

No. 7510

**HUNGARY
and
YUGOSLAVIA**

Treaty concerning mutual legal assistance. Signed at Belgrade, on 7 May 1960

Official texts: Hungarian and Serbo-Croat.

Registered by Hungary on 3 December 1964.

**HONGRIE
et
YOUUGOSLAVIE**

Traité d'assistance juridique réciproque. Signé à Belgrade, le 7 mai 1960

Textes officiels hongrois et serbo-croate.

Enregistré par la Hongrie le 3 décembre 1964.

[TRANSLATION — TRADUCTION]

No. 7510. TREATY¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA CONCERNING MUTUAL LEGAL ASSISTANCE. SIGNED AT BELGRADE, ON 7 MAY 1960

The Government of the Hungarian People's Republic and the Government of the Federal People's Republic of Yugoslavia, desiring to regulate legal relations between them, have decided to conclude a Treaty concerning legal assistance in civil, family and criminal matters and have for that purpose appointed as their plenipotentiaries :

The Government of the Hungarian People's Republic :

Dr. István Timár, Head of Department in the Ministry of Justice ;

The Government of the Federal People's Republic of Yugoslavia :

Bogoljub Popović, Minister Plenipotentiary,

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

PART I

GENERAL PROVISIONS

Article 1

(1) Nationals of one Contracting Party shall enjoy in the territory of the other Contracting Party, in respect of their personal and property rights, the same legal protection as nationals of the latter Contracting Party.

(2) Nationals of one Contracting Party may appear before the courts of the other Contracting Party under the same conditions as nationals of the latter Contracting Party.

(3) The provisions of paragraphs (1) and (2) shall also apply to bodies corporate.

¹ Came into force on 13 February 1961, thirty days after the exchange of the instruments of ratification which took place at Budapest on 13 January 1961, in accordance with article 94.

Article 2

Save as otherwise provided in this Treaty, the courts of the Contracting Parties shall communicate with one another through the Ministry of Justice of the Hungarian People's Republic, in the case of Hungary, and through the State Secretariats for Justice of the People's Republics of Serbia, Croatia, Slovenia, Bosnia and Hercegovina, Macedonia and Montenegro, in the case of Yugoslavia.

Article 3

(1) In providing legal assistance under this Treaty, the courts of the Contracting Parties shall, save as otherwise provided in this Treaty, communicate with one another in the Hungarian, Serbo-Croat, Slovenian or Macedonian language.

(2) Documents and instruments drawn up by a court of one Contracting Party at the request of a court of the other Contracting Party shall be in one of the languages specified in paragraph (1).

Article 4

The Ministry of Justice of the Hungarian People's Republic and the Secretariat for Judicial Matters of the Federal Executive Council of the Federal People's Republic of Yugoslavia shall furnish each other, on request, with the texts of legal provisions in force or formerly in force in the territory of their respective States and, where necessary, with information on particular legal questions.

Article 5

The provisions of this Treaty relating to courts shall also apply to other authorities which are competent, under the law of their country, to deal with civil, family or criminal matters.

PART II

LEGAL ASSISTANCE IN CIVIL AND FAMILY MATTERS

Chapter I

EXEMPTION FROM SECURITY FOR LEGAL COSTS AND
EXEMPTION FROM OTHER COSTS AND CHARGES*Article 6*

(1) Nationals of one Contracting Party who appear before the courts of the other Contracting Party as plaintiffs or intervenors shall not be required to deposit security for legal costs or to make any advance payment in respect of charges connected with

the proceedings, on condition that they are domiciled or resident in the territory of either Contracting Party.

(2) Advance payment in respect of costs incurred by them as litigants shall be required of nationals of one Contracting Party under the same conditions and to the same extent as apply to nationals of the other Contracting Party.

(3) The provisions of paragraphs (1) and (2) shall apply *mutatis mutandis* to bodies corporate.

Article 7

(1) If a litigant enjoying the privileges specified in article 6, paragraph (1), is required in pursuance of a final judgement to pay legal costs or charges, the said judgement shall, on application, and without charge, be enforced in the territory of the other Contracting Party in so far as the said costs or charges are concerned.

(2) An application for the recovery of legal costs shall be made by the party to whom the costs were awarded ; an application for the recovery of unpaid charges and of costs advanced by the State shall be made by the State.

(3) Applications may be made direct to the competent court of the other Contracting Party or to the court which dealt with the case at first instance ; the latter court shall transmit the application to the court of the other Contracting Party.

(4) Applications shall be accompanied by a certified transcript of that part of the judgement which relates to the legal costs and charges, a certificate attesting that the judgement has become final and is enforceable, and a certified translation of the aforementioned documents into the language of the Contracting Party to which the application for enforcement is made.

Article 8

(1) Judgements as referred to in article 7, paragraph (1), which have been rendered by a court of the other Contracting Party shall be enforced, without review of any kind, in the same manner as the judgements of domestic courts.

(2) Sums recovered in respect of legal costs shall be remitted to the litigant who applied for enforcement or to the diplomatic or consular mission of his country, and sums recovered in respect of unpaid charges and of costs advanced by the State shall be remitted to the diplomatic or consular mission of the Contracting Party which applied for enforcement.

Article 9

(1) Nationals of one Contracting Party shall, in the courts of the other Contracting Party, be accorded exemption from costs and charges, and any other

privilege relating to the payment of charges, under the same conditions and to the same extent as nationals of the latter Contracting Party.

