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No. 7511

HUNGARY
and
ALBANIA

Treaty concerning legal assistance in civil, family and criminal matters. Signed at Tirana, on 12 January 1960

Official texts: Hungarian and Albanian.

Registered by Hungary on 3 December 1964.

HONGRIE
et
ALBANIE

Traité régissant l'assistance juridique en matière civile, familiale et pénale. Signé à Tirana, le 12 janvier 1960

Textes officiels hongrois et albanais.

Enregistré par la Hongrie le 3 décembre 1964.

[TRANSLATION — TRADUCTION]

No. 7511. TREATY¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE PEOPLE'S REPUBLIC OF ALBANIA CONCERNING LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES. SIGNED AT TIRANA, ON 12 JANUARY 1960

The Presidential Council of the Hungarian People's Republic and the Presidium of the National Assembly of the People's Republic of Albania,

Desiring to strengthen the close and lasting friendship between the two countries in the sphere of legal co-operation as in others, have decided to conclude a Treaty concerning legal assistance in civil, family and criminal cases.

For this purpose they have appointed as their plenipotentiaries :
The Presidential Council of the Hungarian People's Republic :
Dr. Ferenc Nezvál, Minister of Justice of the Hungarian People's Republic;

The Presidium of the National Assembly of the People's Republic of Albania :
Bibil Klosi, Minister of Justice of the People's Republic of Albania,
who, having exchanged their full powers, found in good and due form, have agreed as follows :

PART I
GENERAL PROVISIONS

Article 1

LEGAL PROTECTION

1. Nationals of either Contracting Party (individuals and bodies corporate) shall enjoy in the territory of the other Contracting Party, in respect of their persons and property, the same legal protection as nationals of the latter Contracting Party.

2. Nationals of either Contracting Party may appear, institute proceedings and present petitions and complaints before the authorities of the other Contracting Party having jurisdiction in civil, family and criminal cases under the same conditions as nationals of the latter Contracting Party.

¹ Came into force on 28 October 1960, thirty days after the date of the exchange of the instruments of ratification which took place at Budapest on 27 September 1960, in accordance with article 77 (1).

Article 2

PROVISION OF LEGAL ASSISTANCE

1. The courts, procurators' offices and State notaries of the Contracting Parties shall provide one another with legal assistance in civil, family and criminal cases.

2. The authorities referred to in paragraph 1 shall also provide legal assistance to other authorities having jurisdiction in civil, family and criminal cases.

Article 3

METHOD OF COMMUNICATION

In providing legal assistance, the authorities of the Contracting Parties referred to in article 2 shall communicate with one another through their central authorities, save as otherwise provided in this Treaty.

Article 4

SCOPE OF LEGAL ASSISTANCE

Legal assistance shall include the performance of specific acts required in connexion with judicial proceedings, especially the execution of searches and seizures, the attachment of property, the transmittal and delivery of physical evidence, the interrogation of litigants, accused persons, witnesses, experts and other persons, the conduct of judicial inspections *in situ*, the execution of applications for the service of documents, the transmittal of files, and the preparation and transmittal of documents.

Article 5

FORM OF APPLICATION FOR LEGAL ASSISTANCE

1. An application for legal assistance must contain the following particulars :
- (a) The title of the applicant authority;
 - (b) The title of the authority applied to;
 - (c) The title of the case in which legal assistance is applied for;
 - (d) The given names and surnames of the parties or of the persons accused or convicted, their domicile or residence, their nationality, their occupation and, in criminal cases, where possible, the place and date of birth of the accused persons and the names of their parents;
 - (e) The names and addresses of the legal representatives;
 - (f) The subject of the application and the information required for its execution, including, in criminal cases, a description of the offence.

2. Documents transmitted in pursuance of this Treaty shall be signed and sealed.

3. In applying for legal assistance, the Contracting Parties shall use bilingual forms, models of which they shall exchange.

Article 6

PROCEDURE FOR EXECUTING APPLICATIONS

1. In providing legal assistance, the authority applied to shall follow the law of its own State. However, it may, if requested to do so, employ judicial procedures in effect in the State of the applicant authority, provided that such procedures do not conflict with mandatory provisions of its domestic law.

2. If the authority applied to is not competent to execute an application, it shall transmit the application to the competent authority and shall notify the applicant authority accordingly.

