

**No. 18948**

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**MONGOLIA  
and  
CZECHOSLOVAKIA**

**Treaty on the provision of legal assistance and on legal relations in civil, family and criminal cases. Signed at Ulan Bator on 15 October 1976**

*Authentic texts: Mongolian, Slovak and Russian.  
Registered by Mongolia on 26 June 1980.*

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**MONGOLIE  
et  
TCHÉCOSLOVAQUIE**

**Traité relatif à l'entraide judiciaire et aux relations juridiques en matière civile, familiale et pénale. Signé à Oulan-Bator le 15 octobre 1976**

*Textes authentiques : mongol, slovaque et russe.  
Enregistré par la Mongolie le 26 juin 1980.*

## [TRANSLATION — TRADUCTION]

**TREATY<sup>1</sup> BETWEEN THE MONGOLIAN PEOPLE'S REPUBLIC AND THE CZECHOSLOVAK SOCIALIST REPUBLIC ON THE PROVISION OF LEGAL ASSISTANCE AND ON LEGAL RELATIONS IN CIVIL, FAMILY AND CRIMINAL CASES**

The Mongolian People's Republic and the Czechoslovak Socialist Republic, desiring to strengthen and further develop the fraternal friendship and co-operation between the peoples of the two countries in the sphere of legal relations, have decided, in order to protect the rights and interests of the nationals of the two countries, to conclude a treaty on the provision of legal assistance and on legal relations in civil, family and criminal cases.

For this purpose they have appointed as their Plenipotentiaries:

The Presidium of the Great People's Khural of the Mongolian People's Republic:

Mr. Donoyin Purev, Minister of Justice of the Mongolian People's Republic;

The Presidium of the Czechoslovak Socialist Republic: Mr. Pavel Kiraly, Minister of Justice of the Slovak Socialist Republic;

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 Contracting Party the same legal protection in respect of their personal and property rights as nationals of such other Party. They shall have free and unimpeded access to the courts and other authorities having jurisdiction in civil, family and criminal cases and may also institute proceedings to protect their personal and property rights.

2. Nationals of either Contracting Party may appear before the authorities of the other Contracting Party having jurisdiction in civil, family and criminal cases under the same conditions as nationals of that other Contracting Party.

3. If the competent authority of one of the Contracting Parties mentioned in paragraph 1 of this article learns of the existence in the territory of that Party or abroad of heirs or legatees, it shall notify the competent authority of the other Contracting Party.

4. If a national of one Contracting Party dies in the territory of the country of which he is a national and if the heir is a national of the other Contracting Party, the competent authority shall notify the diplomatic mission or consular post of the other Contracting Party, in accordance with paragraph 1 of this article.

<sup>1</sup> Came into force on 22 March 1978, i.e., 30 days after the exchange of the instruments of ratification, which took place at Prague on 20 February 1978, in accordance with article 90.

*Article 2. LEGAL ASSISTANCE*

The competent authorities of the two Contracting Parties shall provide each other with legal assistance in civil, family and criminal cases.

*Article 3. SCOPE OF LEGAL ASSISTANCE*

1. "Legal assistance" means the performance of specific acts required in connection with judicial proceedings, for example, by carrying out seizures and searches of articles and attachment of property, by transmitting or delivering physical evidence, by interrogating the litigants participating in the proceedings, witnesses and experts, suspects and accused persons, and by drawing up and serving documents and executing applications.

2. The central organs of the two Contracting Parties shall, upon request, provide each other with assistance in determining the place of residence of persons present in the territory of their respective States, if such is necessary for the exercise of rights or the performance of duties by their nationals.

*Article 4. METHOD OF COMMUNICATION*

1. The competent authorities of the Contracting Parties shall, unless otherwise provided in this Treaty, communicate with each other through their central organs.

2. For the purposes of this Treaty, "competent authorities" means the courts, procurators' offices and State notarial organs.

3. For the purposes of this Treaty, the central organs are: in the case of the Mongolian People's Republic, the Office of the State Procurator of the Mongolian People's Republic and the Ministry of Justice of the Mongolian People's Republic; and in the case of the Czechoslovak Socialist Republic, the Office of the General Procurator of the Czechoslovak Socialist Republic, the Ministry of Justice of the Czech Socialist Republic and the Ministry of Justice of the Slovak Socialist Republic. With regard to the provision of information in accordance with article 12 of this Treaty, the Supreme Court of the Mongolian People's Republic and the Supreme Court of the Czechoslovak Socialist Republic shall also be central organs.

