

No. 5230

**YUGOSLAVIA
and
BULGARIA**

**Treaty concerning mutual legal assistance. Signed at Sofia,
on 23 March 1956**

Official texts: Serbo-Croat and Bulgarian.

Registered by Yugoslavia on 12 July 1960.

**YOUGOSLAVIE
et
BULGARIE**

**Accord sur l'assistance judiciaire. Signé à Sofia, le 23 mars
1956**

Textes officiels serbo-croate et bulgare.

Enregistré par la Yougoslavie le 12 juillet 1960.

[TRANSLATION — TRADUCTION]

No. 5230. TREATY¹ BETWEEN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE PEOPLE'S REPUBLIC OF BULGARIA CONCERNING MUTUAL LEGAL ASSISTANCE. SIGNED AT SOFIA, ON 23 MARCH 1956

The Government of the Federal People's Republic of Yugoslavia and the Government of the People's Republic of Bulgaria, desiring to make arrangements for mutual legal assistance, have agreed as follows :

PART I

LEGAL ASSISTANCE IN CIVIL CASES

LEGAL PROTECTION

Article 1

Citizens of either Contracting State shall, in the territory of the other State, enjoy free access to the courts and may appear before them and avail themselves of legal protection, in respect of their persons and property, under the conditions applying to citizens of the other State.

Article 2

(1) Where citizens of one Contracting State who have their domicile or place of business in either Contracting State appear before a court of the other Contracting State as parties in proceedings, they shall not be required to deposit security for legal costs or to make an advance payment for legal stamp tax.

(2) However, any advance payment of costs to which the parties in proceedings are liable shall be required of citizens of the other Contracting State under the same conditions and to the same extent as in the case of citizens of the State in which the proceedings are conducted.

EXEMPTION FROM PAYMENT OF STAMP TAX AND COSTS

Article 3

Citizens of either Contracting State shall have the right before the courts of the other Contracting State, under the same conditions and to the same extent as

¹ Came into force on 26 January 1957, thirty days after the exchange of the instruments of ratification which took place at Belgrade, in accordance with article 89.

in the case of citizens of the other State, to be exempted from the payment of stamp tax and costs with due regard to their income and their property status.

Article 4

(1) The document required for recognition of the right mentioned in article 3 of this Treaty shall be issued by the competent State authority of the Contracting State in which the petitioner has his regular residence.

(2) If the petitioner has no regular residence in either of the Contracting States, a document issued by the diplomatic or consular mission of the State of which he is a citizen shall be acceptable.

Article 5

(1) The State authority competent to issue the document mentioned in article 4, paragraph 1, of this Treaty may require the State authorities of the other Contracting State to furnish information concerning the petitioner's income and his property status.

(2) The court which rules on a petition for recognition of the right mentioned in article 3 of this Treaty may, within the limits of its competence, verify the documents and information submitted to it and may require the furnishing of any additional data necessary.

COMMON PROVISIONS CONCERNING LEGAL ASSISTANCE AND SERVICE OF DOCUMENTS

Article 6

(1) The Contracting States undertake, on request, to provide each other with legal assistance and to effect the service of documents in civil cases, both adversary and non-adversary. This shall also apply where such cases are within the jurisdiction of the administrative authorities.

(2) In the provisions of this part of the Treaty, the term " courts " shall be deemed to include administrative authorities where such authorities have jurisdiction in the cases referred to in paragraph 1 of this article.

Article 7

Yugoslav and Bulgarian courts shall, save as otherwise provided in this Treaty (article 13, paragraph 2), communicate with one another, in the case of Yugoslavia through the intermediary of the offices of the Secretaries of State for Justice of the People's Republics of Serbia, Croatia, Slovenia, Bosnia and Hercegovina, Macedonia and Montenegro, and in the case of Bulgaria through the intermediary of the Ministry of Justice of the People's Republic of Bulgaria.

Article 8

(1) Applications for legal assistance and for the service of documents shall be drawn up in the Serbo-Croatian, Slovenian, Macedonian or Bulgarian language.

(2) Documents and other instruments drawn up for the purpose of executing the applications mentioned in paragraph 1 of this article shall be written in one of the languages specified in the said paragraph.

Article 9

Applications shall indicate the matter to which they relate and the names of the parties, their occupation and their domicile or residence. Applications for the service of documents shall indicate, in addition, the address of the recipient and the nature of the document to be served, and applications for legal assistance shall indicate the circumstances in connexion with which evidence is sought and, where necessary, the questions to be put to the person who is to be interrogated.

Article 10

(1) Applications and documents service of which is effected by courts and other authorities of the Contracting States shall bear the seal of the court or authority which issued them and shall not require authentication.

(2) Applications for legal assistance shall be drawn up in the form prescribed by the law of the applicant Contracting State. Where the law of the State applied to lays down special conditions for execution of the application, the court applied to may require the provision of further particulars in the application.

(3) The Contracting States may, by common agreement, draw up forms for use in the submission of applications for legal assistance.

Article 11

Applications shall be executed in accordance with the law of the State applied to. However, special procedures shall be employed if the applicant court so requests, provided that such procedures are not at variance with the basic legal principles of the State applied to.