3. The authority applied to shall, if requested to do so by the applicant authority, notify the latter in due time of the place and date of execution of the application for legal assistance.

4. The authority applied to shall, after executing an application for legal assistance, return the files to the applicant authority, or shall advise it of the circumstances which prevent execution of the application.

Article 7

PROTECTION OF WITNESSES AND EXPERTS

1. No person who, in response to a summons served on him by an authority of the Contracting Party applied to, appears as a witness or an expert before an authority of the applicant Contracting Party may be prosecuted, detained or punished for the offence which is the subject of the proceedings or for any other offence which he committed before crossing the frontier of the applicant State.

2. The witness or expert shall forfeit this protection if he fails to quit the territory of the applicant Contracting Party within one week from the date on which the interrogating authority informs him that his presence is no longer necessary. Such period of one week shall not be deemed to include any period of time during which the witness or expert is unable, through no fault of his own, to quit the territory of the applicant Contracting Party.

Article 8

APPLICATIONS FOR THE SERVICE OF DOCUMENTS

1. In serving documents, the authority applied to shall employ the procedure in effect in its own country, provided that the document to be served is drawn up

in the language of the Contracting Party applied to or is accompanied by a certified translation into that language. Otherwise, the authority applied to shall deliver the document to the recipient only if he is willing to accept it.

2. Applications for the service of documents must indicate the exact address of the recipient and the nature of the document to be served.

3. 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. If such address cannot be determined, the applicant authority shall be so informed and the document in question shall be returned.

Article 9

CONFIRMATION OF SERVICE OF DOCUMENTS

Service of documents shall be confirmed in accordance with the appropriate regulations of the Contracting Party applied to. The document confirming such service shall indicate the date and place of service.

Article 10

SERVICE OF DOCUMENTS ON OWN NATIONALS

1. Each Contracting Party shall have the right to serve documents on its own nationals through its diplomatic or consular missions.

2. No compulsion may be used in such service.

Article 11

COSTS OF LEGAL ASSISTANCE

1. The Contracting Party applied to shall make no claim for repayment of the costs of legal assistance. Each Contracting Party shall bear the 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 be retained by the Contracting Party which recovered them.

Article 12

PROVISION OF INFORMATION

The Ministries of Justice of the Contracting Parties shall, on request, provide each other with information concerning laws, in force or formerly in force in their respective States and concerning the interpretation of laws by the competent courts of the Contracting Parties.

Article 13

LANGUAGE OF COMMUNICATION FOR PURPOSES OF LEGAL ASSISTANCE

In communicating with one another for purposes of legal assistance, the authorities of the Contracting Parties shall use their own language or the Russian language.

Article 14

ATTESTATION AND RECOGNITION OF DOCUMENTS

1. Documents drawn up or attested by authorities of either Contracting Party within the limits of their competence and bearing an official seal shall not require legalization for use in the territory of the other Contracting Party.

2. Documents which have been drawn up by a competent authority of either Contracting Party and are considered official documents shall have the evidential value of official documents in the territory of the other Contracting Party as well.

PART II

SPECIAL PROVISIONS

Chapter I

LEGAL ASSISTANCE IN CIVIL AND FAMILY CASES

EXEMPTION FROM SECURITY FOR LEGAL COSTS; RECOVERY OF COSTS

Article 15

1. Nationals of one Contracting Party appearing before the courts of the other Contracting Party and domiciled in the territory of either Contracting Party shall not be required to deposit security on the ground that they are aliens or that they have no domicile or residence in the country in question.

2. The exemption provided for in paragraph 1 shall also be accorded to nationals of the Contracting Parties domiciled in the territory of any State with which the Contracting Party granting the exemption has a treaty concerning law enforcement.

Article 16

1. If a litigant exempt under the preceding article from depositing security is required to pay legal costs, the competent court of the other Contracting

Party shall institute enforcement proceedings, free of charge, in respect of such costs.

2. Legal costs shall include the costs of translating and certifying the documents referred to in article 17.

Article 17

1. An application for the institution of enforcement proceedings shall be accompanied by a certified copy of the award of legal costs and by a certificate of the court attesting that the award has become final and is enforceable.

2. The aforementioned documents shall be accompanied by a translation into the language of the Contracting Party in whose territory the enforcement proceedings are to be conducted.

