

No. 9633

**BULGARIA
and
MONGOLIA**

**Treaty concerning the provision of legal assistance in civil, family
and criminal cases (with additional protocol). Signed at
Sofia on 27 November 1968**

Authentic texts: Bulgarian, Mongolian and Russian.

Registered by Bulgaria and Mongolia on 16 June 1969.

**BULGARIE
et
MONGOLIE**

**Traité relatif à l'entraide judiciaire en matière civile, familiale et
pénale (avec protocole additionnel). Signé à Sofia le 27 novem-
bre 1968**

Textes authentiques: bulgare, mongol et russe.

Enregistré par la Bulgarie et la Mongolie le 16 juin 1969.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE MONGOLIAN PEOPLE'S REPUBLIC AND THE PEOPLE'S REPUBLIC OF BULGARIA CONCERNING THE PROVISION OF LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES

The Government of the Mongolian People's Republic and the Government of the People's Republic of Bulgaria,

Being desirous of further strengthening and developing the bonds of friendship between the peoples of the two countries,

Attaching great importance to co-operation in the sphere of legal relations,

Have decided to conclude a Treaty concerning the provision of legal assistance in civil, family and criminal cases, and for this purpose have appointed as their plenipotentiaries:

The Government of the Mongolian People's Republic:

Khorloogiin Damdin, President of the Supreme Court;

The Government of the People's Republic of Bulgaria:

Svetla Daskalova, Minister of Justice,

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 shall enjoy in the territory of the other Party, in respect of their personal and property rights, the same legal protection as nationals of the latter Party.

¹ Came into force on 9 April 1969, i.e., thirty days after the exchange of the instruments of ratification, which took place at Ulan Bator on 10 March 1969, in accordance with article 83.

2. Nationals of either Contracting Party shall have free and unimpeded access to the courts, the procurator's office and notarial organs (hereinafter called "judicial authorities") and to other authorities of the other Party having jurisdiction in the cases which are the subject of this Treaty and may appear, present petitions and institute proceedings before such authorities under the same conditions as nationals of the latter Party.

3. The provisions of this Treaty shall also apply, *mutatis mutandis*, to bodies corporate of the Contracting Parties.

Article 2

LEGAL ASSISTANCE

1. The judicial authorities of the two Contracting Parties shall provide one another with legal assistance in civil, family and criminal cases.

2. The judicial authorities shall also provide legal assistance to other authorities having jurisdiction in the cases referred to in paragraph 1 above.

Article 3

METHOD OF COMMUNICATION

In providing legal assistance, the judicial authorities shall, save as otherwise provided in this Treaty, communicate with one another through their central organs.

Article 4

SCOPE OF LEGAL ASSISTANCE

The Contracting Parties shall provide one another with legal assistance by performing specific acts required in connexion with judicial proceedings, for example, by drawing up, transmitting and serving documents, by carrying out searches and seizures, by transmitting or delivering physical evidence, by conducting expert examinations, by interrogating accused persons, witnesses and experts, by taking evidence from litigants and other persons and by carrying out judicial inspections *in situ*.

Article 5

INFORMATION TO BE FURNISHED IN APPLICATIONS FOR LEGAL ASSISTANCE

1. Applications for legal assistance must contain the following particulars:

- (a) The designation of the authority making the application;
- (b) The designation of the authority to which the application is made;
- (c) The title of the case in respect of which legal assistance is applied for;
- (d) The names, addresses and nationalities of the litigants or of the accused, tried or convicted persons;
- (e) The names and addresses of the legal representatives of the litigants;
- (f) The subject of the application and any necessary information concerning its execution;
- (g) In criminal cases, a description of the *corpus delicti* and the definition of the offence.

2. In making application for legal assistance the judicial authorities may use forms drawn up in the languages of the Contracting Parties or in the Russian language, and models of such forms shall be exchanged.

3. Applications for legal assistance must be signed and sealed.

Article 6

PROCEDURE FOR EXECUTING APPLICATIONS FOR LEGAL ASSISTANCE

1. In executing an application for legal assistance, the authority applied to shall follow the laws of its own State. However, at the request of the applicant authority, it may apply the laws of the applicant Contracting Party, provided that they do not conflict with the laws of its own State.

2. If the authority applied to does not have jurisdiction, it shall transmit the application to the authority having jurisdiction and shall notify the applicant authority accordingly.

3. Where the exact address of the person referred to in the application is unknown, the authority applied to shall take the necessary steps to determine the address; if it fails to do so, it shall notify the applicant authority accordingly and shall, at the same time, return to the latter the documents relating to the application for legal assistance.

