

**No. 6833**

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
YUGOSLAVIA**

**Treaty concerning legal assistance in civil, family and criminal cases. Signed at Moscow, on 24 February 1962**

*Official texts: Russian and Serbo-Croat.*

*Registered by the Union of Soviet Socialist Republics on 24 July 1963.*

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES  
et  
YUGOSLAVIE**

**Traité relatif à l'entraide judiciaire en matière civile, familiale et pénale. Signé à Moscou, le 24 février 1962**

*Textes officiels russe et serbo-croate.*

*Enregistré par l'Union des Républiques socialistes soviétiques le 24 juillet 1963.*

[TRANSLATION — TRADUCTION]

No. 6833. TREATY<sup>1</sup> BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA CONCERNING LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES. SIGNED AT MOSCOW, ON 24 FEBRUARY 1962

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The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the President of the Federal People's Republic of Yugoslavia, attaching great importance to co-operation in the sphere of legal relations, have decided to conclude a Treaty concerning 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. Grigory Efimovich Vilkov, Deputy Chief of the Treaty and Legal Section of the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics;

The President of the Federal People's Republic of Yugoslavia:  
Mr. Alexander Jelić, Minister Plenipotentiary in the State Secretariat for Foreign Affairs of the Federal People's Republic of Yugoslavia, who, having exchanged their full powers, found in good and due form, have agreed as follows:

PART I

GENERAL PROVISIONS

1. LEGAL PROTECTION

*Article 1*

1. Citizens of either Contracting Party shall enjoy in the territory of the other Contracting Party the same legal protection in respect of their personal and property rights as citizens of such other Party.

2. They shall have free and unimpeded access to the courts, the procurators' offices and other authorities of the other Contracting Party having jurisdiction

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<sup>1</sup> Came into force on 26 May 1963, thirty days after the exchange of the instruments of ratification which took place at Belgrade on 26 April 1963, in accordance with article 77 (1).

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.

3. The provisions of paragraphs 1 and 2 of this article shall also apply to juridical persons.

## 2. LEGAL ASSISTANCE

### *Article 2*

#### PROVISION OF LEGAL ASSISTANCE

The authorities of the Contracting Parties referred to in article 1, paragraph 2, of this Treaty shall on request provide one another with legal assistance in civil, family and criminal cases in the manner specified in this Treaty.

### *Article 3*

#### METHOD OF COMMUNICATION

In providing legal assistance, the competent authorities of the Contracting Parties shall communicate with one another through the appropriate authorities, whose titles the Contracting Parties shall make known to each other through the diplomatic channel.

### *Article 4*

#### LANGUAGES

In communications relating to the provision of legal assistance, the authorities of the Union of Soviet Socialist Republics shall use the Russian language and the authorities of the Federal People's Republic of Yugoslavia shall use the Serbo-Croat language.

### *Article 5*

#### SCOPE OF LEGAL ASSISTANCE

Legal assistance in civil and family cases shall include the transmittal of documents and the performance of specific acts required in connexion with judicial proceedings, such as the interrogation of witnesses and litigants and the conduct of expert examinations and inspections *in situ*.

### *Article 6*

#### INFORMATION TO BE FURNISHED IN APPLICATIONS

1. Applications for legal assistance shall contain the following particulars: the title of the applicant authority; the title of the authority applied to;

a statement of the case in respect of which legal assistance is applied for; the names, occupations, domicile or residence and citizenship of the persons involved in the case; the names and addresses of their legal representatives; any necessary information regarding the case.

2. Applications for the service of documents shall indicate in addition the exact address of the recipient and the designation of the document to be served.

### *Article 7*

#### FORM OF APPLICATIONS AND DOCUMENTS

1. Applications and documents transmitted in connexion with the provision of legal assistance shall be signed and bear an official seal.

2. The Contracting Parties may by common accord draw up model forms to be used in applications for legal assistance.

### *Article 8*

#### PROCEDURE FOR EXECUTING APPLICATIONS

1. In executing an application for legal assistance, the authority applied to shall follow the law of its own State. At the request of the applicant authority, it may employ judicial procedures in effect in the territory of the applicant Contracting Party, provided that this does not conflict with the law of the Contracting Party applied to.