(2) Any exemption or privilege as referred to in paragraph (1) which is accorded to a national of one Contracting Party in the territory of either Contracting Party shall also be accorded to him in all proceedings in the same case before a court of the other Contracting Party.

Article 10

(1) A certificate relating to the personal, income and property status of the applicant and required for the exercise of rights under article 9 shall be issued by the competent authority of the Contracting Party in whose territory the applicant is domiciled or resident.

(2) If the applicant is not domiciled or resident in the territory of either Contracting Party, a certificate issued by the diplomatic or consular mission of the Contracting Party of which he is a national shall suffice.

(3) The authority competent to issue the certificate referred to in paragraph (1) may request information from the competent authority of the other Contracting Party concerning the applicant's personal, income and property status.

(4) The court ruling on an application for exemption from costs and charges may also verify, through the competent authority of the other Contracting Party, the accuracy of the documents and information submitted and request further particulars from that authority.

Article 11

(1) A national of either Contracting Party domiciled or resident in the territory of one Contracting Party who wishes to avail himself of rights under article 9 before a court of the other Contracting Party may submit an application to that effect either direct to the court of the other Contracting Party or to the competent court of the place where he is domiciled or resident. The latter court shall transmit the application, together with the accompanying documents, to the court of the other Contracting Party in the manner prescribed in article 2.

(2) If the application and accompanying documents are not drawn up in the language of the Contracting Party whose court is to rule on the application, a certified translation shall be attached.

Chapter II

LEGAL ASSISTANCE AND SERVICE OF DOCUMENTS

Article 12

The courts of the Contracting Parties shall, on application, provide legal assistance to and effect the service of documents for one another in civil and family matters.

Article 13

(1) Applications shall specify the matter to which they relate and give the names, occupation and domicile of the parties.

(2) In addition to the particulars specified in paragraph (1), applications for the service of documents shall state the address of the recipient and the nature of the document to be served, and applications for legal assistance 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 14

(1) Applications and documents originating from courts of the Contracting Parties shall be signed and shall bear the seal of the court in question ; they shall require no further authentication.

(2) Applications shall be drawn up in the form prescribed by the law of the applicant Contracting Party.

Article 15

(1) Applications shall be executed in accordance with the law of the Contracting Party applied to, but any special procedure requested by the applicant court shall be followed if not at variance with the legal principles of the Contracting Party applied to.

(2) In executing applications, the court applied to shall, where necessary, apply the same measures of constraint as it applies in executing applications for legal assistance from domestic courts. Measures of constraint shall not be applied for the purpose of compelling parties to proceedings to appear in person.

Article 16

(1) If the court applied to is not competent to execute the application, it shall transmit the same to the competent court and notify the applicant court accordingly.

(2) The applicant court shall, if it so requests, be notified direct and in good time of the time and place of performance of the action requested.

(3) If the person named in the application cannot be found at the stated address, the court applied to shall take the necessary steps to determine his address.

(4) If the court applied to does not execute the application, it shall so notify the applicant court without delay and inform it of the circumstances preventing execution.

Article 17

(1) In serving documents, the court applied to shall apply the law of its own State.

(2) If the document to be served is not in the language of the Contracting Party applied to and is not accompanied by a certified or official translation into that language, the court applied to shall deliver the document to the recipient only if he is willing to accept it.

Article 18

(1) Service shall be certified by a receipt showing the date of service and bearing the signature of the person effecting service and the recipient and the seal of the court, or by a certificate of the court applied to attesting to the fact, manner and date of service.

(2) Where the document to be served is transmitted in duplicate, service may be certified on the second copy.

Article 19

(1) Each Contracting Party may, through its diplomatic or consular missions, serve documents on its nationals who are present in the territory of the other Contracting Party.

(2) Service of documents in accordance with paragraph (1) may not be accompanied by measures of constraint.

Article 20

(1) The Contracting Parties shall make no claim for the reimbursement of costs incurred in executing applications for legal assistance or the service of documents other than fees and costs connected with the taking of expert testimony.

(2) The taking of expert testimony may be made conditional upon the advance payment of a deposit only if one of the parties is liable for the fees and costs occasioned by such testimony.

(3) The court applied to shall communicate to the applicant court the amount of the costs incurred in providing legal assistance.

Article 21

Legal assistance or the service of a document may be refused if the Contracting Party applied to considers that execution of the application would endanger its sovereignty or security or would be at variance with its legal principles.

Chapter III

PROVISIONS RELATING TO PRIVATE INTERNATIONAL LAW

LEGAL CAPACITY

Article 22

(1) The legal capacity of an individual shall be determined by the law of the Contracting Party of which he is a national.

(2) The legal capacity of a body corporate shall be determined by the law of the Contracting Party in whose territory its head office is situated.

GUARDIANSHIP AND CURATORSHIP

Article 23

(1) Save as otherwise provided in this Treaty, jurisdiction in respect of guardianship or curatorship shall vest in an authority of the Contracting Party of which the prospective ward is a national.

(2) A person who is a national of one Contracting Party may be appointed guardian or curator of a national of the other Contracting Party if such person aforementioned is domiciled in the territory of the Contracting Party where the guardianship or curatorship is to be exercised and his appointment is in the best interests of the ward.

(3) The obligation to accept the office of guardian or curator shall be governed by the law of the Contracting Party of which the prospective guardian or curator is a national.

(4) The legal relations between a guardian or curator and his ward shall be governed by the law of that Contracting Party to which the authority that appointed the guardian or curator is subject.