3. In instituting enforcement proceedings, the court shall confine itself to determining :

- (a) Whether it has been certified that the award has become final and is enforceable;
- (b) Whether the documents referred to in paragraph 1 of this article are accompanied by a certified translation.

Article 18

Application for the enforcement of an award of legal costs in the territory of the other Contracting Party may be made :

- (a) To the court which made the award of costs or to the court which dealt with the case at first instance; such court shall transmit the application to the competent court of the other Contracting Party;
- (b) Direct to the court of the other Contracting Party which is competent to institute enforcement proceedings.

Article 19

1. The court shall rule on an application for the institution of enforcement proceedings without interrogating the parties.

2. The court competent to institute enforcement proceedings shall also institute such proceedings in respect of the costs referred to in article 16, paragraph 2. The amount of such costs shall be fixed by the competent court of the Contracting Party in whose territory they are incurred.

3. An application for the institution of enforcement proceedings may not be rejected because of the applicant's failure to advance the costs of such proceedings.

EXEMPTION FROM LEGAL COSTS

Article 20

Nationals of either Contracting Party shall, in the territory of the other Contracting Party, be accorded exemption from legal costs and stamp tax, other tax privileges and free legal representation under the same conditions and to the same extent as nationals of the latter Contracting Party. This shall apply to all judicial proceedings, including enforcement proceedings.

Article 21

1. A certificate relating to the petitioner's personal and family status, earnings (income) and property shall be issued by the competent authority of the Contracting Party in whose territory the petitioner has his domicile or residence.

2. If the petitioner has neither domicile nor residence in the territory of either Contracting Party, the certificate may be issued by the diplomatic or consular mission of his State.

3. If necessary, the court ruling on a petition for exemption from costs may, in the manner specified in article 3, request further information from the authority which issued the certificate.

Article 22

1. A national of one Contracting Party who wishes to petition a court of the other Contracting Party for exemption from costs and stamp tax, other tax privileges or free legal representation may make such petition in the form of an oral statement before the competent court of his place of domicile or residence. The court shall transmit a record of his statement, together with the certificate referred to in article 21 and the other documents submitted by the petitioner, to the competent court of the other Contracting Party.

2. The record shall be drawn up in the language of the court which prepares it.

3. The complaint or other application instituting proceedings may be made orally and entered in the record at the same time as the petition for exemption from costs.

Article 23

TRANSMITTAL OF EXTRACTS FROM THE CIVIL REGISTER AND OTHER DOCUMENTS

1. Each Contracting Party shall, if requested to do so through the diplomatic channel, transmit to the other Contracting Party extracts from the civil register,

documents concerning educational qualifications and periods of employment and other documents relating to the personal rights and interests of nationals of the other Contracting Party.

2. The documents referred to in paragraph 1 shall be sent to the other Contracting Party, untranslated and free of charge, through the diplomatic channel.

PERSONAL STATUS

Article 24

LEGAL CAPACITY

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

Article 25

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

1. Proceedings for declaring persons missing or dead or for establishing the fact of death shall be within the jurisdiction of the authorities of the Contracting Party of which the person concerned was a national at the time when he was last known to be alive.

2. An authority of one Contracting Party may declare a national of the other Contracting Party missing or dead, or establish the fact of his death :

- (a) Upon application by a person wishing to exercise rights of succession to movable or immovable property of the missing person situated in the territory of the former Contracting Party;
- (b) Upon application by the spouse of the missing person, provided that the said spouse is domiciled in the territory of the former Contracting Party at the time of the application.

3. In the cases governed by paragraphs 1 and 2, the procedure for declaring the person in question missing or dead shall be that prescribed by the law of the State of which he was a national at the time of his disappearance.

FAMILY LAW

Article 26

LEGAL REQUIREMENTS FOR MARRIAGE

1. The legal requirements for marriage shall be, for each prospective spouse, those prescribed by the law of the Contracting Party of which he or she is a national.

2. The legal requirements for marriage shall be deemed to include such authorization by the competent authorities to marry an alien as may be required by the law of the Contracting Party of which the prospective spouse in question is a national.

Article 27

FORM OF MARRIAGE

1. The form of marriage shall be determined by the law of the Contracting Party in whose territory the marriage takes place.

2. The form of a marriage solemnized before a duly authorized diplomatic or consular representative shall be determined by the law of the sending State.