2. If the authority applied to is not competent to provide legal assistance, it shall transmit the application to the competent authority.

3. The authority applied to shall on request notify the applicant authority of the time and place of execution of the application.

4. If it has been impossible to execute the application for legal assistance, the authority applied to shall return the documents to the applicant authority, at the same time advising it of the reasons which prevented the execution of the application.

### *Article 9*

#### APPLICATIONS FOR THE SERVICE OF DOCUMENTS

1. In effecting the service of a document, the authority applied to shall follow the regulations in effect in its own State, if the document to be served is drawn up in the language of that State or is accompanied by a certified translation.

2. If the document is not drawn up in the language of the Contracting Party applied to or is not accompanied by a certified translation into that language, the authority applied to shall deliver the document to the recipient if he is willing to accept it.

3. The translation shall be certified by the translator himself or by the applicant authority. It may also be certified by the diplomatic or consular mission of one of the Contracting Parties.

4. If a document cannot be served at the address indicated in the application, the authority applied to shall of its own motion take the necessary steps to determine the recipient's address.

### *Article 10*

#### CONFIRMATION OF SERVICE OF DOCUMENTS

Official confirmation of the service of documents shall be given in accordance with the regulations of the Contracting Party applied to; such confirmation shall include particulars of the date of service, the recipient's signature, and, where necessary, particulars of the manner and time of service.

### *Article 11*

#### SERVICE OF DOCUMENTS ON OWN CITIZENS

Each Contracting Party shall have the right to serve documents on its own citizens, if the latter are willing to accept them, through the intermediary of its diplomatic or consular missions.

### *Article 12*

#### DENIAL OF LEGAL ASSISTANCE

Either Contracting Party may deny legal assistance to the other Party if the provision of such assistance might be prejudicial to the sovereignty or security of the Contracting Party applied to or would be incompatible with the fundamental principles of its law.

### *Article 13*

#### COSTS OF LEGAL ASSISTANCE

1. Neither Contracting Party shall make any claim for repayment of costs incurred in providing legal assistance in its territory.

2. The authority applied to shall communicate to the applicant authority the amount of the costs incurred. If the applicant authority recovers these

costs from the person liable therefor, the sums recovered shall accrue to the Contracting Party an authority of which recovered them.

#### *Article 14*

##### INFORMATION ON LEGAL QUESTIONS

The Juridical Commission of the Council of Ministers of the Union of Soviet Socialist Republics and the Secretariat of the Federal Executive Council for Judicial Matters of the Federal People's Republic of Yugoslavia shall, on request, furnish each other with information and elucidation concerning laws in force or formerly in force in their respective States.

#### *Article 15*

##### DOCUMENTS

1. Documents issued or certified by a competent authority in the territory of either Contracting Party and bearing a signature and an official seal shall be accepted without legalization in the territory of the other Party.

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

#### *Article 16*

##### SUMMONING OF WITNESSES OR EXPERTS

1. If need arises for the interrogation in the territory of either Contracting Party, as a witness or expert, of a person resident in the territory of the other Contracting Party, a summons shall be served through the competent authority of the latter Party.

2. Such summons shall contain no threat of penalties for failure to appear.

3. No person of whatsoever citizenship who, in response to a summons, has appeared voluntarily as a witness or expert before a competent authority of the other Contracting Party may be prosecuted or detained in the territory of the latter Contracting Party for a punishable offence committed before he crossed the frontier of the applicant Contracting Party, or be punished in execution of a past sentence. Nor may he be prosecuted or detained in connexion with his testimony or with the offence which is the subject of the proceedings.

4. A witness or expert shall forfeit this protection if he fails to quit the territory of the Contracting Party in question within fifteen days after being

informed by the authority taking evidence from 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 prevented by circumstances beyond his control from quitting the territory of the said Contracting Party.

5. A request for the service of a summons shall indicate the sum which will be paid to the witness or expert in order to cover his expenses and any remuneration to which he may be entitled. At the request of the witness or expert, the applicant Contracting Party shall advance an amount to cover expenses.

