpone the delivery of the articles until such proceedings are concluded.

3. After the conclusion of the proceedings, the articles referred to in paragraph 1 (a) of this article shall be transmitted to the Contracting Party in whose territory the injured party is resident.

The articles referred to in paragraph 1 (b) shall be transmitted to the Contracting Party which delivered them.

*Article 73*

## NOTIFICATION OF SENTENCES

Each Contracting Party shall on request 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 providing for the transmittal of the finger-prints of the convicted persons, if such finger-prints are available.

## PART III

## FINAL PROVISIONS

*Article 74*

## RATIFICATION

The present Treaty shall be subject to ratification. The instruments of ratification shall be exchanged as soon as possible at Bucharest.

*Article 75*

## ENTRY INTO FORCE

1. The present Treaty shall enter into force thirty days after the exchange of the instruments of ratification. It shall remain in force for a period of five years from the day on which it entered into force.

2. If neither of the Contracting Parties gives notice of termination of the present Treaty not later than six months before the expiry of the five-year period specified above, the Treaty shall continue in effect indefinitely and shall remain in force until one year's prior notice of its termination is given by either Party.

The present Treaty has been drawn up in duplicate in the Russian and Romanian 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 Moscow on 3 April 1958.

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

N. PATOLICHEV

For the Presidium  
of the Grand National Assembly  
of the Romanian People's  
Republic :

Aurel MĂLNĂȘAN