Article 28

PERSONAL AND PROPERTY RELATIONS OF SPOUSES

1. The personal and property relations of spouses shall be determined by the law of the Contracting Party of which they are nationals.

2. Where one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, their personal and property relations shall be determined by the law of the Contracting Party in whose territory they have, or last had, their joint domicile.

Article 29

DISSOLUTION OR ANNULMENT OF MARRIAGE

1. In actions for the dissolution or annulment of marriages, the applicable law and, as a general rule, the courts having jurisdiction shall be those of the Contracting Party of which the spouses are nationals when the proceedings are instituted. If the spouses are domiciled in the territory of the other Contracting Party, the courts of that Contracting Party shall also have jurisdiction; the court hearing the case shall apply the law of the Contracting Party of which the spouses are nationals.

2. If, at the time when proceedings for the dissolution or annulment of a marriage are instituted, one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, the courts having jurisdiction shall be those of the Contracting Party in whose territory the spouses are domiciled. The court hearing the case shall apply the law of its own State.

3. If, at the time when proceedings for the dissolution or annulment of a marriage are instituted, one spouse is a national of one Contracting Party and the other a national of the other Contracting Party and one spouse is domiciled in the territory of one Contracting Party and the other in the territory of the other

Contracting Party, the courts of both Contracting Parties shall have jurisdiction; the court hearing the case shall apply the law of its own State.

LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

Article 30

Legal relations between parents and children—including actions to establish or contest filiation—shall be governed by the law of the Contracting Party of which the child is a national.

Article 31

1. Decisions on the legal relations referred to in article 30 shall be within the jurisdiction of the courts of the Contracting Party of which the child is a national.

2. If both parties to the action are domiciled in the territory of one Contracting Party, the courts of that Contracting Party shall also have jurisdiction.

ADOPTION

Article 32

1. Adoption shall be governed by the law of the Contracting Party of which the adopter is a national.

2. If the child is adopted by a married couple of whom one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, the adoption must satisfy the legal requirements of both Contracting Parties.

3. If the child is a national of one Contracting Party and the adopter a national of the other Contracting Party, adoption shall be subject to the child's consent, if required by the law of the former Contracting Party, and to the consent of his legal representative or of the competent authority of that Contracting Party.

Article 33

In matters of adoption, the authorities having jurisdiction shall be those of the Contracting Party of which the adopter is a national. In the case specified in article 32, paragraph 2, the authority having jurisdiction shall be that of the Contracting Party in whose territory the married couple have, or last had, their joint domicile or permanent residence.

Article 34

The provisions of articles 32 and 33 shall apply, *mutatis mutandis*, to the termination of adoption.

GUARDIANSHIP AND CURATORSHIP

Article 35

1. In matters of guardianship and curatorship over nationals of the Contracting Parties, the applicable law and the authorities having jurisdiction shall, save as otherwise provided in this Treaty, be those of the Contracting Party of which the ward is a national.

2. The legal relations between a guardian or curator and his ward shall be determined by the law of the Contracting Party whose authority appointed the guardian or curator.

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

Article 36

1. Where need arises for an authority to arrange for guardianship or curatorship in the interests of a national of one Contracting Party whose domicile, residence or property is in the territory of the other Contracting Party, the authority of such other Contracting Party shall so notify forthwith the authority of the former Contracting Party.

2. In urgent cases, the authority of such other Contracting Party may make appropriate provisional arrangements (i.e. may provide lodging, maintenance or care), provided that it so notifies forthwith the authority of the Contracting Party of which the person concerned is a national. The said arrangements shall remain in effect until such time as the authority referred to in article 35, paragraph 1, makes other arrangements.

Article 37

1. The authority of either Contracting Party may request the competent authority of the other Contracting Party to exercise guardianship or curatorship in respect of a person whose domicile, residence or property is in the territory of the latter Contracting Party. The transfer of jurisdiction shall become effective when the guardianship authority applied to accepts such jurisdiction and so notifies the applicant authority.

2. An authority acquiring jurisdiction in accordance with paragraph 1 shall apply the law of its own State; however, matters relating to legal capacity shall be governed in this case as well by the law of the Contracting Party of which the

ward is a national. The said authority shall not be entitled to decide questions relating to the personal status of the legally incapable person but may give its consent to marriage where such consent is required by the law of the Contracting Party of which the ward is a national.

