

No. 9546

**ARGENTINA
and
BRAZIL**

**Convention concerning free legal aid. Signed at Buenos Aires
on 15 November 1961**

Authentic texts: Spanish and Portuguese.

Registered by Argentina on 14 May 1969.

**ARGENTINE
et
BRÉSIL**

**Convention concernant l'assistance judiciaire gratuite. Signée
à Buenos Aires le 15 novembre 1961**

Textes authentiques: espagnol et portugais.

Enregistré par l'Argentine le 14 mai 1969.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN ARGENTINA AND BRAZIL CONCERNING FREE LEGAL AID

The Governments of the Argentine Republic and [of the Republic of]* the United States of Brazil, in a common desire to facilitate free legal aid, have resolved to conclude the present Convention and to that end have appointed as their representatives :

[His Excellency]** the President of the Argentine Republic : Dr. Miguel Angel Cárcano[, Minister Secretary of the Department of Foreign Affairs and Public Worship];**

[His Excellency]** the President of the Republic of the United States of Brazil : Dr. Francisco C. San Tiago Dantas[, Minister for Foreign Affairs];**

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

Article I

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

Article II

An applicant for free legal aid shall be required to furnish proof of indigence, in the form established by existing legislation in the territory of the High Contracting Party in which the application is made.

1. If in the locality there is no authority competent to issue a certificate as called for in the present article, a certificate issued by the consular officer or diplomatic mission of the country of the applicant shall be submitted in its stead.

2. If the applicant is not resident in the territory of one of the High Contracting Parties, the documents to be furnished in proof of his indigence shall be those required by the law of the country in which he resides. If the

¹ Came into force on 7 June 1968 by the exchange of the instruments of ratification, which took place at Rio de Janeiro.

* Missing from the Spanish text.

** Missing from the Portuguese text.

matter is not regulated by law in the country of residence or if it proves impossible to comply with the law in force in that country, the applicant shall attach to his application a declaration made before the consular officer of his place of residence; the declaration shall indicate the applicant's place of residence and give particulars of his financial means and responsibilities.

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

4. The authority to whom application for a certificate of indigence is made may for the purposes of the present article make inquiries into the applicant's economic and financial position.

Article III

Applications for free legal aid, which shall be made in Argentina to the competent legal authority of the place where the aid is to be granted, and in Brazil to the judge having jurisdiction in the matter, shall be governed, up to and including the final ruling, by the domestic law of the country concerned, and applicants shall enjoy any privileges granted under that law to nationals of that country.

Article IV

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

[Article V

This Convention shall be ratified after the legal formalities observed in each of the Contracting States have been completed and shall enter into force upon exchange of the instruments of ratification, which shall take place at Rio de Janeiro as soon as possible.

Each of the High Contracting Parties may denounce the Convention at any time, but the Convention shall not cease to have effect until one year after it is denounced.]*

* Missing from the Spanish text.

IN WITNESS WHEREOF the above-mentioned Plenipotentiaries have signed this Convention in duplicate, in the Spanish and Portuguese languages, both texts being equally authentic, and have thereto affixed their seals.

DONE at Buenos Aires, on 15 November 1961.

For the Government
of the United States of Brazil :
Francisco C. San Tiago DANTAS
[Minister for Foreign Affairs]*

For the Government
of the Argentine Republic :
Miguel Angel CÁRCANO
[Minister for Foreign Affairs
and Public Worship]*

* Missing from the Spanish text.