Article 24

(1) If in the territory of one Contracting Party measures must be taken by the guardianship authority in the interests of a national of the other Contracting Party who is resident or has property in the territory of the Contracting Party where such measures must be taken, the competent authority of the latter Contracting Party shall forthwith notify the diplomatic or consular mission of the Contracting Party of which such person is a national.

(2) In cases admitting of no delay, the guardianship authority of the other Contracting Party may itself take essential provisional measures, on condition that it forthwith notifies the diplomatic or consular mission of the Contracting Party of which the person concerned is a national. The said measures shall remain in effect until such time as the competent authority of the latter Contracting Party takes a decision in the matter ; such decision shall be communicated to the authority which ordered the provisional measures.

LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

Article 25

Legal relations between parents and children, as well as actions to establish or contest paternity or maternity, shall be governed by the law of the Contracting Party of which the child is a national.

Article 26

(1) Decisions on the legal relations referred to in article 25 shall be within the jurisdiction of a court of the Contracting Party of which the child is a national.

(2) If both parties are domiciled in the territory of one Contracting Party, the courts of that Contracting Party shall also have jurisdiction under paragraph (1).

ADOPTION

Article 27

(1) Where the adopter is a national of one Contracting Party and the person adopted is a national of the other Contracting Party, adoption or termination of adoption shall be subject to the material requirements laid down by the domestic law both of the adopter and of the person adopted.

(2) In proceedings for adoption or the termination of adoption, jurisdiction shall vest in the authority of the Contracting Party of which the person adopted is a

national. Proceedings for adoption or the termination of adoption may also be conducted by an authority of the Contracting Party in whose territory the adopter and the person adopted are domiciled at the time of the adoption or termination of adoption.

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

Article 28

(1) Proceedings for declaring a missing person dead or for establishing the fact of death shall be within the jurisdiction of a court of the Contracting Party of which the person was a national at the time of his disappearance.

(2) The court of one Contracting Party may declare a national of the other Contracting Party dead or establish the fact of his death :

(a) Upon the application of a person wishing to exercise rights of succession with respect to immovable property of the missing person situated in the territory of the first-named Contracting Party ; or

(b) Upon an application of the spouse of the missing person relating to the existence of the marriage or to rights deriving from property relations between the spouses in respect of property situated in the territory of the first-named Contracting Party, on condition that the said spouse is domiciled in the territory of that Contracting Party when the application is submitted and that, in the case of rights deriving from property relations between the spouses, the couple had their last joint domicile in the territory of the said Contracting Party.

(3) The declaration of a missing person as dead or the establishment of the fact of death under the provisions of paragraph (2) shall be subject to the provisions of the domestic law of the said person.

Chapter IV

MATTERS OF SUCCESSION

Article 29

(1) Nationals of one Contracting Party may acquire property rights in the territory of the other Contracting Party by statutory or testamentary succession under the same conditions and to the same extent as nationals of the latter Contracting Party.

(2) Nationals of one Contracting Party may make wills disposing of their property situated in the territory of the other Contracting Party.

Article 30

Legal relations in respect of succession shall be governed by the law of the Contracting Party of which the decedent was a national at the time of his death.

Article 31

Where there are no heirs, succession to movable property shall be determined by the law of the Contracting Party of which the decedent was a national at the time of his death, and succession to immovable property by the law of the Contracting Party in whose territory the property is situated.

Article 32

(1) The capacity to make or revoke a testamentary disposition or the question of the invalidity of a testamentary disposition by reason of lack of intent on the part of the testator (duress, fraud, error, etc.) shall be determined according to the law of the Contracting Party of which the testator was a national at the time of making or revoking the testamentary disposition.

(2) The requirements relating to the form in which a testamentary disposition is drawn up or revoked shall be determined by the law of the Contracting Party of which the testator was a national at the time of making or revoking the testamentary disposition. It shall be sufficient, however, for the purposes of the validity of a testamentary disposition as regards its form, if the law of the Contracting Party in whose territory the testamentary disposition was made or revoked has been complied with.

Article 33

Exclusive jurisdiction in succession proceedings relating to immovable property and in the settlement of contested claims to an inheritance, to the legal portion of an estate or to a legacy pertaining to immovable property shall vest in the courts (authorities) of the Contracting Party in whose territory the immovable property is situated.

Article 34

(1) Save as otherwise provided in this Treaty, jurisdiction in succession proceedings relating to movable property of nationals of the Contracting Parties and in the settlement of contested claims to an inheritance, to the legal portion of an estate or to a legacy pertaining to such movable property shall vest in the courts (authorities) of the Contracting Party of which the decedent was a national at the time of his death.

(2) Save as otherwise provided in this Treaty, the courts (authorities) of the Contracting Parties shall, upon application by a court (authority) of the Contracting

Party of which the decedent was a national, hand over for the purposes of succession proceedings any movable property belonging to the decedent's estate.

Article 35

(1) If a national of one Contracting Party dies in the territory of the other Contracting Party, the competent court (authority) shall forthwith report the death to the diplomatic or consular mission of the first-mentioned Contracting Party, communicating to it whatever information is known concerning the heirs, their domicile and address, the nature and value of the estate, and the will, if one exists. The same shall apply where the court (authority) learns that property has been left in its State by a national of the other Contracting Party who had died in his own or a third State.

(2) If in the course of succession proceedings instituted in the territory of one Contracting Party it is learned that a national of the other Contracting Party is an heir, the court (authority) shall so notify the diplomatic or consular mission of the latter Contracting Party.

