

**No. 7300**

---

**NETHERLANDS  
and  
BRAZIL**

**Convention concerning free legal aid. Signed at Rio de Janeiro, on 16 March 1959**

*Official text: French.*

*Registered by the Netherlands on 8 June 1964.*

---

**PAYS-BAS  
et  
BRÉSIL**

**Convention concernant l'assistance judiciaire gratuite. Signée à Rio de Janeiro, le 16 mars 1959**

*Texte officiel français.*

*Enregistrée par les Pays-Bas le 8 juin 1964.*

[TRANSLATION — TRADUCTION]

No. 7300. CONVENTION<sup>1</sup> BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE UNITED STATES OF BRAZIL CONCERNING FREE LEGAL AID. SIGNED AT RIO DE JANEIRO, ON 16 MARCH 1959

---

Her Majesty the Queen of the Netherlands and the President of the Republic of the United States of Brazil, desiring to ensure by means of an agreement free legal aid for their nationals on a basis of reciprocity, have resolved for this purpose to conclude a Convention concerning Free Legal Aid and to that end have appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands : His Excellency Jonkheer Marc Willem van Weede, Ambassador Extraordinary and Plenipotentiary of the Netherlands at Rio de Janeiro;

His Excellency the President of the Republic of the United States of Brazil : His Excellency Mr. Francisco Negrão de Lima, Minister for Foreign Affairs;

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

*Article I*

The nationals of each of the High Contracting Parties shall be entitled in the territory of the other Party to receive free legal aid; such aid shall be granted in the same conditions to the nationals of each of the High Contracting Parties in proceedings before the criminal, civil and military courts and labour tribunals.

*Article II*

1. An applicant for free legal aid in Brazil shall be required to furnish proof, in the form of a certificate issued in Brazil by the police authorities or by the *Prefeito municipal*, that his financial position is such that he cannot pay either the costs of legal proceedings or counsel's fees without endangering his own and his family's subsistence. In the Federal District and in the capitals of the States and Territories, the certificate may be issued by the authorities expressly designated by the *Prefeito*.

---

<sup>1</sup> Came into force on 30 April 1964, one month after the exchange of the instruments of ratification which took place at The Hague on 30 March 1964, in accordance with article VII (1).

2. An applicant for free legal aid residing in the Netherlands shall be required to furnish proof of his inability to pay the costs of legal proceedings and counsel's fees, such proof to take the form of a declaration issued by the municipal authorities and giving so far as possible particulars regarding the occupation, family, income, and property of the person concerned. Where the applicant does not reside in the Netherlands, he shall produce documents analogous to those mentioned above.

### *Article III*

1. If in the locality there is no authority competent to issue the certificate referred to in the foregoing article, a declaration made by the consular officer or diplomatic mission of the country of the applicant shall be submitted in place of the certificate.

2. If the applicant is not resident in the territory of one of the High Contracting Parties, the documents to be furnished in proof of his indigence shall be those required by the law of the country in which he resides. If the matter is not regulated by law in the country of residence or if it proves impossible to comply with the law in force in that country, the applicant shall attach to his application a declaration made before the consular officer having jurisdiction in his place of residence; the declaration shall indicate the applicant's place of residence and give particulars of his financial means and responsibilities.

3. If the applicant does not reside in the country in which he proposes to apply for free legal aid, the consular officer or the diplomatic mission of the country to which the application is to be made shall authenticate free of charge the certificate issued by the competent local authority of the applicant's place of residence.

4. The authority to which application for a certificate of indigence is made may, for the purposes of this article, make any necessary inquiries into the applicant's financial position.

### *Article IV*

Applications for free legal aid, which shall be made in Brazil to the judge competent in the matter and in the Netherlands to the legal aid department in either criminal or civil matters at the place where the aid is to be granted, shall be governed by the domestic law of the country concerned, and applicants shall enjoy any privileges granted to nationals of that country under that law.

### *Article V*

All rulings and all certificates, documents and instruments relating to the application for and granting of free legal aid shall be exempt from all fees, taxes and charges.

*Article VI*

So far as the Kingdom of the Netherlands is concerned, this Convention shall be applicable only in the territory in Europe. It may be extended, in its present form or with appropriate modifications, to Surinam, the Netherlands Antilles and Netherlands New Guinea. The two High Contracting Parties shall agree on such extension by an exchange of notes.

*Article VII*

1. This Convention shall be ratified after the legal formalities observed in the territory of each of the High Contracting Parties have been completed and shall enter into force one month after the exchange of the instruments of ratification, which shall take place at The Hague as soon as possible.

2. Each of the High Contracting Parties may denounce the Convention at any time, but the Convention shall not cease to have effect until three months after it is denounced.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE at Rio de Janeiro, on 16 March 1959, in duplicate in the French language.

(Signed) M. W. VAN WEEDE

(Signed) FRANCISCO NEGRÃO DE LIMA