Article 12

(1) If the court applied to is not competent in the matter, it shall transmit the application to the court which is competent.

(2) Execution of the application may be refused only if the State applied to considers that such execution would endanger its sovereignty or security or would be at variance with its basic legal principles.

Article 13

(1) Courts to which applications for legal assistance are transmitted shall execute them, applying, where necessary, the same measures of constraint as are applied in executing applications for legal assistance from domestic courts. Measures of constraint shall not be applied for the purpose of compelling the parties in the case to appear in person.

(2) The applicant court shall, if it so requests, be notified in good time of the time and place of performance of the action requested; such notification shall be given to the court directly by post.

Article 14

In all cases where an application is not executed, the applicant court shall be so notified without delay and shall, at the same time, be informed of the reasons for non-execution. Where the application has been transmitted to another court, the said court shall be specified.

Article 15

(1) Documents to be served shall be drawn up in the language of the court applied to or shall be accompanied by a translation in that language (article 8, paragraph 1). The translation shall be certified either by the competent authority or by an official translator of one of the Contracting States; authentication of the signature shall not be required.

(2) Where a document is not drawn up in the language of the court applied to or accompanied by a translation in that language, the said court shall confine itself to effecting service by delivering the document to the recipient if he is willing to accept it.

Article 16

Proof of service shall take the form either of a receipt containing the date of service, the signatures of the person by whom service was effected and of the recipient, and the seal of the court in question, or of a certificate of the court applied to attesting to the fact, manner and date of service. Where the documents in question were served in duplicate, service shall be confirmed on the second copy.

Article 17

Each Contracting State reserves the right to serve documents, on its citizens who are present in the territory of the other State, through the intermediary of its own diplomatic or consular missions. Service of documents in this manner may not be accompanied by measures of constraint.

COSTS

Article 18

(1) The applicant State shall not be required to pay taxes or costs of any kind in connexion with the execution of applications for legal assistance and service of documents. An exception may be made only in the case of fees for experts.

(2) Payment of a deposit to the court applied to may be required in connexion with the taking of expert testimony only if the party concerned is liable for the expert's fee.

SUCCESSION

Article 19

(1) Citizens of either Contracting State may, in accordance with the provisions of this Treaty, make wills (testaments) disposing of their property situated in the territory of the other Contracting State.

(2) Citizens of either Contracting State may acquire property rights in the other Contracting State by intestate or testamentary succession under the same conditions and to the same extent as citizens of the other State.

Article 20

(1) Succession shall be determined by the law of the Contracting State of which the testator was a citizen at the time of his death.

(2) Where there are no heirs, succession to movables shall be determined by the law of the Contracting State of which the testator was a citizen at the time of his death, and succession to immovables by the law of the Contracting State in whose territory the immovable is situated.

Article 21

The capacity to make or revoke a testamentary disposition and the legal effects of defects in testamentary dispositions (fraud, error, etc.) shall be determined according to the law of the Contracting State of which the testator was a citizen at the time of making or revoking the testamentary disposition.

Article 22

The form in which a testamentary disposition is drawn up or revoked shall be determined by the law of the Contracting State of which the testator was a

citizen at the time of making or revoking the testamentary disposition. It shall, however, be deemed sufficient if the law of the Contracting State in whose territory the testamentary disposition was made or revoked is complied with.

Article 23

Exclusive competence to conduct proceedings relating to immovable property of an estate, and to rule on claims to such property relating to rights of succession, to the legal portion or to the will, shall rest with the courts of the Contracting State in whose territory the property in question is situated.

Article 24

(1) Competence to conduct proceedings relating to movable property of the estate of citizens of the Contracting States, and to rule on contested claims to such property relating to rights of succession, to the legal portion or to the will, shall, save as otherwise stipulated in this Treaty, rest with the courts of the State of which the testator was a citizen. However, competence may rest with the courts of the other Contracting State in cases where enforcement as provided for in paragraph 2 of this article is no longer possible.

(2) Each Contracting State undertakes to recognize and to permit the enforcement of judgements concerning matters of succession and contested claims relating to rights of succession, to the legal portion or to the will which are rendered by courts of the State of which the testator was a citizen, provided that the said judgements relate to movable property of an estate which is situated in its territory and that the testator was a citizen of the other Contracting State, and provided further :

(a) That no provision to the contrary is made below, and

(b) That the said judgements are not at variance with the basic legal principles of the State in which the estate is situated.

(3) As regards the documents to accompany an application for enforcement, the provisions of article 45 of this Treaty shall apply.

(4) The courts of the Contracting States shall, if the competent authorities of the State of which the testator was a citizen so request, deliver to them, for purposes of the succession proceedings referred to in paragraph 1 of this article, the testator's movable estate, provided that :

(a) No provision to the contrary is made below, and

(b) Such action is not precluded by export restrictions or currency regulations.

Article 25

(1) If a citizen of one of the Contracting States dies in the territory of the other Contracting State, the competent court (authority) shall notify the

diplomatic or consular mission of the former State thereof without delay, communicating to it whatever information is available concerning the heirs, their domicile (residence) and address, the nature and value of the estate, and the will, if such exists. The same shall apply in cases where the competent court (authority) learns that property has been left in its State by a citizen of the other Contracting State who has died outside the territories of both Contracting States.