*Article 5. LANGUAGES USED IN THE GRANTING OF LEGAL ASSISTANCE*

In communicating with each other in accordance with this Treaty, the authorities of the Contracting Parties shall use their own language or the Russian language. However, documents appended to applications for the granting of legal assistance and prepared in the language of the applicant Contracting Party must be accompanied by a translation into Russian or into the language of the Contracting Party applied to.

*Article 6. CONTENT OF APPLICATIONS FOR LEGAL ASSISTANCE*

1. Applications for legal assistance (hereinafter referred to as "applications") must contain the title of the authority making the application, the title of the case in respect of which legal assistance is applied for, the names of the parties or of the accused, their nationality, occupation and domicile or residence, the names of their legal representatives, any necessary information regarding the nature of the application, including in criminal cases, a description of the *corpus delicti* and its juridical definition and, whenever possible, the place, date of birth and names of the parents of the accused.

2. Applications and transmitted documents shall bear the signature and the official seal of the competent authority.

3. Applications shall be drawn up in accordance with the law of the applicant Contracting Party.

4. In executing applications, the Contracting Parties may use printed forms whose content shall be mutually agreed.

#### *Article 7. PROCEDURE FOR EXECUTING APPLICATIONS*

1. Applications shall be executed in accordance with the law of the Contracting Party applied to. At the request of the applicant authority, it shall be possible to use the procedure and form for executing an application indicated in the application, provided that this does not conflict with the law of the Contracting Party applied to.

2. If the authority applied to is not competent to execute the application, it shall transmit it to the competent authority.

3. The authority applied to shall notify the applicant authority of the time and place of execution of the application.

4. If the person named in the application does not reside at the address indicated, the authority applied to shall, on its own initiative, take the necessary measures to determine his address.

5. If it is impossible to execute the application for legal assistance, the authority applied to shall so advise the applicant authority and shall also inform it of the reasons why the application could not be executed.

#### *Article 8. APPLICATION FOR THE SERVICE OF DOCUMENTS*

1. In serving a document, the authority applied to shall, in accordance with article 7 of this Treaty, conform to the law of its own State.

2. If the document being served is not accompanied by a translation into the Russian language or into the language of the Contracting Party applied to, the authority applied to shall deliver the document to the recipient, provided he is willing to accept it.

3. The translation shall be certified by the State authority or diplomatic mission or consular post of either Contracting Party or by an official translator.

4. Service of documents shall be confirmed in a receipt which shall indicate the date of service, the signature of the recipient and the server and the seal of the serving authority. Service of documents may be confirmed by an official certificate of the authority showing at what time and in what form the relevant document was served.

#### *Article 9. SERVICE OF DOCUMENTS ON OWN NATIONALS*

1. Each Contracting Party shall have the right to serve, through its diplomatic mission or consular posts, documents on its own nationals residing in the territory of the other Contracting Party.

2. No compulsion may be used in the service of documents in accordance with paragraph 1 of this article.

#### *Article 10. PROTECTION OF WITNESSES AND EXPERTS*

1. No person of whatever nationality who, in response to a summons from an authority of the other Contracting Party, appears as a witness or expert may be

prosecuted, imprisoned before trial or punished for a crime which he committed before he crossed the State frontier of that Contracting Party.

Nor may he be prosecuted or detained in connection with a crime which was also the subject of the proceedings.

2. The witness or expert shall forfeit the protection provided for in paragraph 1 of this article if, being at liberty to do so, he fails to leave the territory of the applicant Contracting Party within seven days after the date on which the applicant authority informed him that his presence was no longer necessary. Such period of seven days shall be deemed to exclude any period of time during which the witness or expert is unable through no fault of his own to leave the territory of that Contracting Party.

3. Persons summoned shall be entitled to reimbursement for travel expenses, subsistence abroad and non-receipt of wages; experts shall also be entitled to a fee for their services. The summons shall indicate the remuneration to which such persons shall be entitled, and, upon application, they shall receive an advance to cover the expenses in question.