## PART II

### *SPECIAL PROVISIONS*

#### Chapter I

#### LEGAL ASSISTANCE IN CIVIL AND FAMILY CASES

##### 1. LEGAL COSTS

##### EXEMPTION FROM SECURITY FOR LEGAL COSTS

##### *Article 17*

Citizens of either Contracting Party appearing before a court of the other Party shall not be required, whatever their domicile or residence, to deposit security for legal costs (*cautio judicatum solvi*).

##### *Article 18*

1. If a citizen exempted from the deposit of security for legal costs (*cautio judicatum solvi*) is required under a judgement of a court of one of the Contracting Parties to pay legal costs, the competent court in the territory of the other Contracting Party shall, upon application 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 referred to in article 19 of this Treaty.

*Article 19*

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

2. The application for such authorization shall be accompanied by a transcript of that part of the judgement which relates to the costs of the proceedings, authenticated by the court of first instance, and by a certificate of the same court that the judgement has become final and is enforceable. The application shall also be accompanied by a certified translation of the said documents.

3. Authorization of enforcement may be contested in accordance with the laws in effect in the territory of the authorizing court.

*Article 20*

1. An application for authorization of enforcement in the territory of the other Contracting Party shall be transmitted to the court which disposed of the action at first instance. Such court shall transmit the application to the court of the other Contracting Party in the manner specified in article 3 of this Treaty.

2. An application for authorization of enforcement may also be submitted direct to the court competent to authorize enforcement.

*Article 21*

The costs of drawing up the certificate, of translation and of attesting the documents referred to in article 19 of this Treaty shall be fixed by the court competent to authorize enforcement. The said court shall also determine the costs of enforcement.

## EXEMPTION FROM LEGAL COSTS

*Article 22*

Citizens of either Contracting Party shall be entitled in the courts of the other Contracting Party, under the same conditions and to the same extent as the latter Party's own citizens, to exemption from legal charges and costs and to free legal assistance in connexion with judicial proceedings.

*Article 23*

1. Exemption from legal costs shall be granted on the basis of documents relating to personal, family and property status issued by the competent



authorities of the Contracting Party in whose territory the petitioner has his domicile or residence.

2. If the petitioner has no domicile or residence in the territory of either Contracting Party, such documents shall be issued by the diplomatic or consular mission of the Contracting Party of which he is a citizen.

3. The court ruling on a petition for exemption from the payment of legal charges and costs may investigate the reliability of any documents submitted and may require additional information to be furnished.

#### *Article 24*

1. A citizen of either Contracting Party who wishes to petition a court of the other Contracting Party for exemption from legal costs may present his petition before the court of his place of domicile or residence. The court shall transmit the petition, together with the documents furnished under article 23 of this Treaty, to the court of the other Contracting Party in the manner specified in article 3 of this Treaty.

2. A petitioner for exemption from legal costs may at the same time present a petition for the purpose of instituting judicial or other proceedings.

3. A petition for exemption from legal costs may also be submitted direct to the court competent to rule on such exemption.

### 2. PERSONAL STATUS AND FAMILY LAW

#### *Article 25*

##### LEGAL CAPACITY

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

##### LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

#### *Article 26*

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

#### *Article 27*

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 28*

1. Decisions on the legal relations referred to in articles 26 and 27 of this Treaty shall be within the jurisdiction of the courts of the Contracting Party whose laws are applicable.

2. If both plaintiff and defendant are resident in the territory of the same Contracting Party, the courts of that Contracting Party shall also have jurisdiction, without prejudice to the provisions of articles 26 and 27 of this Treaty.

## ADOPTION

*Article 29*

Adoption or termination of adoption shall, if the adopter and the person adopted are citizens of the same Contracting Party, be governed by the law of that Contracting Party.

*Article 30*

In matters of adoption or termination of adoption, jurisdiction shall lie with an authority of the Contracting Party of which the adopter and the person adopted are citizens.

*Article 31*

Decisions of the competent authorities of one Contracting Party in matters relating to the adoption or termination of adoption of citizens of that Party shall be recognized as valid in the territory of the other Contracting Party also.