LAW OF SUCCESSION

Article 38

PRINCIPLE OF EQUAL RIGHTS

Nationals of either Contracting Party shall, in the territory of the other Contracting Party, be placed on a footing of equality with nationals of the latter Party as regards statutory or testamentary succession to property situated in the territory of that Party and as regards the making and revocation of wills.

Article 39

APPLICABLE LAW

1. In matters of succession to movable property, the applicable law shall be that of the Contracting Party of which the decedent was a national at the time of his death.

2. In matters of succession to immovable property, the applicable law shall be that of the Contracting Party in whose territory the property is situated.

Article 40

WILLS

1. The form of a testamentary disposition shall be determined by the law of the Contracting Party of which the testator was a national at the time of making the testamentary disposition. It shall, however, be deemed sufficient if the law of the Contracting Party in whose territory the testamentary disposition was made is complied with. The same shall apply to the revocation of a testamentary disposition.

2. The capacity to make or revoke a testamentary disposition and the legal effects of informality shall be determined by the law of the Contracting Party of which the testator was a national at the time of making the testamentary disposition. The same law shall determine the admissible types of testamentary dispositions.

Article 41

JURISDICTION IN MATTERS OF SUCCESSION

1. Proceedings in matters of succession to movable property shall, save in the case referred to in paragraph 4, be within the jurisdiction of the competent authorities of the Contracting Party of which the decedent was a national at the time of his death.

2. Proceedings in matters of succession to immovable property shall be within the jurisdiction of the competent authorities of the Contracting Party in whose territory the property is situated.

3. The provisions of paragraphs 1 and 2 shall apply, *mutatis mutandis*, to disputes concerning succession.

4. If the entire movable estate of a national of one Contracting Party is situated in the territory of the other Contracting Party, succession proceedings shall, upon petition by any heir or legatee and subject to the consent of all heirs, be conducted by the authority of the latter Contracting Party.

Article 42

NOTIFICATION OF DEATH

1. If a national of one Contracting Party dies in the territory of the other Contracting Party, the competent authority shall immediately so notify the diplomatic or consular mission of the former Contracting Party, communicating to it whatever information is available concerning the heirs and legatees, their domicile or residence and address, the size of the estate and the existence of a will. The said authority shall also send such notification if it learns that the deceased has left property in a third State.

2. If an estate is left in the territory of one Contracting Party and it is learned that the heir or legatee is a national of the other Contracting Party, the local authority shall immediately so notify the diplomatic or consular mission of the latter Contracting Party.

Article 43

RIGHTS OF DIPLOMATIC AND CONSULAR MISSIONS

1. The diplomatic and consular missions of either Contracting Party shall have the right to represent nationals of their own State in matters of succession before the authorities of the other Contracting Party if the said nationals or their representatives are not present; in such cases, no special power of attorney shall be necessary.

2. If a national of one Contracting Party dies while temporarily resident in the territory of the other Contracting Party, his personal effects shall be delivered to the diplomatic or consular mission of the former Party without any formal proceedings.

Article 44

PUBLICATION OF WILLS

1. A will shall be published by the competent authority of the Contracting Party in whose territory the will is to be found. A copy of the will, a copy of the minute concerning its publication and, on application, the original will shall be transmitted to the competent authority of the testator's State of nationality.

2. The provisions of paragraph 1 shall apply, *mutatis mutandis*, in respect of a minute concerning the depositions of witnesses in whose presence a testamentary disposition was made by oral declaration.

Article 45

PROTECTION OF THE ESTATE

1. The authorities of each Contracting Party shall take, in accordance with their domestic law, such measures as are necessary for the protection or administration of an estate which is left in the territory of that Party by a national of the other Contracting Party.

2. The diplomatic or consular mission of such other Contracting Party shall be informed immediately of any measures taken under paragraph 1. The mission may participate, either directly or through its representative, in carrying out such measures, and at its request the measures taken may be modified or rescinded.

Article 46

DELIVERY OF THE ESTATE

1. If, after the completion of succession proceedings, the movable estate or the proceeds of sale of the movable or immovable estate are to descend to heirs resident in the territory of the other Contracting Party, such movable estate or proceeds shall be delivered to the diplomatic or consular mission of that Party.