4. Persons summoned shall not be required to accede to the request. Summonses shall not contain any threat of coercive measures for failure to accede to the request.

#### *Article 11. COSTS OF LEGAL ASSISTANCE*

1. The Contracting Party to which an application for legal assistance is addressed 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, particularly costs incurred in taking evidence.

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, they shall accrue to the Contracting Party which recovered them.

#### *Article 12. INFORMATION ON LEGAL QUESTIONS*

The central organs of each Contracting Party shall, on request, provide each other with information on laws in force or formerly in force in the territory of their State, on legal questions and on the interpretation of laws by their competent authorities.

#### *Article 13. DENIAL OF LEGAL ASSISTANCE*

Legal assistance may be denied if the provision of such assistance might be prejudicial to the sovereignty or security of the Contracting Party applied to.

#### *Article 14. JURIDICAL PERSONS*

The provisions of this Treaty shall also apply to juridical persons.

#### *Article 15. USE OF DOCUMENTS*

1. Documents drawn up or attested by a court or other competent authority in the territory of either Contracting Party, signed and bearing an official seal, shall not require further legalization for use by the courts or other authorities of the other Contracting Party.

2. The provisions of paragraph 1 of this article shall also apply to documents in which the signatures were attested in accordance with the procedures laid down by either Contracting Party.

3. Documents drawn up in the territory of either Contracting Party shall be considered official documents and shall have the same juridical force in the territory of the other Contracting Party as the latter Party's own documents.

## PART II. CIVIL AND FAMILY CASES

### SECTION 1. PERSONAL STATUS

#### *Article 16.* LEGAL CAPACITY

1. The legal capacity of an individual shall be determined in accordance with the law of the Contracting Party of which he is a national.

2. The legal capacity of a juridical person shall be determined in accordance with the law of the Contracting Party on the basis of which the juridical person was constituted.

#### *Article 17.* LIMITATION AND DEPRIVATION OF LEGAL CAPACITY

1. Unless otherwise provided for in this Treaty, the court of the Contracting Party of which the person whose legal capacity is to be determined is a national, shall be competent to limit or deprive of legal capacity. If a court of either Contracting Party determines that there are grounds for limitation or deprivation of legal capacity in respect of a national of the other Contracting Party resident in its territory, it shall inform the competent court of the other Contracting Party thereof. This provision shall also apply in cases where the court takes temporary measures necessary for the protection of that person and his property.

2. If the court of the other Contracting Party, having been informed of the grounds referred to in paragraph 1, does not begin consideration of the case within three months, or if it does not express its opinion within that time-limit, the court of the Contracting Party in whose territory the person in question is resident shall take up the case regarding the limitation or deprivation of legal capacity.

In such case, the decision to limit or deprive of legal capacity may be made only on the basis of evidence as provided by the law of the two Contracting Parties, and that decision shall be transmitted to the competent court of the other Contracting Party.

3. The provisions of paragraphs 1 and 2 of this article shall apply, *mutatis mutandis*, to cases concerning the restoration of, or a change in, legal capacity.

#### *Article 18.* DECLARATION OF PERSONS AS MISSING OR DEAD AND ESTABLISHMENT OF THE FACT OF DEATH

1. The declaration of persons as missing or dead and the establishment of 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 he was last known to be alive.

2. The authorities of either Contracting Party may declare a national of the other Contracting Party dead:

- (a) Upon the application of any person who intends to make a claim, on the basis of the law regarding inheritance or the property relations of spouses, on the immovable property of the missing person which is situated in the territory of the Contracting Party whose authorities are considering the case;
- (b) Upon the application of the spouse of the missing person who, at the time of submission of the application, is resident in the territory of the Contracting Party whose authorities are considering the case.

3. In the cases provided for in paragraphs 1 and 2, the authorities of the Contracting Parties shall apply the law of the State of which the said person was a national at the time he was last known to be alive.

## SECTION 2. FAMILY CASES

### *Article 19. MARRIAGE*

1. The capacity of any person who wishes to marry to contract marriage shall be determined by the law of the Contracting Party of which that person is a national.

2. The form of marriage shall be determined by the law of the Contracting Party in whose territory the marriage is contracted.