Article 36

(1) Where the estate of a national of one Contracting Party is situated in the territory of the other Contracting Party, the competent court (authority) shall, of its own motion or upon application, take appropriate measures to ensure the protection and administration of the estate. In such cases, an inventory of the movable property of the estate shall be made, and a suitable person shall, if necessary, be appointed as administrator of the estate.

(2) The court (authority) shall apply the measures referred to in paragraph (1) in accordance with the law of its own State, provided that it shall employ such special procedures requested by the other Contracting Party as are not at variance with the legal principles of the Contracting Party applied to.

(3) If, at the place where the estate is situated, there is a diplomatic or consular mission of the Contracting Party of which the deceased was a national, the measures referred to in paragraph (1) may—with the exception of those which are urgently necessary—be taken only if the said mission is given notice thereof in good time. The diplomatic or consular mission shall be entitled to participate in the execution of the measures and to submit proposals.

(4) In other cases, the diplomatic or consular mission shall be notified without delay of any 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 37

(1) Where a court (authority) of one Contracting Party publishes the will of a national of the other Contracting Party, a certified copy of the will and of the minutes concerning the content and condition and the publication of the will shall be transmitted to the court (authority) of the Contracting Party of which the testator was a national, if, under the provisions of this Treaty, the court (authority) of the Contracting Party in whose territory the will is published does not have jurisdiction in the succession proceedings. The same procedure shall be followed even if the court (authority) of the other Contracting Party also has jurisdiction in the succession proceedings.

(2) The court (authority) which publishes the will may also transmit the original will if the court (authority) of the other Contracting Party so requests.

(3) The provisions of paragraphs (1) and (2) shall also apply to the minutes or other document drawn up concerning a testamentary disposition made by oral declaration.

Article 38

(1) At the request of heirs or legatees who are nationals of the Contracting Party in whose territory the movable property of the estate is situated or who are resident in the said territory, the court (authority) may retain all or an appropriate portion of the said property until such time as the competent court (authority) of the Contracting Party of which the decedent was a national renders a final decision on the claims of the heirs or legatees.

(2) The court (authority) may take the same action at the request of creditors who are nationals of the Contracting Party in whose territory the estate is situated or who are resident in the said territory if such creditors present their claims and, where necessary, institute proceedings for the recognition thereof.

Article 39

(1) For purposes of presentation of the claims referred to in article 38, the court (authority) shall by public notice set a time limit of three to six months within which the heirs and creditors must present their claims and, where necessary, institute proceedings for the recognition thereof. If such claims are not presented or, as the case may be, proceedings for the recognition thereof are not instituted within the said time limit, the delivery of movable property of the estate may not be refused by invoking the provisions of article 38.

(2) The public notice referred to in paragraph (1) shall be in the form prescribed by the law of the Contracting Party in whose territory the movable property of the estate is situated.

Article 40

(1) Where a decedent who was a national of one Contracting Party was last domiciled in the territory of the other Contracting Party, his heirs residing in the territory of the latter Contracting Party may, within six months of his death, request that the competent court (authority) of that Contracting Party open succession proceedings relating to the movable property situated in the territory of the said Contracting Party. Such request shall be granted only if no objection thereto is made by an heir, a person entitled to the legal portion of the estate or a legatee within three months from the date on which the court (authority) gives notice that the request has been submitted.

(2) In the case referred to in paragraph (1), legal relations in respect of succession shall be governed by the law of the Contracting Party of which the decedent was a national at the time of his death.

Article 41

If a national of one Contracting Party temporarily present in the territory of the other Contracting Party dies there, the personal effects which he was carrying with him shall, together with an inventory thereof, be delivered without further proceedings to the diplomatic or consular mission of his country.

Article 42

The diplomatic or consular mission of one Contracting Party may represent its nationals in the territory of the other Contracting Party in adversary and *ex parte* succession proceedings before courts (authorities) of the latter Contracting Party if such nationals are not present and have not appointed a representative ; in such cases, no special power of attorney shall be necessary.

Article 43

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 Contracting Party in whose territory the property is situated.

Article 44

Each Contracting Party reserves the right to collect all estate taxes and duties provided for under its law before delivering the movable property of an estate to the other Contracting Party.

Chapter V

RECOGNITION AND ENFORCEMENT OF JUDGEMENTS

Article 45

(1) Each Contracting Party shall recognize and enforce in its territory the following judgements rendered in the territory of the other Contracting Party :

(a) Final and enforceable judgements and judicial settlements in civil and commercial cases, with the exception of decrees of bankruptcy and compositions ;

(b) Final and enforceable judgements in criminal cases in so far as they relate to property claims ;

(c) Final and enforceable awards of select courts and settlements arrived at before them in disputes arising out of economic relations, where at least one of the parties is an economic organization.

(2) For the purposes of paragraph (1) (a), courts of the Federal People's Republic of Yugoslavia shall be considered to include economic courts.

(3) The question whether a dispute as referred to in paragraph (1) (c) is to be regarded as arising out of economic relations shall be decided in accordance with the law of the Contracting Party which enforces the award of the select court.

Article 46

Recognition and enforcement of the judgements referred to in article 45, paragraph (1) (a) and (b), shall be subject to the following conditions :

(a) Under the law of the Contracting Party in whose territory enforcement is sought, the court of the other Contracting Party would be competent to deal with the case ;

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

(c) In the territory of the Contracting Party where recognition or enforcement is sought, the judgement would not be prejudicial to law and order ;

(d) In the case of a default judgement, the party in default was served with a summons, in proper form and in due time, in accordance with the law of the State in which the judgement was rendered ;

(e) A final judgement in an action between the same parties relating to the same matter has not been rendered previously by an ordinary or select court of the Contracting Party in whose territory enforcement is sought ;

(f) The respondent is a national of the Contracting Party in whose territory recognition or enforcement of the judgement is sought, and the claim to which the judgement relates is admissible under the law of that Contracting Party.