(2) If the diplomatic or consular mission of the State whose citizen has died is the first to learn of the death, it shall notify thereof the competent court (authority) of the other Contracting State.

Article 26

(1) Where the estate of a citizen of one Contracting State is situated in the other Contracting State, the competent court or other competent State authority shall, upon request or of its own accord, take such measures as are necessary to ensure the protection and proper administration of the estate and to prevent it from being dissipated or otherwise damaged.

(2) The court or other competent State authority shall apply the measures mentioned in paragraph 1 of this article in accordance with the regulations in force in its own State. However, the said measures shall be applied in a special manner if the other State so requests, provided that the procedure in question is not at variance with the basic legal principles of the State applied to.

(3) If, at the place where the estate is situated, there is a diplomatic or consular mission of the State of which the deceased was a citizen, the measures mentioned in paragraph 1 of this article may be applied only if the said mission is notified thereof in good time; the diplomatic or consular mission shall be entitled to participate in the execution of the official measures, and to submit proposals.

(4) In other cases, the diplomatic or consular mission shall be notified without delay of all measures taken to ensure the protection and administration of the estate. On the proposal of the diplomatic or consular mission, the said measures may be modified or rescinded without prejudice to the rights of third persons.

Article 27

Wills shall be published by the competent court (authority) of the Contracting State in whose territory the will is to be found. A certified copy of the will, of the minute concerning the condition and content thereof, and, according to circumstances, of the minute of publication of the will, shall be transmitted to the court, of the State of which the testator was a citizen, competent to conduct proceedings relating to the estate, except where, under the provisions of this

Treaty, a court of the Contracting State in which the will is published is competent in the matter. The original will may also be transmitted, subject to the same conditions, if the court of the State of which the testator was a citizen so requests.

Article 28

(1) At the request of heirs or legatees who are citizens of the Contracting State in which the estate is situated or who are resident in its territory, the court may retain all or a substantial part of the estate until such time as the competent court of the State of which the testator was a citizen renders a final decision on the claims of the heirs or legatees.

(2) The court may take the same action at the request of creditors of the testator who are citizens of the Contracting State in whose territory the estate is situated or who are resident in the said territory, provided that the said creditors present their claims and, where necessary, institute proceedings for the recognition of such claims.

Article 29

(1) For purposes of presentation of the claims mentioned in article 28 of this Treaty, a time-limit of three to six months shall be fixed by public notice, within which period the claims of the aforementioned persons must be presented and, where necessary, proceedings instituted for the purpose of securing their recognition. Where the said claims are not presented within such time-limit or proceedings are not instituted for the purpose of securing their recognition, delivery of movable property belonging to the estate may not be refused by invoking the provisions of article 28 of this Treaty.

(2) The notice mentioned in paragraph 1 of this article shall be published in the official journals of the two Contracting States [*Službeni list* (Official Journal) of the Federal People's Republic of Yugoslavia or *Izvestia na Prezidiuma na Narodnoto s'branie* (Journal of the Presidium of the National Assembly) of the People's Republic of Bulgaria]. A certified copy of the notice shall be transmitted to the diplomatic or consular mission of the State of which the testator was a citizen.

Article 30

(1) Where a testator who was a citizen of one of the Contracting States had his last domicile in the territory of the other Contracting State, heirs residing in the territory of the latter State may request, within the time-limit specified in article 29, paragraph 1, of this Treaty, that the competent court of that State should open the proceedings relating to the movable property of the estate situated in the said State. Such a request shall be granted unless an heir or

legatee makes objection thereto within a period of three months after the expiry of the time-limit specified in article 29, paragraph 1, of this Treaty. In the absence of any objection, the courts of the State in question shall also be competent to rule on contested claims to the estate.

(2) Where, under the provisions of paragraph 1 of this article, proceedings relating to movable property of an estate are to be conducted by the court of the State in which the estate is situated, the law of succession of the State of which the testator was a citizen shall be applicable both as regards the conduct of proceedings relating to the estate and as regards rulings on contested claims to the estate.

Article 31

(1) If a citizen of one of the Contracting States who does not have his domicile or regular residence in the territory of the other Contracting State dies while travelling in such territory, those of his personal effects which he was carrying with him shall be delivered without further proceedings, after inventory has been made of them, to the diplomatic or consular mission of his State.

(2) The said diplomatic or consular mission shall, after settlement of any debts contracted by the deceased while in the State in whose territory he died, take such action in regard to the articles in question as is prescribed by its State.

Article 32

In adversary and non-adversary succession proceedings conducted in the territory of one of the Contracting States, the diplomatic or consular mission of the other Contracting State shall represent its citizens if such citizens are not present and have not appointed a representative.

Article 33

The question of what property is to be regarded as movable and what property as immovable shall be decided in accordance with the law of the State in which the property in question is situated.

Article 34

Pending the conclusion by the two Contracting States of an agreement for the avoidance of double taxation and duties on estates, each Contracting State reserves the right to collect, before delivering the movable property of an estate to the authorities of the other Contracting State, all estate taxes and duties provided for under its law.