### *Article 20. PERSONAL AND PROPERTY RELATIONS OF SPOUSES*

1. If both spouses are of the same nationality, their personal and property relations shall be those prescribed 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 those prescribed by the law of the Contracting Party of which both spouses last had the nationality at the same time.

3. If the spouses do not have and never had the nationality of the same Contracting Party, their personal and property relations shall be those prescribed by the law of the Contracting Party in whose territory they have, or last had, their common domicile.

### *Article 21*

1. In actions to settle the personal and property relations of spouses, the court of the Contracting Party of which the spouses are nationals shall have jurisdiction. Where the spouses have their domicile in the territory of the other Contracting Party during the court proceedings, the court of that Contracting Party, upon their application, shall also have jurisdiction.

2. The institution of proceedings in the court of one Contracting Party shall prevent the institution of proceedings on the same case in a court of the other Contracting Party. The provisions of this article shall apply also to the provisions of articles 23 and 27.

3. Where one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, the court of the Contracting Party in whose territory they have, or last had, their common domicile shall have jurisdiction in actions to settle the personal and property relations of the spouses; if they do not have, or did not have, such a domicile, the court of the Contracting Party of which the defendant is a national shall have jurisdiction in such actions.

*Article 22. DISSOLUTION OF MARRIAGE*

1. In actions to dissolve marriage, the applicable law shall be that of the Contracting Party of which the spouses were nationals when the suit was brought.

2. Where one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, the court dealing with the proceedings shall apply the law of its own State.

*Article 23*

1. In actions to dissolve marriage as provided for in article 22, paragraph 1, of this Treaty, the court of the Contracting Party of which the spouses were nationals when the suit was brought shall have jurisdiction. If, when the suit was brought, both spouses had their domicile in the territory of the other Contracting Party, the court of that Contracting Party shall also have jurisdiction in actions to dissolve marriage.

2. In actions to dissolve marriage as provided for in article 22, paragraph 2, of this Treaty, the court of the Contracting Party in whose territory both spouses have their domicile shall have jurisdiction. Where one spouse has his domicile in the territory of one Contracting Party and the other in the territory of the other Contracting Party, the courts of the two Contracting Parties shall have jurisdiction for the dissolution of marriage.

*Article 24. ANNULMENT OF MARRIAGE*

In actions to annul or to establish the existence or non-existence of marriage and to establish jurisdiction in such cases, the provisions of articles 22 and 23 of this Treaty shall apply *mutatis mutandis*.

*Article 25. MAINTENANCE*

The maintenance obligations of persons whose marriage was dissolved or annulled shall be determined by the law of the Contracting Party of which the person responsible for paying maintenance is a national. The court of the Contracting Party in whose territory the person responsible for paying maintenance has his domicile shall have jurisdiction in such actions.

*Article 26. LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN*

1. In actions to determine (establish or contest) paternity, the court of the Contracting Party of which the child is a national shall have jurisdiction. Where the plaintiff and the defendant have their domicile in the territory of the same Contracting Party, the court of that Contracting Party shall have jurisdiction in such actions.

2. In actions to determine (establish or contest) paternity, the law of the Contracting Party of which the child is a national by birth shall apply.

3. The prescribed form of recognition of paternity shall be deemed to have been complied with in cases where the matter was decided in accordance with the law of the Contracting Party in whose territory such recognition took place.

*Article 27*

1. Legal relations between parents and children and between a child born out of wedlock and his parents shall be governed by the law of the Contracting Party of which the child is a national.

2. Decisions on the legal relations referred to in paragraph 1 of this article shall be within the jurisdiction both of the court of the Contracting Party of which the

child is a national and of the court of the Contracting Party in whose territory the child has his domicile or residence.

#### *Article 28*

1. Unless otherwise provided for in this Treaty, matters regarding the upbringing and support of minors and other related matters shall be within the jurisdiction of the court of the Contracting Party of which the child is a national. The court of one Contracting Party shall be competent to consider cases regarding the support of minors who are nationals of the other Contracting Party in the event that a claim for maintenance is brought against a national of that other Contracting Party.

2. In urgent cases, the court of the other Contracting Party may, on a temporary basis, take the necessary measures to protect the person and property of a child resident in its territory.