4. The authority applied to shall, at the request of the applicant authority, notify the latter in due course of the place and date of execution of the application.

5. After executing an application, the authority applied to shall return the documents to the applicant authority or shall advise it of the circumstances which prevented the execution of the application.

Article 7

IMMUNITY OF WITNESSES AND EXPERTS

1. No person of whatsoever nationality who, in response to a summons served upon him by a judicial 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 for the offence which is the subject of the proceedings or punished in the territory of the applicant Contracting Party for an offence committed before he crossed the frontier.

2. The witness or expert shall forfeit his immunity if he fails to leave the territory of the applicant Contracting Party within one week from the date on which the judicial authority which summoned him informs him that his presence is not 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 leave the territory of the country.

Article 8

SERVICE OF DOCUMENTS

1. In effecting the service of documents, the judicial authority applied to shall employ the procedure for service of documents in effect in its own State, provided that the documents to be served are drawn up in the language of that State or are accompanied by a certified translation. If the documents do not meet the above conditions, the judicial authority shall deliver them to the recipient if he is willing to accept them.

2. An application for the service of documents must contain the exact address of the recipient and the title of the document to be served.

3. If a document cannot be served at the address indicated, the authority applied to shall take the necessary steps to determine the exact address; if the

address cannot be determined, the authority applied to shall so inform the applicant authority and shall at the same time return to it the documents in question.

Article 9

CONFIRMATION OF SERVICE OF DOCUMENTS

Service of documents shall be confirmed by the authority applied to, in accordance with the regulations concerning the service of documents in effect in the State applied to. Such confirmation shall contain particulars regarding the place and date of service, and the name of the person on whom the documents have been served.

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

VALIDITY OF DOCUMENTS

1. Documents drawn up or attested in the territory of either Contracting Party by authorities within the limits of their official powers, in due form and bearing a seal, shall be accepted in the territory of the other Party without authentication. The same shall apply to signatures on private documents if they are attested in accordance with the procedure employed by the Contracting Party concerned.

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

Article 12

COSTS OF LEGAL ASSISTANCE

1. When providing legal assistance, the Contracting Party applied to shall make no claim for repayment of the costs of such assistance. Each Contracting Party shall assume all costs incurred in providing legal assistance in its territory.

2. The authority applied to shall inform the applicant authority of the amount of the costs incurred. If the applicant authority recovers these costs from the person liable therefor, the sums recovered shall accrue to the Contracting Party whose authority recovered them.

Article 13

TRACING OF ADDRESSES

Where a national of either Contracting Party wishes to exercise his rights in regard to a national of the other Party who resides in the territory of the latter Party but whose address is unknown to him, the central organs in accordance with article 3 shall, on request, take all necessary steps to trace the address of the national of the latter Party.

Article 14

INFORMATION ON LEGAL QUESTIONS

1. The judicial authorities of the two Contracting Parties shall inform one another of the laws in force.

2. The judicial authorities and procurator's offices of the Contracting Parties shall inform one another of the practice of the authorities having jurisdiction in civil, family and criminal cases.

Article 15

LANGUAGES

In their communications the authorities of the Contracting Parties shall use their own languages or the Russian language. The exchange of information concerning laws in force shall, preferably, be conducted in the Russian language.

PART II

PROVISION OF LEGAL ASSISTANCE IN CIVIL AND FAMILY CASES

Chapter I

CIVIL CASES

Article 16

LEGAL CAPACITY AND CAPACITY FOR LEGAL ACTION

1. The legal capacity of individuals and their capacity for legal action shall be determined according to the law of the Contracting Party of which they are nationals.

2. The legal capacity of bodies corporate shall be determined according to the law of the Contracting Party in whose territory they were constituted.

3. In transactions concluded for the purpose of satisfying every-day needs, the capacity for legal action of the persons concerned shall be determined according to the law of the Contracting Party in whose territory the transaction is concluded.

Article 17

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

1. The declaration of persons as missing or dead or the establishment of the fact of death shall be made by the authorities of the Contracting Party of which the person concerned was a national at the time of the last available information concerning him.

2. The judicial authorities of one Contracting Party may declare a national of the other Party missing or dead, or establish the fact of his death, upon the application of any person resident in its territory whose rights and interests are governed by its law.

3. In the matters referred to in paragraphs 1 and 2 above the judicial authorities shall apply the law of their own State.

Chapter II

FAMILY CASES

Article 18

MARRIAGE

1. The applicable law with regard to the form of marriage shall be that of the Contracting Party in whose territory the marriage is contracted.

2. The applicable law with regard to the form of a marriage solemnized before a diplomatic or consular representative authorized to solemnize marriages shall be that of the sending country.