GUARDIANSHIP AND CURATORSHIP

Article 35

The authorities having jurisdiction in matters relating to guardianship or curatorship shall, save as otherwise provided in this Treaty, be those of the Contracting State of which the legally incapable person is a citizen.

Article 36

(1) Where in the territory of one of the Contracting States the need arises for a guardianship or curatorship authority to take measures in the interests of a citizen of the other Contracting State whose domicile, residence or property is in the territory of the State in which the said measures are to be taken, the competent authority of the latter State shall at once notify the diplomatic or consular mission of the Contracting State of which the person concerned is a citizen.

(2) In cases admitting of no delay, the authority of the first-named Contracting State may itself take such provisional measures as are required, at the same time notifying thereof the diplomatic or consular mission of the other State. Such measures shall remain in effect until the competent authority of the Contracting State of which the legally incapable person is a citizen takes the necessary decision, which it shall communicate to the authority that ordered the provisional measures.

(3) The measures mentioned in paragraph 2 of this article may also be applied in the interests of a person whose place of residence is unknown and who does not have a legal representative.

LEGAL CAPACITY

Article 37

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

ACTIONS TO ESTABLISH OR CONTEST PATERNITY

Article 38

(1) Actions to establish paternity, and the legal relations between a child born out of wedlock and the person presumed to be its father, shall be decided in accordance with the law of the Contracting State of which the child was a citizen at the time of its birth.

(2) Actions to contest paternity shall be decided in accordance with the law of the Contracting State of which the child was a citizen at the time of its birth.

Article 39

Actions to establish or contest paternity (article 38) shall be within the jurisdiction of the courts of the Contracting State of which the child was a citizen at the time of its birth or of the courts of the Contracting State in whose territory the child is domiciled at the time of institution of the action.

ADOPTION

Article 40

(1) Where the adopter is a citizen of one of the Contracting States and the child adopted is a citizen of the other Contracting State, adoption or termination of adoption shall be subject to fulfilment of the material requirements laid down by the domestic law both of the adopter and of the child adopted.

(2) Proceedings relating to adoption or termination of adoption shall be conducted by the competent authority of the Contracting State of which the child adopted is a citizen.

DECLARATION OF MISSING PERSONS AS DEAD AND ESTABLISHMENT OF THE FACT OF DEATH

Article 41

(1) Proceedings for declaring missing persons dead or for establishing the fact of death shall be within the jurisdiction of the courts of the Contracting State of which the person concerned was a citizen at the time of his disappearance.

(2) The courts of one Contracting State may declare a citizen of the other State dead :

(a) Upon the application of a person wishing to exercise rights of succession, or rights deriving from property relations between spouses, with respect to immovable property of the missing person which is situated in the territory of the first-named Contracting State; or

(b) Upon the application of the citizen's spouse, submitted with reference to the existence of the marriage, provided that at the time of submitting the application the said spouse is domiciled in the territory of the first-named Contracting State and that the couple had their last joint domicile in the territory of that State.

(3) The declaration of missing persons as dead and the establishment of the fact of death under the provisions of paragraph 2 of this article shall take place only under the conditions prescribed by the domestic law of the missing person concerned.

RECOGNITION AND ENFORCEMENT OF JUDGEMENTS AND AMICABLE ARRANGEMENTS
IN CIVIL CASES

Article 42

On the application of any interested person, each Contracting State shall recognize or authorize the enforcement in its territory of the following judgements of courts of the other Contracting State :

(a) Final and enforceable judgements and amicable arrangements in civil cases. Courts shall be deemed to include, in the Federal People's Republic of Yugoslavia, economic courts and, in the People's Republic of Bulgaria, State arbitral bodies;

(b) Final and enforceable decisions of criminal courts in so far as they relate to property claims;

(c) Final and enforceable awards of select courts (arbitral commissions and similar bodies) and amicable arrangements concerning property claims arrived at before them, where at least one of the parties in the proceedings is an economic organization (body corporate).

Article 43

(1) Recognition or authorization of enforcement of the judgements mentioned in article 42 of this Treaty shall be granted in the two Contracting States by the competent district court.

(2) Courts shall hear both parties before deciding on applications for recognition or for authorization of enforcement.

(3) Judgements recognized in accordance with the preceding paragraph shall have the same legal force as judgements of domestic courts.

(4) Where authorization has been granted for the enforcement of a judgement, enforcement may be requested and carried out in the same manner as in the case of enforceable judgements of domestic courts.

Article 44

Applications for recognition or for authorization of enforcement of a judgement may be submitted by the party concerned direct to the competent court or in the manner prescribed for the submission of applications in article 7 of this Treaty.

Article 45

(1) Applications for recognition or for authorization of enforcement shall be drawn up in the manner prescribed by the law of the State in whose territory the judgement in question is to be recognized or enforcement is to be authorized.

(2) Applications for recognition of a judgement or for authorization of enforcement must be accompanied by :

(a) A copy of the full text of the judgement or amicable arrangement, and a special certificate attesting that it has become final and is enforceable;

(b) A translation of the full text of the judgement in the language of the court to which the application is submitted or transmitted, drawn up in the manner specified in article 15, paragraph 1, of this Treaty.