## GUARDIANSHIP AND CURATORSHIP

*Article 32*

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

2. The conditions for the establishment or termination of guardianship or curatorship shall be determined by the law of the Contracting Party of which the ward is a citizen.

3. The legal relations between a guardian or curator and his ward shall be determined by the law of the Contracting Party by an authority of which the guardian or curator was appointed.

4. The law applicable with respect to the obligation to accept the office of guardian or curator shall be that of the Contracting Party of which the prospective guardian or curator is a citizen.

5. A decision on guardianship or curatorship taken by a competent authority of one Contracting Party in respect of its own citizens shall be recognized as valid in the territory of the other Contracting Party also.

### *Article 33*

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 Contracting Party, the competent authority of the latter Contracting Party shall at once notify the diplomatic or consular mission of the Contracting Party of which the person concerned is a citizen.

2. In urgent cases, the authority of the other Contracting Party may itself take any necessary provisional measures under its own law, provided that it at once notifies the diplomatic or consular mission of the Contracting Party of which the person in whose interests the measures are taken is a citizen. Such measures shall remain in effect pending other measures by the competent authority referred to in article 32, paragraph 1, of this Treaty.

### *Article 34*

1. The authority having jurisdiction under article 32, 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 that Contracting Party. The transfer shall become effective when the authority applied to assumes the guardianship or curatorship and notifies the applicant authority accordingly.

2. The authority assuming the guardianship or curatorship shall exercise it in accordance with the law of its own State. However, questions relating to legal capacity shall be determined in accordance with the law of the Contracting Party of which the ward is a citizen. The said authority may not decide questions relating to the ward's personal status.

### *Article 35*

#### DECLARATION OF PERSONS AS MISSING OR DEAD

1. Proceedings for declaring persons missing or dead or for the establishment of the fact of death shall be within the jurisdiction of a court of the

Contracting Party of which the person concerned was a citizen at the time when he was last known to be alive.

2. A court of either Contracting Party may upon the application of any interested person resident in its territory whose rights and interests are governed by its law declare a citizen of the other Contracting Party missing or dead, or establish the fact of his death.

3. Proceedings under the terms of paragraph 2 of this article for declaring a person missing or dead or for the establishment of the fact of his death may be conducted in accordance with the law of the Contracting Party of which the person concerned was a citizen or that of the Contracting Party whose court renders the decision in the matter.

4. A decision rendered in accordance with paragraph 2 of this article shall have legal effect only in the territory of the Contracting Party whose court rendered the decision.

5. At the request of an interested person, the competent court of the Contracting Party in whose territory a decision was rendered under paragraph 2 of this article shall, if need be, revoke or modify such decision if the court referred to in paragraph 1 of this article has rendered a substantive decision in the matter.

### 3. SUCCESSION

#### *Article 36*

##### PRINCIPLE OF EQUALITY

1. Citizens of either Contracting Party may acquire property or rights in the territory of the other Contracting Party by statutory or testamentary succession under the same conditions and to the same extent as the citizens of the latter Party.

2. Citizens of either Contracting Party may dispose by will of their property situated in the territory of the other Contracting Party.

#### *Article 37*

##### LAW OF SUCCESSION

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

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

*Article 38*

## FORM OF WILLS

The form of a 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 or revoking the testamentary disposition or by the law of the Contracting Party in whose territory the testamentary disposition was made or revoked.

## JURISDICTION IN MATTERS OF SUCCESSION

*Article 39*

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

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

3. The provisions of paragraphs 1 and 2 of this article shall apply, *mutatis mutandis*, to disputes arising in matters of succession.

4. If a decedent who was a citizen of one Contracting Party was last domiciled in the territory of the other Contracting Party, the heirs domiciled or resident in the territory of the latter Contracting Party may, within six months after the date of his death, call upon the competent authority of that Contracting Party to conduct an inquiry into the movable estate situated in its territory. Where such a request has been made, the heirs and the persons named in the will shall be notified accordingly. If none of the heirs contests the request within three months after the date of such notification, it shall be complied with. The applicable law in such case shall be that of the Contracting Party of which the decedent was a citizen at his death.