3. The basic conditions for marriage shall be, for each of the prospective spouses, those prescribed by the law of the Contracting Party of which each of them is a national.

Article 19

PERSONAL AND PROPERTY RELATIONS OF SPOUSES

1. Where the spouses are nationals of one Contracting Party and reside in the territory of the other Contracting Party, the applicable law with regard to their personal and property relations shall be that 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, the applicable law with regard to their personal and property relations shall be that of the Contracting Party in whose territory they have or last had their domicile.

3. In the cases referred to in paragraphs 1 and 2 above the authorities of both Contracting Parties shall have jurisdiction.

Article 20

DIVORCE

1. Where both spouses are nationals of one Contracting Party and are resident on the date of the petition for divorce in the territory of the other Contracting Party, the law applicable to the divorce shall be that of the Contracting Party of which the spouses are nationals. The judicial authorities of both Contracting Parties shall have jurisdiction in divorce proceedings. If, on the date of the petition for divorce, one spouse is resident in the territory of one Contracting Party and the other in the territory of the other Contracting Party, the judicial authorities having jurisdiction shall be those of the Contracting Party of which the spouses are nationals.

2. If, on the date of the petition for divorce, one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, and both are resident in the territory of one Contracting Party or one of them is resident in the territory of one Contracting Party and the other in the territory of the other Contracting Party, the judicial authorities of both Contracting Parties shall have jurisdiction in divorce proceedings. The judicial authorities which hear the case shall apply the law of their own State.

Article 21

NULLITY OF MARRIAGE

1. In proceedings to declare a marriage null and void by reason of informality the applicable law shall be that of the Contracting Party of which both or either of the spouses is a national.

2. In proceedings to declare a marriage null and void by reason of failure to satisfy the basic conditions for marriage the applicable law shall be that specified in article 18, paragraph 3.

3. The question of which judicial authorities have jurisdiction in proceedings to declare a marriage null and void shall be determined in accordance with the provisions of article 20.

Article 22

LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

1. In actions to contest or establish paternity, the applicable law shall be that of the Contracting Party of which the child is a national by birth.

2. With regard to other legal relations between parents and children, the applicable law shall be that of the Contracting Party of which the child is a national.

3. In the matters referred to in paragraphs 1 and 2 above, the judicial authority having jurisdiction shall be that of the Contracting Party in whose territory the child is domiciled at the time when the proceedings are instituted.

Article 23

MAINTENANCE OBLIGATIONS

1. With regard to maintenance obligations based on family law, the applicable law shall be that of the Contracting Party of which the person entitled to maintenance is a national.

2. In the matters referred to in paragraph 1 above, the court having jurisdiction shall be that of the Contracting Party in whose territory the person entitled to maintenance is resident.

Article 24

ADOPTION

1. With regard to adoption, the applicable law shall be that of the Contracting Party of which the adopter is a national.

2. Where the law of the Contracting Party of which the child is a national requires the consent of the child or other persons or authorities, such consent must be obtained for adoption.

3. If the child is adopted by a husband and wife, one being a national of one of the Contracting Parties and the other a national of the other Party, the law of both Parties shall apply.

4. In adoption proceedings, the authorities having jurisdiction shall be those of the Contracting Party of which the adopter is a national at the time of the adoption. In the case specified in paragraph 3 above, the authorities having jurisdiction shall be those of the Contracting Party in whose territory the spouses have or had a common permanent domicile.

5. The provisions of this article shall also apply to termination of adoption.

Article 25

GUARDIANSHIP AND CURATORSHIP

1. Save as otherwise provided by this Treaty, guardianship or curatorship over nationals of the Contracting Parties shall be established by the authorities of the Contracting Party of which the prospective 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 authorities appointed the guardian or curator.

3. With respect to the obligation to accept the office of guardian or curator, the applicable law shall be that of the Contracting Party of which the guardian or curator is a national.

4. A national of one Contracting Party may be appointed guardian or curator of a person resident in the territory of the other Contracting Party if the said national is resident in the territory of the Contracting Party where the guardianship or curatorship is to be exercised and if his appointment is genuinely in the interests of the prospective ward.

Article 26

1. Where need arises to appoint a guardian or curator in the interests of a national of one of the Contracting Parties whose domicile, residence or property is in the territory of the other Party, the authorities of the latter Party shall at once notify the authorities specified in article 25, paragraph 1.

2. In urgent cases, the authorities of the latter Party may provisionally take any necessary measures under their own law, provided that they at once notify the authorities specified in article 25, paragraph 1. Such measures shall remain in effect pending other measures by those authorities.