3. If the court which received the relevant information, in accordance with paragraph 2 of this article, does not institute proceedings within three months, the court of the Contracting Party in whose territory the child is resident shall undertake such proceedings. The court shall communicate its decision to the competent court of the Contracting Party of which the child is a national.

4. The relations between parents and children provided for in paragraph 1 of this article shall be governed by the law of the Contracting Party of which the child is a national.

#### *Article 29. ADOPTION*

1. Adoption or termination of adoption shall be determined by the law of the Contracting Party of which the adopter is a national at the time of adoption or termination of adoption.

2. If the child is a national of the other Contracting Party, adoption or termination of adoption shall be subject to the express consent of the child, when this is prescribed by the law of the Contracting Party of which the child is a national. In addition, adoption or termination of adoption shall be subject to the consent of the child's legal representative and of the competent public authority of that other Contracting Party.

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 Contracting Party, adoption or termination of adoption shall be carried out in accordance with the law of both Contracting Parties.

#### *Article 30*

1. In matters of adoption or termination of adoption, the authorities having jurisdiction shall be those of the Contracting Party of which the adopter is a national at the time of adoption or termination of adoption.

2. In the case provided for in article 29, paragraph 3, the authority of the Contracting Party in whose territory the adopters have, or last had, their common domicile or residence shall have jurisdiction.

#### *Article 31. GUARDIANSHIP AND CURATORSHIP*

1. The establishment or termination of guardianship or curatorship shall be determined by the law of the Contracting Party of which the persons over whom the guardianship or curatorship is to be or is exercised (hereinafter called "wards") are nationals.

2. The legal relations between guardians or curators and their wards 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 guardian or curator is a national.

4. The examination of cases in accordance with this article shall be within the jurisdiction of the authorities in the ward's place of residence.

#### *Article 32*

1. Unless otherwise provided for in this Treaty, the authority of the Contracting Party of which the ward is a national shall be competent to render decisions on the establishment or termination of guardianship or curatorship.

2. Decisions on the establishment or termination of guardianship or curatorship rendered by the authorities of either Contracting Party in respect of its own nationals shall have the same legal force in the territory of the other Contracting Party.

#### *Article 33*

1. Where, in the territory of either Contracting Party, the need arises to take measures to protect the interests of a national of the other Contracting Party whose residence or property is in the territory of the first Contracting Party, the competent authority of the first Contracting Party shall at once notify the diplomatic mission or consular post of the second Contracting Party.

2. In urgent cases, the competent authority may itself take preliminary measures in accordance with the law of its own State and shall forthwith notify the diplomatic mission or consular post of the other Contracting Party. The preliminary measures shall remain in effect pending other measures by the competent authority of the other Contracting Party, of which the authority which took the preliminary measures shall be notified.

#### *Article 34*

1. The court of the Contracting Party having jurisdiction under article 32, paragraph 1, of this Treaty may transfer guardianship or curatorship to an authority of the other Contracting Party if the ward has his domicile or residence or property in the territory of that Contracting Party. The transfer shall become effective when the authority applied to assumes the guardianship or curatorship and notifies the applicant authority accordingly.

2. The authority of the Contracting Party assuming the guardianship or curatorship under paragraph 1 of this article shall exercise it in accordance with the law of its own State. However, it may not decide questions relating to the ward's personal status.

### PART III. PROPERTY CASES

#### *Article 35*

1. The form of legal transactions shall be determined by the law by which the legal transaction is itself determined; it shall, however, be deemed sufficient if the law in force in the place where the transaction is concluded is complied with.

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

#### *Article 36*

1. Contractual obligations between physical persons, and also between physical and juridical persons, shall, with the exception of obligations relating to immovable property, be determined by the law of the Contracting Party in whose territory the contract was concluded, unless the parties to the contract decided on the application of another law relating to obligations.

2. Obligations arising from illegal actions or other incidents which give rise to legal liability shall be determined by the law of the Contracting Party in whose territory the act was committed or the incident occurred.

#### *Article 37*

1. With regard to suits arising from the legal relations provided for in article 36 of this Treaty, the court of the Contracting Party in whose territory the defendant has his domicile shall have jurisdiction. In such cases, the court of the Contracting Party in whose territory the plaintiff has his domicile shall also have jurisdiction, provided that the object of the dispute or the property of the defendant is situated in that territory.