2. The authority having jurisdiction in succession proceedings shall issue instructions for the delivery of the estate to the diplomatic or consular mission if :

(a) All claims presented by the decedent's creditors within the time limit prescribed by the law of the Contracting Party in whose territory the estate is situated have been settled or secured;

- (b) All estate duties and charges have been paid or secured;
- (c) The competent authorities have approved, where such approval is required, the export of the things constituting the estate or the transfer of the proceeds of sale.

RECOGNITION AND ENFORCEMENT OF JUDGEMENTS

Article 47

1. Final judgements rendered by courts or guardianship authorities of either Contracting Party in matters not relating to property and in accordance with the provisions of this Treaty shall be recognized in the territory of the other Contracting Party without further proceedings, provided that no court or guardianship authority of the latter Contracting Party has previously rendered a final judgement in the matter. This provision shall also apply to judgements which become final before the entry into force of this Treaty.

2. Final judgements of courts in civil and family cases relating to property rendered in the territory of either Contracting Party after the entry into force of this Treaty shall be recognized and enforced in the territory of the other Contracting Party. This provision shall also apply to final awards of damages in criminal cases.

Article 48

1. Rulings on the enforceability of judgements shall be made by the competent court of the Contracting Party in whose territory enforcement is sought.

2. Applications shall be submitted to the court which heard the case at first instance or to the competent court of the other Contracting Party. The court of first instance shall transmit such applications to the competent authority of the other Contracting Party.

Article 49

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

- (a) A full copy of the judgement; the fact that the judgement has become final and enforceable must be separately certified by the court if it is not evident from the said copy;
- (b) If the respondent did not participate in the proceedings, a certificate showing that he or his representative was served at least once, in due time and proper form, with a judicial summons;
- (c) Certified translations of the application and of the documents specified in sub-paragraphs (a) and (b) of this article.

Article 50

Before the institution of enforcement proceedings, the court may, if necessary, summon the applicant to appear before it and require him to furnish clarification or, if his application is defective, to correct it. The court may also interrogate the respondent concerning the application for enforcement and may request the court which rendered the judgement to furnish clarification.

Article 51

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

2. The respondent may have recourse, before the court ruling on an application for the institution of enforcement proceedings, to such legal remedies in respect of the admissibility of enforcement or in respect of the claims satisfied by the judgement as are permissible under the law of the Contracting Party in whose territory the judgement was rendered.

Article 52

REFUSAL TO ENFORCE JUDGEMENTS

Authorization of enforcement of judgements shall be refused :

- (a) If the judgement whose enforcement is sought has not become final;
- (b) If the respondent or the person against whom the judgement was rendered did not participate in the proceedings because neither he nor his representative was served with a summons, in due time and proper form, in accordance with the provisions of this Treaty;
- (c) If the judgement conflicts with an earlier judgement which has become final and which was rendered in an action between the same parties relating to the same claim, on the same grounds, by a court of the Contracting Party in whose territory recognition and enforcement are sought. This provision shall not apply where there has been a material change in the circumstances on the basis of which the extent or duration of the performance required by the earlier judgement was determined.

Article 53

With respect to costs incurred in connexion with enforcement, the applicable law shall be that of the Contracting Party in whose territory the judgement is to be enforced.

Article 54

The provisions of articles 47 to 53 of this Treaty shall also apply to judicial settlements.

Chapter II

*LEGAL ASSISTANCE IN CRIMINAL CASES**Article 55*

OBLIGATION TO EXTRADITE

1. Each Contracting Party undertakes to extradite to the other on request, under the conditions laid down by this Treaty, persons in its territory whose presence is required for purposes of criminal prosecution or for the execution of a sentence.

2. Extradition shall take place in respect of acts which, under the law of both Contracting Parties, are recognized as criminal offences and are punishable with deprivation of liberty for a period of more than one year or with a heavier penalty (hereinafter called "extraditable offences").

Article 56

REFUSAL OF EXTRADITION

Extradition shall not take place if :

- (a) The person claimed is a national of the Contracting Party applied to;
- (b) The person claimed committed the offence 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 by lapse of time or for other legal reasons;
- (d) The person claimed has already been sentenced for the same offence by a court of the Contracting Party applied to—whether or not the sentence has become final—or discharged for a good and sufficient reason.