Article 27

1. The authorities specified in article 25, paragraph 1, may transfer guardianship or curatorship to the authorities of the other Contracting Party if the ward has his domicile or residence or owns property in the territory of the latter Contracting Party. The transfer shall become effective when the authorities applied to assume the guardianship or curatorship and notify the applicant authorities accordingly.

2. The authorities assuming the guardianship or curatorship shall apply the law of their own State, but with regard to legal capacity and capacity for legal action they shall apply the law of the Contracting Party of which the ward is a national. The said authorities may not render any decisions relating to the ward's personal status or grant him permission to marry where such permission is required by the law of the Contracting Party of which he is a national.

Chapter III

PROPERTY CASES

Article 28

FORM OF LEGAL TRANSACTIONS

1. The form of legal transactions shall be that prescribed by the law which is applicable to the transaction itself. It shall, however, be deemed sufficient if the law of the place where the transaction is concluded is complied with.

2. The law applicable to the form of transactions relating to immovable property shall be that of the Contracting Party in whose territory the immovable property is situated.

Article 29

IMMOVABLE PROPERTY

1. With respect to immovable property the applicable law and the judicial authorities having jurisdiction shall be those of the Contracting Party in whose territory the immovable property is situated.

2. The provisions of paragraph 1 above shall not apply to property relations between spouses.

Chapter IV

SUCCESSION CASES

Article 30

PRINCIPLE OF EQUALITY

1. Nationals of either Contracting Party shall in the territory of the other Contracting Party enjoy the same rights as nationals of the latter Party in matters of statutory or testamentary succession to property in its territory.

2. Nationals of either Contracting Party may dispose by will of property in the territory of the other Contracting Party.

Article 31

LAW OF SUCCESSION

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

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

Article 32

ESCHEAT

Escheated movables shall revert to the State of which the decedent was a national at the time of his death; escheated immovables shall revert to the State in whose territory they are situated.

Article 33

WILLS

1. The capacity to make or revoke a testamentary disposition and the legal effects of defective testamentary dispositions shall be determined according to the law of the Contracting Party of which the testator was a national at the time of making the testamentary disposition.

2. The form of the 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 testamentary dispositions.

Article 34

JURISDICTION

1. Proceedings in matters of succession to movables shall be conducted by the authorities of the Contracting Party of which the decedent was a national at the time of death.

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

3. The provisions of paragraphs 1 and 2 above shall apply also to disputes arising in connexion with the succession.

4. If the entire movable estate is in the territory of one of the Contracting Parties, proceedings in matters of succession to such estate shall, upon petition by an heir or a legatee, and subject to the consent of all other heirs and legatees, be conducted by the authorities of that Contracting Party.

Article 35

NOTIFICATION OF DEATH

1. If a national of one of the Contracting Parties dies in the territory of the other Party, the competent local authority shall notify the diplomatic or consular mission of his country thereof without delay and shall communicate to it whatever information is available concerning the heirs or legatees, their domicile and address, the estate and the will if one exists. If the local authority

learns that the deceased has left property in the territory of a third State, it shall communicate this information also.

2. If, upon the opening of the succession in the territory of one of the Contracting Parties, it is learned that the heirs or legatees are nationals of the other Contracting Party and reside there, the local authority at the place where the succession has been opened shall without delay notify the diplomatic or consular mission of the latter Contracting Party accordingly.

Article 36

COMPETENCE OF DIPLOMATIC AND CONSULAR MISSIONS IN SUCCESSION PROCEEDINGS

1. The diplomatic or consular missions of one of the Contracting Parties may represent the interests of nationals of their State before the authorities of the other Party in succession proceedings even if they are not authorized to do so, in cases where such nationals are not themselves present and have no representative of their own.

2. If a national of one of the Contracting Parties dies during a temporary stay in the territory of the other Party, his personal effects shall be delivered without any formal proceedings directly to the diplomatic or consular mission of his country.

Article 37

PUBLICATION OF WILLS

The publication of a will shall be effected by the authorities of the Contracting Party in whose territory the will is to be found. A certified copy of the will and of the minute concerning its publication and, if requested, the original of the will shall be transmitted to the appropriate authority of the Contracting Party which is competent to conduct the proceedings.

Article 38

MEASURES FOR THE PROTECTION OF THE ESTATE

1. The authorities of the Contracting Party in whose territory the estate left by a national of the other Party is to be found shall, in accordance with their law, take such measures as are necessary to ensure the protection and administration of the estate.

2. The measures taken under paragraph 1 above shall be immediately reported to the diplomatic or consular mission of the other Contracting Party, which may participate in carrying them out. If the diplomatic or consular mission so proposes, the measures taken under paragraph 1 above shall be modified, rescinded or postponed.