*Article 40*

If a citizen of either Contracting Party not domiciled or resident in the territory of the other Party dies while travelling in such territory, his personal effects shall be inventoried and delivered without any formal proceedings to the diplomatic or consular mission of the Contracting Party of which he was a citizen.

*Article 41*

## NOTIFICATION OF DEATH

1. If a citizen of one of the Contracting Parties dies in the territory of the other Contracting Party, the competent authority shall notify the diplomatic

or consular mission of the former Contracting Party of such death 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 Contracting Party who has died outside the territory of both Contracting Parties has left property in its territory.

2. If the diplomatic or consular mission learns of the death of the citizen of its own State first, it shall notify the competent authority of the other Contracting Party with a view to the protection of the estate.

3. If a competent authority of one of the Contracting Parties dealing with a matter of succession learns that a citizen of the other Contracting Party has an interest in such matter, it shall notify the diplomatic or consular mission of the latter Party accordingly.

#### *Article 42*

##### MEASURES FOR THE PROTECTION OF THE ESTATE

1. The authorities of each Contracting Party shall in accordance with their law draw up inventories of estates left in their territory by citizens of the other Contracting Party and take other measures necessary for ensuring the protection or administration of such estates.

2. The measures taken under paragraph 1 of this article shall be reported immediately to the diplomatic or consular mission of the other Contracting Party, which may participate in carrying out such measures. On the proposal of the diplomatic or consular mission, the said measures may be modified, rescinded or postponed.

3. The movable estate and personal and other papers of the deceased shall be delivered to the diplomatic or consular mission at its request.

#### *Article 43*

##### OPENING AND PUBLICATION OF WILLS

1. The opening and publication of a will shall be within the jurisdiction of the authorities of the Contracting Party in whose territory the will is to be found.

2. If an authority of either Contracting Party has published the will of a citizen of the other Contracting Party, a certified copy of the will shall be delivered to the competent authority of the Contracting Party of which the

testator was a citizen, together with information on the condition of the will, a copy of the minute concerning its publication and, if requested, the original of the will. The same rule shall apply if jurisdiction in the matter of the succession lies with an authority of the other Contracting Party.

#### *Article 44*

##### COMPETENCE OF DIPLOMATIC OR CONSULAR MISSIONS IN SUCCESSION PROCEEDINGS

In all succession proceedings arising in the territory of one of the Contracting Parties, the diplomatic or consular mission of the other Contracting Party shall have the right to represent citizens of its own State before the competent authorities without special power of attorney, if such citizens are not present and have not appointed other representatives.

#### *Article 45*

##### DELIVERY OF THE ESTATE

If, after the completion of succession proceedings in the territory of one of the Contracting Parties, delivery of the movable estate (articles) is to be made to an heir who is a citizen of the other Contracting Party and domiciled or resident in its territory, such estate shall be delivered to the diplomatic or consular mission of the Contracting Party of which the heir is a citizen, provided that :

- (a) Where the law of the country in which the estate is situated so provides, the competent authority has summoned the creditors of the deceased to present their claims;
- (b) All estate duties have been paid and all claims presented have been paid or secured;
- (c) The competent authority has agreed to the export of the articles.

#### *Article 46*

##### ESCHEAT

The movable part of an escheated estate shall revert to the Contracting Party of which the decedent was a citizen at the time of his death; the immovable part shall revert to the Contracting Party in whose territory it is situated.

#### 4. TRANSMITTAL OF DOCUMENTS

#### *Article 47*

Each Contracting Party shall, if requested through the diplomatic channel, transmit to the other Contracting Party civil registration certificates, documents

concerning educational qualifications and employment experience and other documents relating to the personal and family status and property of citizens of the other Party. Such documents shall be sent to the other Party, untranslated and free of charge, through the diplomatic channel.

## 5. RECOGNITION AND ENFORCEMENT OF JUDGEMENTS

### *Article 48*

1. Each Contracting Party shall recognize and enforce in its territory, in accordance with this Treaty, the following judgements rendered in the territory of the other Contracting Party :

- (a) Final and enforceable judgements in civil and family cases;
- (b) Amicable arrangements, confirmed by a court, in civil cases;
- (c) Final and enforceable judgements in criminal cases so far as they relate to damages for injury resulting from the commission of an offence.