Article 46

(1) Recognition or authorization of enforcement shall be granted provided that :

(a) Under the law of the State in which recognition or authorization of enforcement is sought, exclusive competence to reach a decision in the matter does not rest with a domestic court;

(b) The judgement in question is final and enforceable under the law of the Contracting State in which it was rendered;

(c) Enforcement of the judgement would not be at variance with the law of the Contracting State in whose territory enforcement is sought;

(d) Where one of the parties did not participate in the proceedings, the said party was duly summoned and notified in accordance with the law of the State in which the judgement was rendered, in evidence of which fact a special document shall be submitted;

(e) A final judgement has not been rendered previously by the competent authority, in the territory of the Contracting State in which recognition or authorization of enforcement is sought, in an action between the same parties relating to the same claim and based on the same grounds.

(2) Judgements rendered, in either Contracting State, which relate to the civil status of citizens of the other Contracting State shall be recognized subject to the conditions laid down in the preceding paragraph and provided that they are not at variance with the law of the State in which recognition of the judgement in question is sought.

(3) Judgements rendered, in either Contracting State, which relate to the civil status of citizens of third States shall be recognized in the territory of the other Contracting State only if the said judgements are also recognized in the State of which the persons concerned are citizens.

Article 47

(1) Final decrees of courts of one of the Contracting States in matters relating to marriage (actions for the dissolution or annulment of marriages or to establish whether or not a marriage exists) shall be recognized in the territory of

the other Contracting State, subject to the conditions specified in the preceding article, only where at least one of the spouses was, at the time when the decree became final, a citizen of the Contracting State whose court pronounced the decree.

(2) The preceding provision shall also apply to decrees pronounced before the entry into force of this Treaty.

(3) The Contracting States shall, on the basis of the final decrees mentioned in paragraphs 1 and 2 of this article, being decrees which have been recognized in accordance with article 43 of this Treaty, record the relevant changes of status in their civil registers if the parties concerned so request or, if so requested by the authority of one of the Contracting States which pronounced the decree, of their own accord.

Article 48

The foregoing provisions concerning enforcement shall be without prejudice to the currency and customs regulations of the Contracting States in so far as the transfer of funds and the export of articles acquired through such enforcement are concerned.

EXCHANGE OF CIVIL REGISTRATION DOCUMENTS

Article 49

(1) Each Contracting State shall transmit to the other Contracting State, without requiring the payment of any charges or costs, copies of civil registration documents relating to citizens of the other State. Such copies shall be sent to the diplomatic or consular mission of the latter State.

(2) Copies of death certificates shall be transmitted forthwith, and copies of other documents shall be transmitted together at the end of each quarter.

TRANSMITTAL OF CIVIL REGISTRATION DOCUMENTS

Article 50

(1) Each Contracting State undertakes to transmit copies of civil registration documents to the other Contracting State, without requiring the payment of any charges or costs, if requested to do so in the public interest.

(2) Such requests shall be submitted, through the diplomatic or consular channel, to the competent State authorities.

ATTESTATION OF DOCUMENTS

Article 51

(1) Official documents drawn up or issued by a court or other State authority in one Contracting State shall, if they bear an official seal, require no

authentication for use before courts and other State authorities of the other Contracting State.

(2) The same shall apply to copies of official documents attested by a court or other competent State authority.

Article 52

Private documents attested by a court or other competent State authority of one Contracting State shall not require further authentication for use before courts and other State authorities of the other Contracting State.

INFORMATION ON LEGAL QUESTIONS

Article 53

The office of the Secretary of State for Foreign Affairs of the Federal People's Republic of Yugoslavia and the Ministry of Foreign Affairs of the People's Republic of Bulgaria shall exchange, on request, the texts of regulations in force or formerly in force in the territory of their respective States and, where necessary, information on specified legal questions.

PART II

LEGAL ASSISTANCE IN CRIMINAL CASES

Article 54

The Contracting States undertake to provide each other with legal assistance in criminal cases in accordance with the provisions of this Treaty.

Article 55

Legal assistance shall be deemed to include the performance of acts required in connexion with judicial investigations and inquiries, such as the interrogation of accused persons, witnesses and experts, judicial inspections *in situ*, searches, seizures of objects, the transmittal of documents and objects, the service of documents, and other acts connected with the criminal proceedings in question. However, documents and objects shall be transmitted only if they are in the custody of the authorities of the State applied to and if no special reasons for non-transmittal exist; they shall be returned as soon as possible.

Article 56

Legal assistance shall not be provided if the act in respect of which criminal proceedings are being conducted is not punishable under the law of the State

applied to or if it is a political offence or a purely military offence (one consisting solely in the violation of military obligations).

Article 57

Legal assistance may be refused if the State applied to considers that the provision of such assistance might endanger its sovereignty or security, if the provision of assistance would be at variance with its basic legal principles, or if the accused person is a citizen of the State applied to.