3. The measures taken under paragraph 1 above may be rescinded at the request of the authority which is competent to conduct the succession proceedings.

Article 39

DELIVERY OF THE ESTATE

1. If, after the completion of succession proceedings, the movable estate, or the moneys realized from the sale of the movable or immovable estate, are to be delivered to heirs or legatees resident in the territory of the other Contracting Party who have not participated in the proceedings and have not sent their representatives, the movable property or moneys realized shall be delivered to the diplomatic or consular mission of the latter Party.

2. The delivery of the estate in accordance with paragraph 1 above shall be subject to the conditions that:

- (a) All claims presented by creditors within a specified period, in accordance with the law of the Contracting Party in whose territory the estate is to be found, have been satisfied or paid;
- (b) All estate duties and taxes due have been paid;
- (c) The competent authorities have approved the export of the movable property and the transfer of the moneys realized from the sale.

Chapter V

LEGAL COSTS

Article 40

EXEMPTION FROM SECURITY FOR LEGAL COSTS

Nationals of one Contracting Party appearing before the courts of the other Party and resident in the territory of either Party shall not be required to deposit security for legal costs on the sole ground that they are aliens or have

no permanent domicile, residence or abode in the territory of the country before whose court they are appearing.

RELIEFS IN CONNEXION WITH LEGAL PROCEEDINGS

Article 41

Nationals of either Contracting Party shall be exempted in the territory of the other Party from the payment of stamp tax and legal costs and shall be entitled to other reliefs and free legal assistance under the same conditions and to the same extent as nationals of the other Party.

Article 42

1. Documents relating to personal or family status and property shall be issued by the competent authorities of the Contracting Party in whose territory the person claiming reliefs in accordance with article 41 has his domicile or residence.

2. If the person claiming reliefs has no domicile or residence in the territory of either of the two Contracting Parties, the document may be issued by a diplomatic or consular mission of his State.

3. The judicial authority ruling on reliefs in accordance with article 41 may require additional data to be furnished by the authority which issued the documents.

Article 43

A national of one of the Contracting Parties applying to the appropriate authorities of the other Contracting Party for the reliefs referred to in article 41 may make such application before the appropriate authorities of the place in which he has his domicile or residence. The said authorities shall transmit the application and the minute concerning it, together with the documents issued in accordance with article 42, to the competent authorities of the other Party.

Article 44

Where a national of one of the Contracting Parties is required to pay stamp tax and legal costs to the authorities of the other Contracting Party but does not have his domicile or residence in the territory of the latter Party, he shall be allowed sufficient time for the payment of such stamp tax and legal costs.

Chapter VI

RECOGNITION AND ENFORCEMENT OF JUDGEMENTS

Article 45

1. Final judgements of the judicial authorities of one of the Contracting Parties in civil and family cases involving legal relations not concerning property shall be recognized in the territory of the other Party without further proceedings unless the judicial authorities of the latter Contracting Party have previously rendered a judgement in the case or, according to this Treaty, have exclusive jurisdiction in the case.

2. The provisions of paragraph 1 above shall also apply to judgements rendered before the entry into force of this Treaty, provided that their application is not prejudicial to the interests of the parties concerned.

Article 46

Each Contracting Party shall recognize and enforce the following judgements rendered by judicial authorities in the territory of the other Contracting Party:

- (a) Final judgements of judicial authorities in civil and family cases concerning property;
- (b) Final judgements of judicial authorities relating to damages in criminal cases;
- (c) The awards of arbitral bodies and settlements included in them.

Article 47

1. Decisions regarding the authorization of enforcement shall be rendered by a judicial authority of the country in whose territory the judgement is to be enforced.

2. An application for authorization of enforcement shall be made to the court which heard the case at first instance. The said court shall transmit the application to the court competent to render a decision on it.

Article 48

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

- (a) The complete text of the judgement and, if such text does not show that the judgement has become final and enforceable, an appropriate document showing that the judgement has become final;
- (b) If the respondent did not participate in the proceedings, a document showing that he or his representative was served in due time with a summons;
- (c) A certified translation of the application and of the documents specified in (a) and (b) above.

Article 49

Before rendering a decision with respect to the application, the court may, when necessary, require the litigants to furnish clarification and, after hearing them, may require them to furnish additional information. The court may also request information from the court which rendered the judgement.

Article 50

1. The law applicable to the enforcement of a judgement shall be that of the country in whose territory the judgement is enforced.
2. The respondent may also submit objections to the enforcement of the judgement if such objections are permissible under the law of the country whose court rendered the judgement.