2. The provisions of paragraphs 1 (a) and 1 (b) of this article shall also apply to decisions taken in matters of succession by the notarial authorities of the Contracting Parties.

3. The judgements of one Contracting Party which are referred to in paragraphs 1 (a) and 1 (b) of this article shall be recognized and enforced in the territory of the other Contracting Party only if the legal relations on which they were based arose after the entry into force of this Treaty.

4. The judgements referred to in paragraph 1 (c) of this article shall be recognized and enforced only if they became final and enforceable after the entry into force of this Treaty.

5. The provisions of paragraph 3 of this article shall not apply to judgements relating to the dissolution or annulment of marriage, to the declaration of persons as missing or dead, to the establishment of the fact of death or to legal capacity.

### *Article 49*

The judgements listed in article 48 of this Treaty shall be recognized and enforced if :

- (a) The finality and enforceability of the judgement have been confirmed;
- (b) Under the law of the Contracting Party in whose territory the judgement is to be recognized or enforced the court of the other Contracting Party which rendered the judgement was competent to deal with the case;



(c) Recognition or enforcement of the judgement does not conflict with the fundamental principles of the law of the Contracting Party in whose territory the judgement is to be recognized or enforced;

(d) The party against whom judgement was rendered was not denied the opportunity to protect his rights or, in the case of persons lacking capacity to sue, was not denied proper representation;

(e) Final judgement has not previously been rendered in the same matter and between the same parties by a court of the Contracting Party in whose territory the judgement is to be recognized or enforced, or proceedings have not previously been instituted in the matter before a court of such Contracting Party;

(f) In a matter in which the applicable law was that of the Contracting Party in whose territory recognition or enforcement is sought, the law applied was that of the said Contracting Party or a law not essentially different from it.

#### *Article 50*

Each Contracting Party shall recognize in its territory judgements relating to the personal status of its citizens rendered in the territory of the other Contracting Party, provided that the conditions specified in article 49 of this Treaty have been observed and that the judgements in question do not conflict with the laws applicable in settling such matters in its own territory.

#### *Article 51*

1. A court of the Contracting Party in whose territory the judgement of a court of the other Contracting Party is to be recognized or enforced shall recognize such judgement or authorize its enforcement if the conditions specified in this Treaty are satisfied.

2. The application for recognition or for authorization of enforcement shall be made to the court which rendered judgement in the case at first instance. The said court shall transmit the application to the competent court of the other Contracting Party in the manner prescribed in article 3 of this Treaty.

3. If the person applying for enforcement is domiciled or resident in the territory of the Contracting Party in whose territory the judgement is to be enforced, the application for recognition or enforcement may also be made direct to the competent court of the said Contracting Party.

4. The application for recognition or enforcement shall be accompanied by a certified translation.

*Article 52*

The application for recognition or for authorization of enforcement shall be accompanied by the following :

- (a) A copy of the judgement and, if the text does not show that the judgement has become final and enforceable, an official document to that effect;
- (b) If the party against whom judgement was rendered did not participate in the proceedings, a certificate showing that he was notified, in due time and in accordance with the law of the Contracting Party in whose territory the judgement was rendered, that the case was under examination;
- (c) Certified translations of the documents referred to in sub-paragraphs (a) and (b) of this article.

*Article 53*

1. The court of the Contracting Party in whose territory the judgement is to be recognized and enforced shall authorize enforcement and take measures for the execution of the judgement in accordance with its own law.

2. The court may require the applicant to correct or clarify his application. The court may also request clarification from the court which rendered the judgement.

*Article 54*

Final judgements of courts of one of the Contracting Parties rendered in respect of citizens of that Party in matters relating to the dissolution or annulment of marriage, to the declaration of persons as missing or dead, to the establishment of the fact of death or to legal capacity shall be recognized in the territory of the other Contracting Party without further proceedings.