Article 57

OBLIGATION TO PROSECUTE

1. Each Contracting Party undertakes to prosecute under its own law, at the request of the other Contracting Party, any of its nationals who commit an extraditable offence in the territory of the latter Contracting Party. The request for prosecution shall be accompanied by a document containing the particulars of the offence and the available evidence relating thereto.

2. If charges have not yet been filed, the request for prosecution shall be addressed by the General Procurator of the one Contracting Party to the General Procurator of the other Contracting Party. If charges have been filed, the request shall be addressed by the Minister of Justice of the one Contracting Party to the Minister of Justice of the other Contracting Party.

3. The Contracting Party applied to shall notify the other Contracting Party of the result of the prosecution and, if sentence is passed and becomes final, shall transmit a copy of the sentence.

Article 58

COMMUNICATION IN MATTERS OF EXTRADITION

In matters of extradition, the Ministries of Justice of the Contracting Parties shall communicate with each other directly.

Article 59

REQUISITION FOR EXTRADITION

1. A requisition for extradition for purposes of execution of a sentence shall be accompanied by a certified copy of the final sentence and the complete text of the statute defining the offence. If the convicted person has already served a part of his sentence, the particulars in that regard shall also be transmitted.

2. A requisition for extradition for purposes of criminal prosecution shall be accompanied by a certified copy of the warrant of arrest, a description of the circumstances of the offence, and the text of the statute defining the offence; if the offence resulted in material damage, the extent of such damage shall be indicated.

3. The requisition for extradition shall, in so far as possible, be accompanied by a personal description of the person claimed, particulars concerning his identity, nationality and residence, and his photograph and finger-prints.

4. The applicant Contracting Party shall not be bound to enclose with the requisition proof of the guilt of the person claimed.

Article 60

INFORMATION TO SUPPLEMENT A REQUISITION FOR EXTRADITION

If the requisition for extradition does not contain all the required information, the Contracting Party applied to may request supplementary information and may set a time-limit not exceeding two months for its transmittal. Such time-limit may be extended for valid reasons.

Article 61

DETENTION PENDING EXTRADITION

Upon receipt of a requisition for extradition, the Contracting Party applied to shall take immediate steps to detain the person claimed, save in cases in which extradition is precluded under the terms of this Treaty.

Article 62

PROVISIONAL DETENTION PENDING EXTRADITION

1. A person liable to extradition under the terms of this Treaty may be detained even before receipt of the requisition for extradition if one of the Contracting Parties applies for his detention, specifying that there exists a warrant for his arrest or a final sentence or other judicial decision. The application may be submitted by post, telegraph, telephone or wireless.

2. The competent authorities of either Contracting Party may detain a person present in their territory in the absence of such application if, according to their information, he has committed an extraditable offence in the territory of the other Contracting Party.

3. Where a person has been provisionally detained under the provisions of paragraph 1 or paragraph 2, the other Contracting Party shall be notified immediately.

Article 63

RELEASE OF PERSONS DETAINED PENDING EXTRADITION

1. A person who has been detained may be released by the Contracting Party applied to if the applicant Contracting Party fails to submit, within the time-limit set in accordance with article 60, the necessary information to supplement the requisition for extradition.

2. A person detained under the provisions of article 62 may be released if the requisition for his extradition is not received within two months from the date on which notification of his detention was sent.

Article 64

POSTPONEMENT OF EXTRADITION

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

Article 65

TEMPORARY EXTRADITION

1. If postponement of extradition under article 64 would result in exemption from prosecution being acquired by lapse of time or would seriously prejudice the investigation of an offence, the person claimed may be extradited temporarily upon submission by the applicant Contracting Party of an application for such extradition with statement of grounds.

2. A temporarily extradited person shall be returned immediately after the conclusion of the proceedings for the purpose of which he was extradited.

Article 66

CONCURRENT REQUISITIONS FOR EXTRADITION

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

Article 67

LIMITS TO THE PROSECUTION OF EXTRADITED PERSONS

1. An extradited person may not, without the consent of the Contracting Party applied to, be prosecuted, punished or surrendered to a third State for an offence which was committed before his extradition and which is not the offence for which he was extradited. Consent to prosecution may not be refused if the offence was committed in the territory of the applicant Contracting Party and is an extraditable offence under the terms 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 Contracting Party to which he was extradited within one month after the conclusion of the criminal proceedings or, in the event of his conviction, within one month after the completion or remission of the sentence; such period of one month shall not be deemed to include any period of time during which the extradited person is unable, through no fault of his own, to quit the territory of the applicant Contracting Party;
 - (b) The extradited person quits the territory of the applicant Contracting Party but subsequently returns thereto.