Article 58

(1) No person of whatsoever citizenship who, in response to a summons received in the territory of one of the Contracting States in connexion with a criminal or civil case, voluntarily appears as a witness or expert before a court of the other Contracting State may be prosecuted or deprived of his liberty in that State for a previously committed criminal offence or as an accomplice in the offence that is the subject of the proceedings in which he appears as a witness or expert. Punishable acts which are the subject of proceedings conducted by administrative authorities shall be deemed equivalent to criminal offences.

(2) However, a person falling under the provisions of paragraph 1 of this article shall forfeit this right if, being in actual fact at liberty to do so, he fails to quit the territory of the State before whose court he appeared within a period of five days after the court has informed him that his presence is no longer necessary.

(3) An application for service of a summons shall indicate the amount to be paid for travelling expenses and subsistence allowances. The applicant State shall pay an advance against such amount to the person summoned, if he so requests.

Article 59

(1) Where it is necessary for a court of one of the Contracting States to interrogate directly, as an expert or witness, a person who is under detention in the territory of the other Contracting State, a request for such person's temporary surrender may be made to the office of the Secretary of State for Foreign Affairs of the Federal People's Republic of Yugoslavia or to the Ministry of Foreign Affairs of the People's Republic of Bulgaria.

(2) Such request shall be granted if the person concerned gives his consent and no special reasons for not granting the request exist. The said person shall be returned as soon as possible. In such cases, the provisions of article 58, paragraph 1, of this Treaty shall apply.

(3) Subject to the conditions specified in article 58 and in the preceding paragraphs of the present article, authorization may also be granted for the conveyance through the territory of one of the Contracting States, for the purpose of interrogation in the other Contracting State, of a person detained in a third State.

Article 60

(1) Each Contracting State shall return to the other Contracting State at its request, even in cases where extradition is not permitted, articles which, during the commission of a criminal offence, were taken by the author of the said offence from the territory of the applicant State to the territory of the State applied to, or articles acquired by him in exchange for the articles referred to. Any dispute concerning propriety in the custody of the articles shall be decided by the courts of the State in which the said articles are situated.

(2) The State applied to may temporarily retain possession of the articles mentioned in the preceding paragraph if such action is necessary in connexion with criminal proceedings which are being conducted in its territory.

Article 61

For purposes of the provision of legal assistance in criminal cases, the provisions of articles 7 to 11, article 12 paragraph 1, article 13 paragraph 1, and articles 14 to 17 of this Treaty shall, as appropriate, apply.

NOTIFICATION OF SENTENCES

Article 62

(1) Each Contracting State shall transmit to the other Contracting State at quarterly intervals, through the diplomatic channel, copies of final sentences relating to citizens of the other State.

(2) Similarly, each Contracting State shall transmit to the other Contracting State, as expeditiously as possible, subsequent decisions which relate to such sentences and which are entered in the register of convictions.

(3) In addition, each Contracting State shall transmit to the other Contracting State in particular cases, on request, extracts from the sentences mentioned in paragraph 1 of this article.

Article 63

Each Contracting State shall inform the other Contracting State on request, through the diplomatic channel, of entries made in the register of convictions :

(a) Which relate to citizens of the requesting State;

(b) Which relate to other persons against whom criminal proceedings are under way in the requesting State and who are present in that State. The State applied to may refuse to provide the information requested if the person in question is its citizen.

Article 64

(1) Each Contracting State undertakes to inform the other Contracting State of offences committed in its territory by citizens of the other State who, after committing the offence in question, have fled to the territory of their own State.

(2) The Contracting States shall transmit, together with the information mentioned in the preceding paragraph, all available evidence relating to the offence.

Costs

Article 65

Costs arising in connexion with the provision of legal assistance in criminal cases and with the provision of information shall be borne by the Contracting State in whose territory such costs are incurred.

EXTRADITION AND CONVEYANCE IN TRANSIT OF ACCUSED AND CONVICTED PERSONS

CONDITIONS FOR EXTRADITION

Article 66

Each Contracting State undertakes to extradite to the other Contracting State, under the conditions specified in this Treaty, persons against whom criminal proceedings have been initiated or against whom final sentence has been pronounced in such proceedings in the State submitting the requisition for extradition.

Article 67

(1) The State applied to shall authorize the extradition of persons against whom criminal proceedings have been initiated in the applicant State in respect of offences which, under the law of both Contracting States, are punishable with a maximum penalty of deprivation of liberty for a period of not less than two years or with a heavier penalty.

(2) As proof of the validity of the requisition for extradition in such cases it shall be sufficient to produce the document, issued by the competent

authority of the applicant State, ordering the arrest or remand in custody of the person concerned, initiating an investigation or handing down an indictment, or any other document having the same effect as a warrant of arrest. The said document shall indicate the nature of the offence in respect of which extradition is sought, the circumstances, time and place of its commission, and its legal definition.

Article 68

(1) The State applied to shall also authorize, subject to the conditions specified in article 67, paragraph 1, of this Treaty, the extradition of persons against whom final sentences have been pronounced involving deprivation of liberty for a period of not less than six months.

(2) Final judicial decisions shall constitute full proof of the validity of the requisition for extradition, irrespective of whether the decision in question was rendered in the presence or in the absence of the person to whom it relates. The Contracting States agree that, where a final decision was pronounced in the absence of the person concerned, they shall not enforce the said decision with respect to the extradited person but shall initiate new proceedings in which the said person is present for trial.