Article 51

Recognition and enforcement of a judgement may be refused:

- (a) If the respondent did not participate in the proceedings because he or his representative was not served in due time and proper form with a summons or because he was summoned only by public notice;
- (b) If the judgement conflicts with an earlier judgement which has become final and which was rendered in an action between the same litigants relating to the same claim and based on the same grounds by a court of the Contracting Party in whose territory recognition or enforcement is sought. This provision shall not apply where there has been a material change in the circumstances on which the nature of the enforcement provisions and the time of enforcement were based in the earlier judgement;

- (c) If the claim to which the judgement relates is not enforceable under the law of the country of which the respondent is a national;
- (d) If, according to this Treaty, the court in whose territory the judgement is to be enforced is the authority having exclusive jurisdiction to render judgement in the case.

Article 52

COSTS ARISING IN CONNEXION WITH THE ENFORCEMENT OF JUDGEMENTS

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

Article 53

AMICABLE ARRANGEMENTS

The provisions of articles 45 to 52 of this Treaty shall also apply to amicable arrangements.

Article 54

ENFORCEMENT OF AWARDS OF LEGAL COSTS

1. If a national exempt under article 40 of this Treaty from depositing security for legal costs is required, when a judgement rendered in the territory of one Contracting Party becomes final, to pay legal costs to the other Contracting Party, the competent court of the latter Party shall on application authorize without charge the enforcement of the award of costs.

2. Legal costs shall also include the costs of translation and certification of the documents referred to in article 56.

Article 55

1. An application for authorization to recover legal costs must be accompanied by a certified copy of the award of legal costs and by an official document showing that the award has become final and enforceable.

2. The documents must be accompanied by a translation in the language of the Contracting Party in whose territory the costs are to be recovered, or in the Russian language.

3. The court authorizing enforcement of an award of legal costs shall consider only whether:

- (a) The award has become final and enforceable;
- (b) The documents referred to in paragraph 1 above are accompanied by a certified translation.

Article 56

Where an award of legal costs is to be enforced in the territory of the other Contracting Party, application for authorization of enforcement shall be made to the court of the other Contracting Party which is competent to authorize enforcement of the award or to the court which awarded the legal costs. The court shall transmit the application to the competent court of the other Contracting Party, together with the documents referred to in article 55 of this Treaty.

Article 57

1. The court shall authorize enforcement of awards of legal costs without hearing the litigants.

2. Enforcement of awards of legal costs may not be refused on the ground that the applicants have not paid in advance the costs arising in connexion with enforcement of the award.

Article 58

DELIVERY OF ARTICLES AND TRANSFER OF FUNDS

Where articles or funds in the territory of one of the Contracting Parties are to be delivered or transferred to a person resident in the territory of the other Contracting Party, the export of the articles or transfer of the funds shall be effected in accordance with the law of the Contracting Party in whose territory the articles or funds are.

Article 59

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

Chapter VII

TRANSMITTAL OF CIVIL REGISTRATION DOCUMENTS

Article 60

1. Each of the Contracting Parties shall transmit to the other Party extracts from the civil register, civil registration certificates, documents concerning educational qualifications and employment experience and other documents relating to the personal rights and interests of nationals of the other Party.

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

Article 61

1. Where the civil registration authorities of one Contracting Party make a new entry or a correction in the civil register relating to the personal status of a national of the other Party, they shall transmit a copy of the new entry or correction to the other Party.

2. Each Contracting Party shall transmit to the other Party copies of judgements relating to the personal status of nationals of the other Party. The judgements must contain information concerning the nationality of the person to whom they apply.

3. The documents referred to in paragraphs 1 and 2 above shall be sent free of charge through the diplomatic channel.

PART III

CRIMINAL CASES

Article 62

OBLIGATION TO EXTRADITE

1. Each Contracting Party undertakes to extradite to the other Party, in accordance with the provisions of this Treaty, persons in its territory whose presence is required for the purpose of criminal prosecution or who have been sentenced by the judicial authorities of the other Contracting Party, should the latter Party request their extradition for the offences specified in the following paragraph.

2. Extradition shall be admissible only in respect of offences which, under the law of both Contracting Parties, are punishable with deprivation of liberty for a period of more than one year or with a heavier penalty (hereinafter called "extraditable offences").

Article 63

REFUSAL OF EXTRADITION

Extradition shall be precluded if:

- (a) The offence was committed by a national of the Contracting Party applied to;
- (b) The offence was committed in the territory of the Party applied to;
- (c) Under the law of the Party applied to, exemption from prosecution or punishment has been acquired by lapse of time or for other reasons;
- (d) The person claimed has already been prosecuted for the same offence by the competent judicial authorities of the Party applied to and been sentenced or discharged, and such sentence or discharge has become final;
- (e) Under the law of the Contracting Parties, prosecution must be instituted by complaint of the injured party or at the request of the judicial authorities of one of the Contracting Parties.