Article 47

Recognition and enforcement of the awards of select courts referred to in article 45, paragraph (1) (c), shall be subject to the following conditions in addition to those specified in article 46 :

(a) The award is based on a written agreement specifying that a particular dispute or future disputes are to be submitted to a select court ;

(b) The award was made by the select court specified in such agreement ;

(c) The said agreement is valid under the law of the Contracting Party in whose territory enforcement is sought.

Article 48

Even if the conditions specified in articles 46 and 47 are met, the award of a select court shall not be enforced :

(a) If the party against whom the award is to be enforced was unable to participate in the proceedings by reason of a defect in the proceedings ;

(b) The select court exceeded its authority under the agreement providing for submission of the dispute to a select court.

Article 49

(1) Save as otherwise provided in this Treaty, the authorization of enforcement and procedure for enforcement shall be governed by the law of the Contracting Party in whose territory the judgement is to be enforced.

(2) In ruling on the enforceability of a judgement, the court shall confine itself to determining whether the conditions specified in articles 46 to 48 are met. If the said conditions are met, enforcement shall be authorized.

Article 50

(1) An application for enforcement may be made by the parties concerned either direct to the competent court or through the diplomatic or consular channel.

(2) An application for enforcement shall, according to the circumstances, be accompanied by :

(a) A certified copy of the judgement or judicial settlement, together with a statement certifying that it has become final and enforceable ;

(b) If the respondent did not participate in the proceedings, a statement certifying that he was served with a summons, in proper form and in due time, in accordance with the law of the State in which the judgement was rendered ;

- (c) Proof that enforcement is sought on the basis of an award by a select court ;
- (d) Proof that the case is within the jurisdiction of a select court ;
- (e) An official or certified translation of the documents referred to in sub-paragraphs (a) to (d) into the language of the Contracting Party in whose territory enforcement is sought.

Article 51

The provisions of articles 45 to 50 shall apply to such judgements and settlements in property matters as become final and enforceable after the entry into force of this Treaty.

Article 52

(1) Each Contracting Party shall recognize judgements rendered by the competent courts of the other Contracting Party in matters relating to the personal status of its nationals, if the conditions specified in article 46 (a), (b), (d) and (e) of this Treaty are met and the said judgements do not conflict with the law of the first-mentioned Contracting Party relating to personal status.

(2) Each Contracting Party shall recognize judgements rendered by courts of the other Contracting Party in matters relating to the personal status of nationals of a third State if the said judgements are also recognized in such third State.

Article 53

(1) An application for the recognition of a judgement relating to personal status may be made by any person whose legal interests are thereby affected.

(2) Judgements recognized in accordance with article 52 shall have the same legal effect as the judgements of domestic courts.

(3) The provisions of article 49, paragraph (1), and of article 50 of this Treaty shall apply *mutatis mutandis* to the recognition of judgements relating to personal status.

Article 54

(1) Final judgements rendered by the courts of one Contracting Party in matters relating to the personal status of its own nationals shall be recognized in the territory of the other Contracting Party without being reviewed in the light of the provisions of articles 52 and 53 of this Treaty.

(2) Any change in personal status resulting from a judgement referred to in paragraph (1) shall, where necessary, be entered in the civil register, subject to prior

approval, in the case of Hungary, by the Ministry of Justice and, in the case of Yugoslavia, by the Federal State Secretariat for Internal Affairs.

(3) The entries provided for in paragraph (2) shall be made on the application of the person concerned or of the competent authority of the Contracting Party whose court rendered the judgement.

(4) If it appears to the authority referred to in paragraph (2) that the judgement relates to the personal status of one of its own nationals, the procedure specified in articles 52 and 53 of this Treaty shall be followed.

Article 55

The provisions relating to the enforcement of judgements shall not affect the regulations governing the transfer of funds or the export of articles in force in the territory of the Contracting Party which enforces the judgement.

Chapter VI

DOCUMENTS

TRANSMITTAL OF DOCUMENTS RELATING TO PERSONAL STATUS

Article 56

(1) The Contracting Parties shall transmit to each other such documents and such copies of final judgements as relate to the personal status of nationals of the other Contracting Party.

(2) The documents and copies referred to in paragraph (1) shall be transmitted free of charge to the diplomatic or consular mission of the other Contracting Party.

(3) Extracts from the register of deaths shall be transmitted forthwith ; other extracts and the copies of judgements shall be transmitted at the end of each quarter.

Article 57

(1) The Contracting Parties shall transmit documents relating to personal status to each other free of charge if requested to do so in the public interest.

(2) A request as referred to in paragraph (1) shall be made through the diplomatic or consular channel.

Article 58

For the purposes of article 56, documents relating to personal status shall be considered to include extracts from the registers of births, marriages and deaths and extracts from the register of still births.

ATTESTATION OF DOCUMENTS

Article 59

(1) Official documents drawn up or issued by a court or other authority of one Contracting Party shall, if signed and bearing an official seal, require no further authentication for use before courts and other authorities of the other Contracting Party. Similarly, private documents attested by a court or other competent authority shall require no further authentication.

(2) The provisions of paragraph (1) shall also apply to copies of official or private documents attested by a court or other competent authority.