Article 68

SURRENDER OF THE PERSON CLAIMED

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 from custody.

Article 69

RE-EXTRADITION

If an extradited person in some manner evades prosecution and reappears in the territory of the Contracting Party applied to, he shall be re-extradited upon receipt of a new requisition, without production of the documents specified in article 59.

Article 70

CONVEYANCE IN TRANSIT

1. Each Contracting Party undertakes to convey through its territory, at the request of the other Contracting Party, any person extradited to the latter Contracting Party by a third State. The Contracting Parties shall not be bound to effect such conveyance in cases where there would be no obligation under this Treaty to grant extradition.

2. A request for conveyance in transit shall be submitted in the same manner and accompanied by the same documents as a requisition for extradition.

3. The authorities of the Contracting Party applied to shall effect conveyance in whatever manner they find most appropriate.

Article 71

NOTIFICATION OF RESULTS OF PROSECUTION

The Contracting Parties shall inform each other of the results of the prosecution of extradited persons. If such persons are convicted, a copy of the sentence shall be transmitted after it has become final.

Article 72

DELIVERY OF PERSONS HELD IN CUSTODY

1. If a person who is held in custody in the territory of the Contracting Party applied to, and against whom charges have not yet been filed, is summoned for interrogation as a witness, the General Procurator of the said Contracting Party may arrange for such person to be delivered to the territory of the applicant Contracting Party. If charges have been filed, the decision regarding delivery shall be taken by the Minister of Justice of the Contracting Party applied to. A person so delivered shall be kept in custody and returned as soon as possible after his interrogation.

2. If an authority of the applicant Contracting Party wishes to interrogate as a witness a person who is held in custody in a third State, the Minister of Justice of the Contracting Party applied to shall authorize the conveyance of such person through the territory of the latter Contracting Party in either direction. The provisions of article 7 of this Treaty shall apply in such cases.

Article 73

DELIVERY OF ARTICLES

1. Articles acquired by the offender through the commission of an extraditable offence, or the equivalent of such articles, and all other articles which may serve as evidence in the case shall be delivered to the applicant Contracting Party

even if the offender cannot be extradited by reason of his death or any other circumstances.

2. If the articles claimed are needed in other criminal proceedings, the Contracting Party applied to may temporarily retain them.

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

Article 74

REFUSAL OF LEGAL ASSISTANCE IN CRIMINAL CASES

The Contracting Parties shall not provide each other with legal assistance in criminal cases where it is requested in connexion with a non-extraditable offence.

Article 75

NOTIFICATION OF SENTENCES

1. Each Contracting Party shall notify the other Contracting Party of final sentences passed by its courts on nationals of the latter Contracting Party. Notification shall be effected through the exchange, by the central authorities of the Contracting Parties which keep the registers of convictions, of relevant extracts from the said registers.

2. On application by the courts or procurators' offices of either Contracting Party, the central authority of the other Contracting Party which keeps the register of convictions shall furnish information from the said register free of charge.

3. In the cases specified in paragraphs 1 and 2, the central authorities of the Contracting Parties which keep the registers of convictions shall, in so far as possible, transmit to each other the fingerprints of the convicted persons.

PART III

FINAL PROVISIONS

Article 76

This Treaty shall be subject to ratification. The instruments of ratification shall be exchanged at Budapest.

Article 77

1. This Treaty shall enter into force thirty days after the exchange of the instruments of ratification and shall remain in force for a period of five years from the date of its entry into force.

2. If neither Contracting Party gives notice, six months before the expiry of the period specified above, of its intention to terminate the Treaty, it shall be extended indefinitely and shall remain in force until the expiry of one year from the date on which notice of its termination is given by either Contracting Party.

Article 78

This Treaty has been drawn up in duplicate in the Hungarian and Albanian languages. Both texts are equally authentic.

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

DONE at Tirana on 12 January 1960.

For the Presidential Council
of the Hungarian People's Republic :

Dr. NEZVÁL Ferenc

For the Presidium
of the National Assembly
of the People's Republic of Albania :

Bilbil KLOSI