## Chapter II

## LEGAL ASSISTANCE IN CRIMINAL CASES

*Article 55*

## SCOPE OF LEGAL ASSISTANCE

Legal assistance in criminal cases shall include the service of documents and the performance of specific acts required in connexion with judicial proceedings, such as the interrogation of accused persons, witnesses and others involved in the proceedings, the conduct of expert examinations, inspections and searches and the transmittal of documents and other evidence.

*Article 56*

## DENIAL OF LEGAL ASSISTANCE

Legal assistance in criminal cases may be denied :

- (a) In the cases referred to in article 12 of this Treaty;
- (b) If legal assistance is requested in connexion with an act which is not punishable under the criminal law of the Contracting Party applied to;
- (c) If legal assistance is requested in connexion with a non-extraditable offence.

*Article 57*

## OBLIGATION TO PROSECUTE

1. Each Contracting Party shall prosecute under its own law, at the request of the other Contracting Party, any of its citizens who has committed in the territory of the latter Party an offence which is extraditable under this Treaty.

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

3. The requested Contracting Party shall send the requesting Contracting Party notice of the result of the prosecution accompanied, if judgement has been pronounced and has become final, by a copy of such judgement.

## EXTRADITION

*Article 58*

## EXTRADITABLE OFFENCES

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

2. Extradition shall take place only in respect of acts which are punishable under the law of both Contracting Parties with deprivation of liberty for a term of more than one year or with a heavier penalty. Extradition with a view to the execution of a sentence shall take place if the sentence has become final and the person claimed has been sentenced to deprivation of liberty for a term of more than one year or to a heavier penalty.

*Article 59*

## 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 Contracting Party applied to;
- (c) Under the law of the Contracting Party applied to, exemption from prosecution or punishment has been acquired before receipt of the requisition for extradition by lapse of time or on other legal grounds;
- (d) Under the law of one of the Contracting Parties, extradition is not permitted in respect of the acts to which the requisition for extradition relates;
- (e) The person claimed has already been prosecuted in the territory of the Contracting Party applied to for the same offence and sentenced or discharged, such sentence or discharge having become final;
- (f) Under the law of both Contracting Parties, criminal proceedings may be instituted only on the private complaint of the aggrieved party.

*Article 60*

## REQUISITION 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 copy of the final sentence or other corresponding judicial determination of the case, together, if necessary, with an additional description of the circumstances of the offence and its legal definition, and information on the extent of the damage caused by the offender;
- (b) The text of the criminal statutes which define the offence in question in the territory of the Contracting Party requesting extradition;
- (c) A personal description of the person claimed, information concerning his citizenship and domicile, and his photograph and fingerprints if they are available.

*Article 61*

## SUPPLEMENTARY INFORMATION

1. If the information communicated is insufficient to permit a decision regarding extradition, the Contracting Party applied to may request supplementary information. For this purpose it may set the applicant Contracting

Party a time-limit not exceeding two months. Such time-limit may be extended on request.

2. If the information requested has not been sent within the specified or extended time-limit, the extradition proceedings shall be discontinued and the person claimed shall be released from custody. If the information requested is subsequently received, the extradition proceedings shall be continued.

#### ARREST OF PERSONS LIABLE TO EXTRADITION

##### *Article 62*

Upon receipt of a requisition for extradition, with the necessary documents, the Contracting Party applied to shall take immediate steps, under its own law, to find and arrest the person claimed.

##### *Article 63*

1. In urgent cases, a person against whom criminal proceedings have been initiated may be arrested even before receipt of the requisition for extradition, if an application is made for his arrest and such application specifies that there exists a warrant for the arrest or a final sentence and if notice is given at the same time that the requisition for extradition is being transmitted. Applications for arrest may be made by courts or procurator's offices by post, telegraph, telephone or wireless in the manner specified in article 3 of this Treaty.

2. The competent authorities of either Contracting Party may arrest a person resident in the territory of that Party in the absence of the application referred to in paragraph 1 of this article if there is sufficient reason to believe that he has committed an extraditable offence in the territory of the other Contracting Party.

3. Each Contracting Party shall immediately notify the other Party of arrests made under paragraph 1 or 2 of this article, or of the reasons why an application made under paragraph 1 of this article has not been complied with.

