

No. 10903

**FRANCE
and
YUGOSLAVIA**

Convention concerning reciprocal legal assistance in criminal matters. Signed at Belgrade on 29 October 1969

Authentic texts: French and Serbo-Croatian.

Registered by France on 31 December 1970.

**FRANCE
et
YUOGOSLAVIE**

**Convention relative à l'entraide judiciaire en matière pénale.
Signée à Belgrade le 29 octobre 1969**

Textes authentiques : français et serbo-croate.

Enregistrée par la France le 31 décembre 1970.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE FRENCH REPUBLIC AND
THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA
CONCERNING RECIPROCAL LEGAL ASSISTANCE IN
CRIMINAL MATTERS. SIGNED AT BELGRADE ON
29 OCTOBER 1969

The Government of the French Republic and the Government of the Socialist Federal Republic of Yugoslavia, desiring to regulate by mutual agreement questions relating to reciprocal legal assistance in criminal matters, have agreed on the following provisions:

Article 1

The Contracting Parties undertake to provide each other with legal assistance in criminal matters under the conditions laid down in this Convention.

Article 2

This Convention shall not apply:

(a) To any offence which the requested Party regards as a political offence or an offence connected with a political offence, as a military offence or as a fiscal offence;

(b) If the requested Party considers that execution of the request for legal assistance might impair its sovereignty or security or the maintenance of law and order.

Article 3

Legal assistance in criminal matters shall include, in particular, notification of judicial decisions and service of judicial documents, the performance of specific acts in connexion with judicial proceedings and the exchange of judicial records.

¹ Came into force on 1 November 1970, i.e., the first day of the second month which followed the date (29 September 1970) of the last of the notifications by which the Contracting Parties informed each other that their constitutional procedures had been completed, in accordance with article 17.

Article 4

1. Requests for legal assistance shall be transmitted through the diplomatic channel.

2. In urgent cases, however, requests for the performance of acts in connexion with judicial proceedings may be transmitted direct to the competent court.

3. Documents relating to the execution of requests shall in all cases be transmitted without delay through the diplomatic channel.

Article 5

1. Requests for legal assistance shall be drawn up in the language or in one of the languages of the requesting State. Documents relating to the execution of requests shall be drawn up in the language or in one of the languages of the requested State.

2. However, judicial documents and decisions to be served on or notified to persons present in the territory of one of the two States shall be accompanied by a certified translation in the language or in one of the languages of that State.

Article 6

1. Requests for legal assistance and documents accompanying them must bear the signature and seal of a competent authority or be certified by such authority. The said requests and documents shall not require authentication.

2. The form of requests for legal assistance shall be determined by the law of the requesting Party.

Article 7

1. Requests for legal assistance shall contain the following particulars:

The title of the case;

The name of the requesting authority;

The name of the requested authority;

The legal classification of the offence;

The name of the accused or convicted person.

2. In addition, the following information shall be supplied:

(a) In the case of requests for service or notification:

The nature of the document or decision;

The name and address of the intended recipient of the document or notification;

The status of the intended recipient in the proceedings;

(b) In the case of requests for the performance of acts in connexion with judicial proceedings, all necessary particulars concerning the facts of the case and the task entrusted to the requested authority.

Article 8

1. Requests for legal assistance shall be executed in accordance with the law of the requested Party.

2. Notification or service shall be deemed to have been duly carried out when it is confirmed by a receipt dated and signed by the recipient or by a certificate issued by the competent authority stating that delivery has been effected and indicating the manner and date thereof.

Article 9

1. If the requested authority lacks competence in the matter, it shall transmit the request for legal assistance to the competent authority.

2. If the requested authority is unable to execute the request for legal assistance, it shall immediately so inform the requesting authority, at the same time indicating the reasons for non-execution.

Article 10

The requested Party shall make no claim for reimbursement of costs incurred in providing legal assistance under the terms of this Convention, except in so far as it relates to experts' expenses and fees.

Article 11

1. No person of whatsoever nationality who, in response to a summons, appears voluntarily before the judicial authorities of the requesting State as a witness or expert may be prosecuted, detained or subjected to any restric-

tion of his personal liberty in the said State by reason of an act committed or a conviction pronounced prior to his entry into the territory of the requesting State.

2. This immunity shall cease if the witness or expert, having had the opportunity to leave the territory of the requesting State during an uninterrupted period of 30 days after the date on which his presence ceases to be required by the judicial authorities, nevertheless fails to leave that territory during the said period or, having left it, returns thereto.

Article 12

1. Witnesses and experts shall be entitled to reimbursement of their travel and subsistence expenses and to a reasonable allowance, such expenses and allowance to be paid by the requesting Party.

2. If a witness or expert so requests, the requesting Party shall pay him an advance against his travel and subsistence expenses.

Article 13

1. If, in a criminal case, the requesting Party considers the personal appearance of a witness or expert before its judicial authorities particularly necessary, it shall so indicate in its request for service of the summons and the requested Party shall recommend the witness or expert to appear.

2. The requested Party shall inform the requesting Party of the reply of the witness or expert.

Article 14

1. The Contracting Parties shall report to each other all convictions pronounced by the judicial authorities of one of them against nationals of the other which are required to be entered in the judicial records in their respective territories.

2. The said reports shall be transmitted at six-month intervals through the diplomatic channel.

Article 15

The Contracting Parties shall, at the request of their judicial authorities, transmit to each other extracts from the judicial records.

Article 16

1. Either Contracting Party may, with a view to the initiation of criminal proceedings, report to the other Party any offences committed in its territory by nationals of the other State who have returned to the territory of that State.
2. To that end, records, information and articles relating to the offence shall be transmitted free of charge.
3. The requested Party shall inform the requesting Party of the measures taken in pursuance of its request.

Article 17

Each Contracting Party shall notify the other of the completion of the procedures prescribed by its Constitution for the entry into force of this Convention. The latter shall enter into force on the first day of the second month following the date of the second such notification.

Article 18

1. This Convention is concluded for an indefinite period of time.
2. Either Contracting Party may denounce it at any time, and such denunciation shall take effect six months after the date of receipt of notice thereof by the other Contracting Party.

DONE at Belgrade on 29 October 1969, in duplicate in the French and Serbo-Croat languages, both texts being equally authentic.

For the Government
of the French Republic:

P. FRANCFORT

For the Government
of the Socialist Federal Republic
of Yugoslavia:

Milorad PEŠIČ