Article 64

REQUISITION FOR EXTRADITION

1. A requisition for extradition shall contain: the name and nationality of the person claimed, information concerning his domicile or residence and particulars concerning the nature of the offence and the damage resulting from it.

2. The requisition for extradition shall be accompanied:

- (a) In the case of a requisition for the purpose of criminal prosecution, by an official copy of the warrant of arrest, a description of the actual circumstances of the offence and its legal definition, and in the case of a requisition for the purpose of execution of a sentence, by an official copy of the final sentence;
- (b) By the text of the appropriate criminal statutes of the applicant Contracting Party under which the act in question is defined as an offence;

(c) By a personal description of the person claimed, and his fingerprints and photograph if they are available.

3. If the convicted person has already served a part of his sentence, the particulars in that regard shall also be transmitted.

Article 65

DETENTION PENDING EXTRADITION

If, pursuant to this Treaty, sufficient grounds exist for the requisition for extradition, the Contracting Party applied to shall take immediate steps under its own law to detain the person claimed.

Article 66

SUPPLEMENTARY INFORMATION

1. If the requisition for extradition does not contain all the necessary particulars, the Contracting Party may request supplementary information, for the receipt of which it shall fix a time-limit not exceeding two months. This time-limit may be extended for valid reasons.

2. If the information requested is not received within the specified or extended time-limit, the competent authority of the Contracting Party applied to may discontinue the extradition proceedings and release the person detained.

Article 67

TEMPORARY DETENTION

1. In urgent cases, the Contracting Party applied to may detain the person claimed before receipt of the requisition for his extradition in accordance with article 64 above. The applicant Contracting Party must state that a warrant has been issued for the person's arrest or a final sentence passed on him and must give notice that the requisition for extradition is being transmitted without delay. An application for detention in such cases may be made by telephone, telegraph or wireless.

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

3. Notification of detention under paragraphs 1 and 2 above shall be sent immediately to the other Party.

Article 68

RELEASE OF TEMPORARILY DETAINED PERSONS

A person detained in accordance with article 67 of this Treaty may be released if the requisition for his extradition is not received from the other Contracting Party within thirty days from the date on which notification of his detention was sent. The said Contracting Party shall be notified of the release of the person concerned.

Article 69

POSTPONEMENT OF EXTRADITION

If the person claimed is being prosecuted or is serving a sentence for another offence in the territory of the Contracting Party applied to, his extradition may be postponed until the termination of the criminal proceedings or the completion of the sentence.

Article 70

TEMPORARY EXTRADITION

1. If the postponement of extradition as provided in article 69 of this Treaty may result in exemption from prosecution being acquired by lapse of time or may prejudice seriously the investigation of an offence, the person claimed may be extradited for a temporary period to the Contracting Party applied to on receipt of a requisition with statement of grounds.

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

Article 71

CONFLICTING REQUISITIONS FOR EXTRADITION

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

Article 72

LIMITS TO PROSECUTION

1. An extradited person may not, without the consent of the Contracting Party applied to, be prosecuted or punished for an offence other than that for which he was extradited.
2. The extradited person also may not be surrendered to a third State without the consent of the Contracting Party applied to.
3. The consent of the Contracting Party applied to shall not be required if:
 - (a) The extradited person fails to leave the territory of the applicant Contracting Party within one month from the termination of the criminal proceedings or the completion of a sentence. Such period of one month shall not be deemed to include any period during which the extradited person is unable through no fault of his own to leave the territory of the applicant Contracting Party;
 - (b) The extradited person leaves the territory of the applicant Contracting Party but returns thereto.

Article 73

SURRENDER

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

Article 74

RE-EXTRADITION

If an extradited person in some manner evades prosecution or punishment and returns to the territory of the Contracting Party applied to, he shall be re-extradited upon receipt of a new requisition from the Contracting Party which submitted the original requisition, even without production of the information and documents specified in article 64 of this Treaty.

Article 75

NOTIFICATION OF THE RESULTS OF PROSECUTION

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

Article 76

CONVEYANCE IN TRANSIT

1. Each Contracting Party undertakes to authorize the conveyance in transit through its territory, at the request of the other Party, of any person extradited by a third State to the other Party. The Contracting Parties shall not be bound to authorize such conveyance in cases where extradition is not provided for under the terms of this Treaty.

2. An application for authorization of conveyance in transit shall be made in the same manner as a requisition for extradition.