##### *Article 64*

A person arrested in accordance with article 63, paragraphs 1 and 2, of this Treaty shall be released if a requisition for extradition is not received within thirty days after the date of receipt of the notice of arrest referred to in article 63, paragraph 3, of this Treaty.

*Article 65*

## POSTPONEMENT OF EXTRADITION

If the person claimed is on trial or has been convicted in the territory of the Contracting Party applied to for another offence, extradition may be postponed until the termination of the proceedings or the execution or remission of the sentence. The reasons for the postponement shall be communicated to the other Contracting Party.

*Article 66*

## TEMPORARY EXTRADITION

1. If the postponement of extradition as provided in article 65 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 judicial proceedings for the purpose of which he was extradited are concluded, but not later than three months after the date of extradition. At the request of the Contracting Party to which the person was surrendered, this time-limit may be extended.

*Article 67*

## CONFLICTING REQUISITIONS FOR EXTRADITION

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

*Article 68*

## LIMITS TO PROSECUTION

An extradited person may not, without the consent of the Contracting Party which extradited him, be prosecuted for an offence other than that for which he was extradited. He may not be surrendered to a third State without the consent of the said Contracting Party.

*Article 69*

## SURRENDER

1. The Contracting Party applied to shall notify the applicant Contracting Party of the place and time of surrender of the person claimed. If the applicant Contracting Party fails to accept the person claimed within fifteen days after the date fixed for his surrender, he may be released.

2. If extradition does not take place, the applicant Contracting Party shall receive notice of the fact, together with a statement of the grounds as enumerated in article 59 of this Treaty.

#### *Article 70*

##### NOTIFICATION OF THE RESULTS OF PROSECUTION

The Contracting Parties shall inform each other of the results of proceedings taken against persons extradited to them. If judgement is pronounced in respect of such persons, a copy of the judgement shall be transmitted after it has become final.

#### *Article 71*

##### RE-EXTRADITION

If an extradited person evades prosecution or punishment 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 article 60 of this Treaty.

#### *Article 72*

##### DELIVERY OF PHYSICAL EVIDENCE

1. The competent authorities of the Contracting Parties shall deliver to each other, on request, articles acquired through the commission of offences, money or other valuables obtained for such articles, and articles which may serve as evidence in criminal proceedings.

2. The delivery of such articles shall take place, if possible, at the same time as the surrender of the offender. They shall be delivered even if the offender cannot be extradited owing to his death or escape or to other circumstances.

3. If the articles in question are needed in another criminal proceeding, the Contracting Party applied to may temporarily retain them or deliver them on condition that they are returned as soon as possible.

4. These provisions shall not affect the rights of third parties to the articles in question. After the conclusion of the proceedings, such articles shall be returned to the Contracting Party applied to for transmittal to the persons entitled to them.

#### *Article 73*

##### COSTS OF EXTRADITION

The costs of extradition shall be borne by the Contracting Party in whose territory they were incurred.

*Article 74*

## NOTIFICATION OF SENTENCES

1. Each Contracting Party shall annually communicate to the other Contracting Party, through the diplomatic channel, information concerning final sentences pronounced by its courts in respect of citizens of the other Contracting Party.

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

## PART III

*FINAL PROVISIONS**Article 75*

Disputes arising in the application and interpretation of this Treaty shall be settled by the Contracting Parties through the diplomatic channel.

*Article 76*

This Treaty shall be subject to ratification. The instruments of ratification shall be exchanged as soon as possible at Belgrade.

*Article 77*

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

2. It shall remain in force until one year after the date on which either Contracting Party gives notice to the other Contracting Party of its intention to terminate the Treaty.

*Article 78*

This Treaty has been drawn up in duplicate, in the Russian and Serbo-Croat languages, both texts being equally authentic.



IN WITNESS WHEREOF the Plenipotentiaries of the two Contracting Parties have signed this Treaty and have thereto affixed their seals.

DONE at Moscow on 24 February 1962.

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

G. VILKOV

For the President  
of the Federal People's Republic  
of Yugoslavia :

A. JELIĆ

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