2. The parties to the legal obligations may agree on a change in the jurisdiction of the court in cases provided for in article 36, paragraph 1, of this Treaty. However, such an agreement between the parties cannot change the courts' jurisdiction of the subject matter.

### PART IV. SUCCESSION

#### *Article 38. PRINCIPLE OF EQUALITY*

1. Nationals of either Contracting Party may, in the territory of the other Contracting Party, acquire property and rights of inheritance by operation of law or by a testamentary succession under the same conditions and to the same extent as nationals of the latter Party.

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

#### *Article 39. LAW OF SUCCESSION*

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

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

#### *Article 40*

1. The capacity to make or revoke a will and the legal consequences of defective testamentary dispositions 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.

2. The form of a testamentary disposition and of its revocation shall be determined by the law of the Contracting Party of which the testator was a national at the

time of making or revoking the testamentary disposition. As to the form of making or revoking a testamentary disposition, it shall be sufficient if the law of the Contracting Party in whose territory the testamentary disposition was made or revoked is complied with.

#### Article 41

Where, under the law of succession of a Contracting Party, there are no heirs to an estate, movable property shall revert to the Contracting Party of which the testator was a national at the time of his death, and immovable property shall revert to the Contracting Party in whose territory it is situated.

#### Article 42. JURISDICTION IN MATTERS OF SUCCESSION

1. In proceedings in matters of succession to movable property, the competent authority shall be that of the Contracting Party of which the testator was a national at the time of death, unless otherwise provided for in this Treaty.

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

3. The provisions of paragraphs 1 and 2 of this article shall apply, *mutatis mutandis*, to disputes arising out of claims to succession.

4. If the movable property of a deceased national of one Contracting Party is situated in the territory of the other Contracting Party, proceedings in matters of succession shall, subject to the consent of all heirs and upon petition by an heir or legatee, be within the jurisdiction of the authority of that Contracting Party.

#### Article 43

The decision as to which property is to be deemed movable and which immovable shall be made in accordance with the law of the Contracting Party in whose territory the property is situated.

#### Article 44. NOTIFICATION OF DEATH

If a national of one Contracting Party dies in the territory of the other Contracting Party, the competent court shall immediately notify the diplomatic mission or consular post of the latter Contracting Party of such death, communicating to it all information available concerning the heirs, their domicile or residence, the size and value of the estate and the existence of a will. If the competent authority of one Contracting Party knows of property left by the decedent in a third State, it shall communicate such information to the competent authority of the other Contracting Party.

#### Article 45. MEASURES FOR THE PROTECTION OF THE PROPERTY

The authority of the Contracting Party in whose territory the estate of a national of the other Contracting Party is situated shall immediately notify the diplomatic mission or consular post of the other Contracting Party regarding measures taken for the protection of the estate. Representatives of those authorities may participate directly or through their plenipotentiaries in the execution of such measures. Measures taken for the protection of the estate may, at the request of the diplomatic mission or consular post, be modified or rescinded.

*Article 46. OPENING OF WILLS*

The opening and publication of a will shall be within the jurisdiction of the succession authority of the Contracting Party in whose territory the will is to be found. If the testator resided in the territory of the other Contracting Party, a copy of the will, the minute concerning the condition and content thereof, depending on the circumstances, and the minute concerning the opening of the will shall be transmitted to the competent authority of the Contracting Party in whose territory proceedings are being conducted. Upon request, the original of the will and the minute concerning the opening and publication of the will shall also be transmitted.

*Article 47. COMPETENCE OF DIPLOMATIC MISSIONS OR CONSULAR POSTS  
IN SUCCESSION PROCEEDINGS*

1. Officers of a diplomatic mission or consular post of either Contracting Party shall have the right to represent nationals of their own State before the authorities of the other Contracting Party without special authorization, if such nationals are not present or have not appointed a representative.

2. If a national of either Contracting Party dies in the territory of the other Contracting Party in which he had neither domicile nor residence, his personal effects shall be delivered, without any formal proceedings and after the payment of his debts, together with an inventory of such effects, to the diplomatic mission or consular post of the Contracting Party of which he was a national.