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

Article 77

COSTS OF EXTRADITION

The costs of extradition shall be borne by the Contracting Party in whose territory they were incurred, and the costs of conveyance in transit shall be borne by the applicant Contracting Party.

Article 78

OBLIGATION TO PROSECUTE

1. Each Contracting Party undertakes, at the request of the other Contracting Party, to prosecute under its own law any of its nationals who are accused of committing an extraditable offence in the territory of the applicant Contracting Party.

2. The request must be accompanied by documents and other available evidence concerning the offence.

3. Requests for prosecution shall be made by the Procurator of the Mongolian People's Republic and by the Chief Procurator of the People's Republic of Bulgaria.

4. The Contracting Party applied to shall notify the applicant Contracting Party of the results of the prosecution and, if a judgement has been rendered and has become final, shall transmit a certified copy thereof.

Article 79

EXTRADITION OF DETAINED PERSONS FOR INTERROGATION AS WITNESSES

If, in connexion with criminal proceedings instituted in the territory of one Contracting Party, need arises for the interrogation in person as a witness of a person who is held in custody in the territory of the other Contracting Party, the latter shall on request extradite such person for a temporary period to the applicant Contracting Party. The applicant Contracting Party shall keep the said person in custody and return him immediately after interrogation to the Contracting Party applied to.

Article 80

DELIVERY OF ARTICLES CONNECTED WITH AN OFFENCE

1. Articles found in the possession of a person who has committed an extraditable offence, and other articles which may be used as physical evidence in criminal proceedings, shall be delivered to the applicant Contracting Party in cases in which the offender cannot be extradited by reason of death or other circumstances.

2. The Contracting Party applied to may temporarily postpone the delivery of the claimed articles if it has need of them for other criminal proceedings.

3. The rights of third parties to articles delivered to the other Contracting Party shall remain unaffected. After the conclusion of the criminal proceedings such articles shall be returned to the Contracting Party which delivered them for transmittal to the persons entitled to them.

Article 81

METHOD OF COMMUNICATION

In matters relating to the extradition and conveyance in transit of offenders and to the extradition of detained persons under article 79 of this Treaty, the

central judicial authorities and procurator's offices of the two Contracting Parties shall communicate with one another directly.

Article 82

NOTIFICATION OF SENTENCES

1. Each Contracting Party shall communicate to the other Contracting Party information concerning final sentences pronounced by its courts in respect of nationals of the other Contracting Party.

2. Upon receipt of an application with statement of grounds, each Contracting Party shall transmit to the other Contracting Party information regarding the previous convictions of persons who are not nationals of the applicant Contracting Party.

3. The Contracting Parties shall also transmit to each other on request the fingerprints of the persons referred to in paragraphs 1 and 2 above, if they are available.

4. Information relating to the matters referred to in the preceding paragraphs shall be transmitted by the procedure prescribed in article 3 of this Treaty.

PART IV

FINAL PROVISIONS

Article 83

This Treaty shall be subject to ratification and shall enter into force thirty days after the exchange of the instruments of ratification. The exchange of the instruments of ratification shall take place at Ulan Bator.

Article 84

This Treaty is concluded for a period of five years. It shall be automatically extended for successive periods of five years unless one of the Contracting Parties denounces it at least six months before the expiry of the current period.

DONE at Sofia on 27 November 1968, in duplicate in the Mongolian, Bulgarian and Russian languages, the texts in all languages being equally authentic.

For the Government
of the Mongolian People's Republic:

DAMDIN

For the Government
of the People's Republic
of Bulgaria:

Sv. DASKALOVA

ADDITIONAL PROTOCOL TO THE TREATY BETWEEN THE MONGOLIAN PEOPLE'S REPUBLIC AND THE PEOPLE'S REPUBLIC OF BULGARIA CONCERNING THE PROVISION OF LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES

On signing the Treaty between the Mongolian People's Republic and the People's Republic of Bulgaria concerning the provision of legal assistance in civil, family and criminal cases, the two Contracting Parties have agreed as follows:

Where a national of one of the Contracting Parties expresses a wish to marry a national of a third country, the Contracting Party to which the application for permission to marry in its territory is submitted shall be required to ask the consent of the competent authorities of the other Contracting Party.

This additional Protocol constitutes an integral part of the Treaty concerning the provision of legal assistance in civil, family and criminal cases.

This Protocol has been drawn up at Sofia on 27 November 1968, in triplicate in the Mongolian, Bulgarian and Russian languages, the texts in all languages being equally authentic.

For the Government
of the Mongolian People's Republic:

DAMDIN

For the Government
of the People's Republic
of Bulgaria:

Sv. DASKALOVA