Article 69

The State applied to may refuse to grant extradition :

(a) If the offence in respect of which extradition is sought was committed in its territory;

(b) If extradition is sought in respect of an offence committed in the territory of a third State and sentence has already been pronounced, in respect of such offence, in the latter State.

Article 70

A requisition for extradition shall be refused :

(a) If the person claimed is a citizen of the State applied to;

(b) If the person claimed has already been sentenced, for the offence involved, by a court of the State applied to and such sentence has become final. However, extradition shall be authorized if, under the law of the State applied to, the necessary conditions are present for the initiation of new proceedings in respect of the said offence;

(c) If, under the law of either Contracting State, exemption from prosecution or punishment was acquired owing to lapse of time, before the requisition for extradition was made;

(d) If no proposal has been submitted or complaint lodged with a view to initiating criminal proceedings in cases where, under the law of the applicant State or of the State in which the offence was committed, the submission of such a proposal or complaint is required for the purpose of initiating such proceedings.

Article 71

(1) Extradition shall not be authorized in respect of an act which, in the judgement of the State applied to, constitutes a political offence.

(2) Political offences shall not be deemed to include offences in respect of which the Contracting States are required to initiate criminal proceedings under the provisions of international treaties (genocide, crimes against humanity and peace, war crimes, destruction of cultural and historic monuments, and so forth).

Article 72

Extradition shall not be authorized in respect of purely military offences (those consisting solely in the violation of military obligations) or offences relating to the Press.

EXTRADITION PROCEEDINGS

Article 73

(1) The requisition for extradition shall be made through the diplomatic channel. The Contracting States shall communicate to each other in the same manner all information and decisions relating to such extradition.

(2) In addition to the proofs specified in article 67, paragraph 2, and article 68, paragraph 2, of this Treaty, the requisition for extradition shall be accompanied by :

(a) Proof of the citizenship of the person claimed, or information relating thereto;

(b) Where the person claimed has not yet been identified in the State applied to, any particulars which may serve to establish his identity and, as far as possible, such other information as will assist in rapidly determining his whereabouts;

(c) The text of the penal statute, both of the applicant State and of the State in which the offence was committed, relating to the offence in respect of which extradition is sought.

(3) Where extradition is sought under the provisions of article 68 of this Treaty, the requisition shall also be accompanied by proof that the sentence has become final.

(4) The requisition and all accompanying documents shall be translated into the official language of the State applied to. The said documents shall be submitted in the original or in certified copy.

(5) In determining whether accompanying documents have been submitted in proper form, the law of the applicant State shall apply.

Article 74

(1) Where the conditions for extradition specified by this Treaty are present, the State applied to shall, immediately upon receipt of the requisition for extradition, take all necessary steps to ascertain the whereabouts of the person claimed and to execute the requisition and, where necessary, shall order the arrest of the said person as soon as he is found.

(2) Where, however, it cannot be established with certainty, from the documents accompanying the requisition for extradition, that all the conditions necessary for authorization of extradition are present, the State applied to shall request the applicant State to furnish further particulars and information within a specified time-limit. This time-limit may be extended at the request of the applicant State.

(3) If no action is taken on the request of the State applied to within the specified time-limit, the extradition proceedings shall be halted and the person claimed shall be released. This shall not preclude resumption of the proceedings in the event that the request of the State applied to is subsequently complied with.

Article 75

(1) On direct application being made, in writing or by telegraph, by the competent court or organ of prosecution of one of the Contracting States, the other State shall, in accordance with its law, take temporary security measures, including detention, against the person claimed, provided that the said application specifies the existence of one of the documents mentioned in article 67, paragraph 2, and article 68, paragraph 2, of this Treaty and indicates the authority by which such document was issued and the number and date of the document.

(2) The proceedings mentioned in paragraph 1 of this article shall be halted if a requisition for extradition is not made within the time-limit specified by the competent authority of the State applied to. If the applicant State so requests, at the same time stating the reasons for such request, the said time-limit may be extended.

(3) The application mentioned in paragraph 1 of this article shall be subject to confirmation through the diplomatic channel.

(4) The applicant State shall without delay be informed of the temporary detention of the person claimed or the other temporary security measures carried out, or of the circumstances which prevented the execution of its application.

(5) The competent authorities of either Contracting State may detain persons present in their territory in the absence of the application mentioned in paragraph 1 of this article, if they learn that the person in question has committed, in the territory of the other State, an offence which is extraditable under the provisions of this Treaty. The other Contracting State shall be notified of such detention forthwith.

Article 76

(1) In the event of total or partial rejection of a requisition for extradition, or of postponement of its execution, the reasons therefor shall be stated.

(2) When notifying the applicant State that extradition has been authorized, the State applied to shall at the same time indicate when and at what point on the frontier the surrender of the person claimed is to be effected.

Article 77

The applicant State shall, save where it is prevented from so doing by circumstances beyond its control, accept the extradited person at the appointed place within a period of not more than three days after the date fixed for his surrender; if it fails to do so, the said person may be released.