EVIDENTIAL VALUE OF OFFICIAL DOCUMENTS

Article 60

Official documents issued by a competent authority of one Contracting Party shall have the same evidential value in the territory of the other Contracting Party as official documents of the latter Contracting Party.

PART III

LEGAL ASSISTANCE IN CRIMINAL MATTERS

Chapter I

LEGAL ASSISTANCE AND SERVICE OF DOCUMENTS

Article 61

The Contracting Parties undertake to provide legal assistance to and effect the service of documents for one another in criminal matters if requested to do so.

Article 62

Legal assistance or the service of a document may be refused if :

(a) Such assistance or service would endanger the sovereignty or security of the Contracting Party applied to or would be at variance with its basic legal principles ;

(b) The accused person is a national of the Contracting Party applied to and is not present in the territory of the applicant Contracting Party ;

(c) Such assistance or service is sought in respect of an offence which is not extraditable under the provisions of this Treaty.

Article 63

(1) Legal assistance shall include the performance of specific acts pertaining to judicial proceedings, and in particular the interrogation of accused persons, witnesses and experts, searches of dwellings and persons, inspections, and the transmittal of articles and documents.

(2) The articles and documents referred to in paragraph (1) shall be transmitted only if they are in the possession of the authorities of the Contracting Party applied to and there are no special reasons for not transmitting them.

(3) Articles and documents which have been transmitted shall be returned as soon as possible.

Article 64

(1) No person of whatsoever nationality who, in response to a summons served on him by a court of one Contracting Party, voluntarily appears as a witness or expert before a court of the other Contracting Party in a criminal or civil case may be prosecuted or detained, nor may penalties be imposed upon him, in the territory of the applicant Contracting Party either for the offence which is the subject of the proceedings or for any other offence committed before he crossed the frontier of the applicant Contracting Party. Administrative proceedings may not be instituted against such person, nor may penalties be imposed upon him, for an infraction of regulations committed before he crossed the frontier.

(2) The witness or expert shall forfeit the protection specified in paragraph (1) if, being at liberty to do so, he fails to quit the territory of the applicant Contracting Party within one week from the date on which the court informs him that his presence is no longer necessary.

(3) The costs occasioned by the personal appearance of the witness or expert shall be borne by the applicant Contracting Party. The application for service of a summons shall indicate the amount to be paid to the witness or expert to cover his travelling expenses and his subsistence while he is abroad. The applicant Contracting Party shall, at the request of the person summoned, pay him an advance to meet such expenses and subsistence.

(4) Witnesses may request compensation for loss of earnings, and experts may, in addition, charge a fee for their expert testimony.

Article 65

(1) Where it is urgently necessary for a court of one Contracting Party to interrogate, as witness or expert, a person who is under detention in the territory of the

other Contracting Party, a request for such person's temporary surrender must be made to the Ministry of Justice of the Hungarian People's Republic or, as the case may be, to the State Secretariat for Foreign Affairs of the Federal People's Republic of Yugoslavia.

(2) Such request shall be granted if the person under detention gives his consent and there are no special reasons for not surrendering him. The person surrendered shall be kept under detention and after being interrogated shall be immediately returned. The person surrendered shall in these circumstances be entitled to the protection provided for in article 64, paragraph (1).

(3) Subject to the conditions specified in paragraphs (1) and (2) of this article and in article 64, paragraph (1), authorization may also be granted for the conveyance in transit, for the purpose of interrogation, of a person detained in a third State.

Article 66

(1) Each Contracting Party shall, on the application of the other Contracting Party, return to the latter, even where extradition does not take place, articles which, in connexion with the commission of a criminal offence, were taken by the person committing the offence from the territory of the applicant Contracting Party to the territory of the other Contracting Party, or articles acquired by that person in exchange for the aforementioned articles. Any dispute concerning *bona fide* possession of the articles shall be decided by a court of the Contracting Party in whose territory the articles are situated.

(2) The Contracting Party applied to may temporarily retain possession of the articles referred to in paragraph (1) if they are required in connexion with criminal proceedings which are being conducted in its territory.

Article 67

The provisions of articles 13 to 19 shall apply *mutatis mutandis* to the provision of legal assistance and the service of documents in criminal cases.

Article 68

(1) The Contracting Parties shall, at quarterly intervals, transmit to each other, through the diplomatic channel, copies of entries in the register of convictions concerning final sentences passed on nationals of the other Contracting Party. This provision shall also apply to subsequent decisions relating to such sentences.

(2) The Contracting Parties shall, on request, also transmit to each other extracts from the sentences referred to in paragraph (1).

Article 69

The Contracting Parties shall, on request, transmit to each other, through the diplomatic channel, particulars of such entries in the register of convictions as relate to :

(a) Nationals of the applicant Contracting Party ; or

(b) Other persons present in the territory of the applicant Contracting Party against whom criminal proceedings are being taken in that territory. The Contracting Party applied to may refuse to grant a request relating to one of its own nationals.

Article 70

(1) The Contracting Parties shall inform each other of offences committed in their territory by nationals of the other Contracting Party who, after committing the offence, return to their own country.

(2) The information referred to in paragraph (1) shall be accompanied by all available evidence relating to the offence.

(3) The Contracting Party which receives the information shall inform the other Contracting Party whether proceedings have been taken against the offender and, if so, what was the result thereof.

Article 71

(1) Costs arising in connexion with the provision of legal assistance, the service of documents and the provision of information in criminal matters shall be borne by the Contracting Party in whose territory the costs are incurred. The other Contracting Party shall be informed of the amount of such costs.

(2) Costs arising in connexion with the taking of expert testimony or with the temporary surrender of persons under detention in the territory of the Contracting Party applied to shall be reimbursed by the applicant Contracting Party.

Chapter II

EXTRADITION AND CONVEYANCE IN TRANSIT

Article 72

The Contracting Parties undertake to extradite to each other, on application and under the conditions specified in this Treaty, persons against whom criminal proceedings have been instituted or upon whom final sentence has been imposed in the territory of the applicant Contracting Party.

Article 73

(1) Extradition may be granted only in respect of acts which, under the law of both Contracting Parties, constitute criminal offences punishable by deprivation of liberty for a period of not less than two years or by a more severe penalty.

(2) A requisition for extradition shall be regarded as valid if it is accompanied by a warrant of arrest issued by a court of the applicant Contracting Party or by a judicial decision having the same effect. The said warrant or decision shall specify the nature of the offence in respect of which extradition is sought, the circumstances, place and time of its commission, and its legal definition.

Article 74

(1) The Contracting Party applied to shall also extradite persons upon whom a final sentence has been imposed entailing deprivation of liberty for a period of not less than six months in respect of an offence meeting the conditions specified in article 73, paragraph (1).

(2) The requisition for extradition shall be regarded as valid if it is accompanied by a final sentence passed by a court of the applicant Contracting Party. If sentence was passed in the absence of the person whose extradition is sought, the applicant Contracting Party shall not execute the sentence on which the requisition is based but shall institute new proceedings at which the extradited person is present for trial.

Article 75

The Contracting Party applied to may refuse to grant extradition :

(a) If the person whose extradition is sought committed the offence in the territory of that Contracting Party ;

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

Article 76

Extradition shall not be granted :

(a) If the person whose extradition is sought is a national of the Contracting Party applied to ;

(b) If the person whose extradition is sought has already been sentenced for the same offence by a court of the Contracting Party applied to and such sentence has become final, or if he has been finally discharged by such court for a good and sufficient reason. However, extradition shall take place if a court of the Contracting Party applied to makes a final determination that, under the law of its State, the necessary conditions are present for the institution of new proceedings ;

(c) If under the law of either Contracting Party there is a legal obstacle (lapse of time, the grant of a pardon, etc.) to prosecution or to the execution of a sentence. A requisition for extradition shall interrupt the period during which immunity is acquired by lapse of time ;

(d) If, under the law of the applicant Contracting Party or of the State in whose territory the offence was committed, the institution of criminal proceedings is in a particular case conditional upon the submission of a private proposal or complaint or the granting of authorization, and no such proposal or complaint has been submitted or no authorization has been granted.

Article 77

Extradition shall not be granted in respect of an act which, in the opinion of the Contracting Party applied to, constitutes a political offence.

Article 78

Extradition shall not be granted in respect of offences consisting solely in the violation of military obligations (military offences) or of offences committed through the Press.

Article 79

(1) A requisition for extradition shall be submitted through the diplomatic channel. The Contracting Parties shall in the same manner transmit to each other all information and decisions relating to extradition matters.

(2) In addition to the warrant of arrest or judicial decision referred to in article 73, paragraph (2), or the final sentence referred to in article 74, paragraph (2), of this Treaty, the requisition for extradition shall be accompanied by :

(a) Proof or particulars of the nationality of the person whose extradition is sought ;

(b) The text of the statutory provisions of the applicant Contracting Party, and, where applicable, of the State in which the offence was committed, relating to the offence in respect of which extradition is sought and to the penalty therefor.

(3) The requisition shall, if possible, be accompanied by a personal description and biographical particulars of the person whose extradition is sought, particulars of his residence and, if available, his photograph and fingerprints.

(4) Where extradition is sought under the provisions of article 74, the sentence shall be accompanied by proof that it has become final.

(5) The requisition and all accompanying documents shall be provided with a certified translation into the official language of the Contracting Party applied to. The original or a certified copy of such documents shall be transmitted.

(6) The requisition and accompanying documents shall be drawn up in a form corresponding to the legal provisions of the applicant Contracting Party.

Article 80

(1) Upon receipt of a requisition for extradition which satisfies the conditions specified in this Treaty, the Contracting Party applied to shall forthwith take steps to ascertain the whereabouts of the person whose extradition is sought and, where necessary, shall order his arrest.

(2) If the information accompanying the requisition for extradition is inadequate, the Contracting Party applied to shall request supplementary information from the applicant Contracting Party. The Contracting Party applied to may set a time limit of not more than two months for the communication of such information ; such time limit may be extended at the request of the applicant Contracting Party.

(3) If the applicant Contracting Party does not communicate the supplementary information within the time limit specified in paragraph (2), the person whose extradition is sought shall be released. If the supplementary information is subsequently received, the extradition proceedings shall be resumed.

Article 81

(1) Upon direct application being made, in writing or by telegraph, by the competent court or prosecuting authority of one Contracting Party, the other Contracting Party shall, pending receipt of the requisition for extradition, take temporary measures in accordance with its law against the person whose extradition is sought, with a view to preventing him from taking flight or concealing himself. The application shall state that a warrant of arrest or judicial decision as referred to in article 73, paragraph (2), or a final sentence as referred to in article 74, paragraph (2), of this Treaty has been issued or rendered in respect of the person whose extradition is sought, and shall specify the authority which issued or rendered, and the number and date of, such warrant, decision or sentence.

(2) The application referred to in paragraph (1) shall be subject to confirmation through the diplomatic channel.

(3) The applicant Contracting Party shall be informed without delay of the temporary measures carried out or, as the case may be, of the circumstances which prevented the application from being executed.