Article 78

(1) The State applied to shall rule on the requisition for extradition even if the person claimed is under trial in the said State or has been convicted of another offence; if the requisition is approved, extradition shall be postponed until the person in question has completed his sentence or the proceedings are otherwise terminated.

(2) Even in the case mentioned in paragraph 1 of this article, the person claimed may be temporarily extradited to the applicant State in connexion with the conduct of an investigation, but the latter State shall return the extradited person to the State applied to as soon as a decision has been rendered in the proceedings for the purpose of which he was temporarily extradited and, in any case, not later than three months after the date of his surrender.

Article 79

If a person's extradition is requested by more than one State in respect of the same or different offences, the State applied to shall decide, in accordance with the circumstances of the case, which of the requisitions shall be complied with.

Article 80

(1) An extradited person may not be prosecuted or made to serve a sentence for an offence, committed before his extradition, which is not the offence for which he was extradited, nor may he be surrendered to a third State in respect of such an offence for the purpose of trial or execution of a sentence, unless further consent thereto is obtained from the Contracting State which authorized his extradition. Neither Contracting State may refuse to grant such consent to the other State if the offence in question is extraditable under the provisions of this Treaty.

(2) Such consent shall not be required if the extradited person fails to quit the territory of the State to which he was extradited 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 to the territory of the said State. Such period of one month shall not be deemed to include any period of time during which the person in question is unable, through no fault of his own, to quit the territory of the said State.

Article 81

The State which made the requisition for extradition shall inform the State applied to of the result of the proceedings taken against the extradited person. If the said person is convicted and sentenced, a copy of the sentence shall be transmitted after it has become final.

Article 82

(1) Each Contracting State undertakes to deliver to the other Contracting State in extradition proceedings, without the necessity of special application being made :

(a) Articles which may serve as evidence against the person claimed. The State applied to may temporarily retain possession of the articles in question if such action is essential to the conduct of other criminal proceedings;

(b) All articles found in the possession of the person claimed, or of third persons, that he or his accomplice acquired through the commission of the offence in respect of which extradition is sought, or that represent value received in exchange for articles acquired through the commission of the said offence or recompense received for the commission of the offence. Any dispute concerning propriety in the custody of the articles shall be decided by the courts of the country in which the said articles are situated.

(2) The articles in question shall be delivered, to the State which made the requisition for extradition, at the time when the extradited person is surrendered or, if that is not possible, at a later date. The same procedure shall be followed in cases where extradition did not take place by reason of the death or escape of the person claimed.

(3) These provisions shall not affect the rights of third parties to the articles in question. After the conclusion of the criminal proceedings, the said articles shall be returned free of charge to the person to whom they belong. If it is not possible to determine their ownership, the articles shall be returned free of charge to the State applied to.

Article 83

If an extradited person evades prosecution and returns to the territory of the State applied to, he shall be re-extradited upon receipt of a new requisition, without further formalities.

CONVEYANCE IN TRANSIT

Article 84

(1) Each Contracting State shall, on application being made, permit the conveyance through its territory of any person extradited by a third State to the other Contracting State. It shall not be bound to authorize the conveyance in transit of a person who is not extraditable under this Treaty.

(2) An application for authorization of such conveyance shall be transmitted in the same manner as a requisition for extradition.

(3) The State applied to shall arrange for such conveyance to be effected in whatever manner it finds most convenient.

Article 85

Costs arising in connexion with extradition shall be borne by the State in whose territory such costs are incurred. The costs of conveyance in transit shall be borne by the State applying for such conveyance.

Article 86

The Contracting States undertake not to grant citizenship to persons whose extradition is sought, save where the person in question is released from his previous citizenship; that is to say, they undertake to defer decision on the application for citizenship until a decision has been taken on the requisition for extradition, particularly if the State making the requisition indicates that citizenship is being sought for the purpose of avoiding extradition.

PART III

FINAL PROVISIONS

Article 87

All disputes relating to the application of this Treaty shall be settled by the Contracting States through the diplomatic channel.

Article 88

This Treaty shall be ratified, and the instruments of ratification shall be exchanged at Belgrade.

Article 89

(1) This Treaty shall enter into force thirty days after the exchange of the instruments of ratification.

(2) On that date, the conventions concluded at Sofia on 26 November 1923 by the two Contracting States, i.e., the Convention Relating to Legal Assistance¹ and the Convention Relating to Extradition of Malefactors and to Legal Assistance in Criminal Proceedings,² shall cease to have effect.

(3) This Treaty is concluded for an indefinite period of time and shall cease to have effect upon the expiry of one year from the date on which notice of its termination is given by one of the Contracting States.

DONE at Sofia on 23 March 1956, in duplicate in the Serbo-Croatian and Bulgarian languages, both texts being equally authentic.

For the Federal People's Republic
of Yugoslavia :

(Signed) Lazar LILIĆ

For the People's Republic
of Bulgaria :

(Signed) Dimitar GEORGIEV

¹ League of Nations, *Treaty Series*, Vol. XXVI, p. 85.

² League of Nations, *Treaty Series*, Vol. XXVI, p. 119.