(4) The competent court or prosecuting authority of either Contracting Party may, even in the absence of the application referred to in paragraph (1), temporarily detain a person present in its territory if it learns that he has committed an offence in the territory of the other Contracting Party which is extraditable under the provision of this Treaty. The other Contracting Party shall be informed of such detention without delay.

(5) The proceedings referred to in paragraphs (1) and (4) shall be halted if a requisition for extradition is not received within such time limit of not more than two months as is set by the competent authority of the Contracting Party applied to. If the applicant Contracting Party so requests, and states the reasons for doing so, the said time limit may be extended.

Article 82

(1) If a requisition for extradition is entirely or partially rejected, or if its execution is postponed, the reasons for such action shall be stated.

(2) If extradition is granted, the Contracting Party applied to shall, in notifying the applicant Contracting Party to that effect, also specify the time and place of surrender.

Article 83

The applicant Contracting Party shall accept the extradited person at the appointed place within a period of not more than eight days after the date fixed for his surrender ; if it fails to do so, the Contracting Party applied to may release the said person.

Article 84

(1) The Contracting Party applied to shall rule on the requisition for extradition even if the person whose extradition is sought is on trial for or has been convicted of another offence in its territory ; if the requisition is granted, extradition shall be postponed pending the conclusion of the proceedings or the completion or remission of the sentence.

(2) Even in the case referred to in paragraph (1), the person whose extradition is sought may be temporarily extradited to the applicant Contracting Party if the postponement of extradition would result in exemption from prosecution being acquired by lapse of time or would seriously hamper the investigation. The temporarily extradited person shall be returned immediately after the conclusion of the criminal proceedings and, in any case, not later than three months after the date of his surrender.

Article 85

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

Article 86

(1) An extradited person may not, without the consent of the Contracting Party applied to, be prosecuted or punished, or be surrendered to a third State, for an

offence committed before his extradition other than the offence for which he was extradited. Such consent may not be refused if the offence is extraditable under the provisions of this Treaty.

(2) The consent of the Contracting Party applied to shall not be required if :

(a) The extradited person fails to quit the territory of the applicant Contracting Party within one month after the conclusion of the criminal proceedings or, in the event of his conviction, within one month after the completion or remission of the sentence ; such period of one month shall not be deemed to include any period during which the extradited person is unable to quit the territory of the applicant Contracting Party through no fault of his own ;

(b) The extradited person quits the territory of the applicant Contracting Party but voluntarily returns thereto.

Article 87

The applicant Contracting Party shall notify the Contracting Party applied to of the results of proceedings taken against the person extradited. If the said person is sentenced, a copy of the sentence shall be transmitted after it has become final. This provision shall also apply to the cases specified in article 86.

Article 88

(1) The Contracting Parties shall, without the need for any special application to be made, deliver to each other in extradition proceedings :

(a) Articles which may serve as evidence against the person whose extradition is sought. The Contracting Party applied to may temporarily retain possession of such articles if they are required for the conduct of other criminal proceedings ;

(b) All articles found in the possession of the person whose extradition is sought, or of third persons, which he or an accomplice acquired through the commission of the offence in respect of which extradition is sought, or which 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 *bona fide* possession of the articles shall be decided by a court of the Contracting Party in whose territory the articles are situated.

(2) The articles referred to in paragraph (1) shall be delivered to the applicant Contracting Party 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 if the offender dies or escapes or if for some other reason his extradition is not carried out.

(3) The rights of third parties to the articles delivered as aforesaid shall remain unaffected. After the conclusion of the criminal proceedings, the said articles shall be returned without compensation to the Contracting Party applied to for delivery to

the person entitled to them. If it is not possible to determine who is entitled to the articles, they shall be returned without compensation to the Contracting Party applied to.

Article 89

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

Article 90

(1) Each Contracting Party shall, on application being made, permit the conveyance through its territory of any person being extradited to the other Contracting Party by a third 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 conveyance in transit shall be submitted in the manner specified in article 79, paragraph (1).

(3) The Contracting Party applied to shall authorize such conveyance to be effected in the manner it finds most convenient.

Article 91

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

Article 92

The Contracting Parties undertake not to grant citizenship to persons whose extradition is sought by the other Contracting Party until a ruling is made on the requisition for extradition.

PART IV

FINAL PROVISIONS

Article 93

Disputes relating to the application of this Treaty shall be settled by the Contracting Parties through the diplomatic channel.

Article 94

(1) This Treaty shall be ratified, and the instruments of ratification shall be exchanged at Budapest.

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

(3) This Treaty is concluded for an indefinite period 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 Parties.

Article 95

Upon the entry into force of this Treaty, the Convention between Hungary and Yugoslavia regarding certain questions of civil procedure and private law, concluded at Belgrade on 11 November 1929,¹ and the Convention regarding the settlement of questions relating to funds of minors and persons under disability, and certain questions relating to guardianship and curatorship, concluded at Belgrade on 22 February 1928,² shall cease to have effect.

Article 96

This Treaty shall not affect the provisions of the Agreement concerning the settlement of unresolved financial and economic questions, concluded by the Contracting Parties at Belgrade on 29 May 1956.

DONE at Belgrade on 7 May 1960 in duplicate in the Hungarian 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.

For the Government
of the Hungarian People's
Republic :

TIMÁR István

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

B. POPOVIĆ

¹ League of Nations, *Treaty Series*, Vol. CXI, p. 197.

² League of Nations, *Treaty Series*, Vol. LXXXVII, p. 363.