*Article 48. DELIVERY OF THE ESTATE AND ESTATE DUTIES*

1. If a movable estate is situated in the territory of either Contracting Party, it shall be delivered to the competent authority having jurisdiction in succession proceedings or to the diplomatic mission or consular post of the Contracting Party of which the testator was a national, subject to compliance with the conditions specified in article 49, paragraph 2 (b), of this Treaty.

2. Estate duties on immovable property shall be paid to the Contracting Party in whose territory such property is situated.

3. Estate duties on movable property shall be paid to the Contracting Party of which the testator was a national at the time of death.

4. If the succession proceedings under article 42, paragraph 2, of this Treaty are conducted by the authority of the Contracting Party in whose territory the property is situated, the estate duties shall be levied in accordance with the law of that Contracting Party. The Contracting Party which in such cases delivers, in accordance with its law, the movable property to the other Contracting Party shall not collect estate duties on the delivered property.

*Article 49*

1. After the completion of succession proceedings, the movable property or the moneys realized from the sale of movable or immovable property in the territory of one Contracting Party shall be delivered to heirs who have their domicile or residence in the territory of the other Contracting Party. If the estate or the moneys realized from its sale cannot be delivered to the heirs or their representatives directly, the estate or the moneys shall be delivered to the diplomatic mission or consular post of the other Contracting Party.

2. In accordance with paragraph 1 of this article, delivery may be made, provided that:

- (a) All estate duties and all claims have been secured or paid;
- (b) The relevant authorities have agreed to the export of the articles in the estate or the transfer of the moneys realized from their sale;
- (c) All claims presented by the testator's creditors within the period stipulated by the law of the Contracting Party in whose territory the estate is situated have been paid or secured.

#### PART V. LEGAL COSTS

##### *Article 50. EXEMPTION FROM SECURITY FOR LEGAL COSTS*

1. Unless otherwise provided for in this Treaty, the courts of either Contracting Party shall not require the deposit of security for legal costs from nationals of the other Contracting Party who are parties to legal proceedings.

2. The privileges provided for in paragraph 1 shall not apply to nationals of either Contracting Party who have their domicile in the territory of a third State with which the relevant Contracting Party has no treaty guaranteeing the reciprocal enforcement of judgements.

##### *Article 51. EXEMPTION FROM LEGAL COSTS*

Nationals of either Contracting Party shall be exempted before the courts of the other Contracting Party from legal costs and notary charges and shall have the right to designate a counsel for the defence, whose services shall be free of charge, under the same conditions and to the same extent as nationals of the latter Party.

##### *Article 52*

1. Applications for exemption from legal costs may also be submitted through the competent court of the Contracting Party of which the applicant is a national. The court shall transmit the application for exemption from legal costs, together with the document issued in accordance with article 53 of this Treaty and all other documents relating to the proceedings submitted by the applicant, to the court of the other Contracting Party in accordance with article 4 of this Treaty.

2. The application for exemption from legal costs may be accompanied by an application for the institution of proceedings in connection with the application for exemption from legal costs, as well as by an application for the designation of a counsel for the defence or any other relevant applications.

##### *Article 53*

1. The application for exemption submitted in accordance with article 52 of this Treaty shall be accompanied by a document concerning the personal, family and property status of the applicant issued by the competent authority of the Contracting Party in whose territory the applicant has his domicile or residence.

2. If the applicant has not domicile or residence in the territory of either Contracting Party, the said document shall be issued by the diplomatic mission or consular post of his State.

3. The court adjudicating rules on an application for exemption from legal costs may, where necessary, require additional information to be furnished by the authority of the Contracting Party which issued the document.

*Article 54*

Exemption from legal costs granted by the competent court of either Contracting Party in a particular case shall apply to all legal proceedings conducted by the court of the other Contracting Party with regard to that case.

PART VI. RECOGNITION AND ENFORCEMENT OF JUDGEMENTS  
OF COURTS AND OTHER AUTHORITIES

*Article 55. RECOGNITION AND ENFORCEMENT OF JUDGEMENTS  
IN PROPERTY CASES*

1. Each Contracting Party shall, in accordance with this Treaty, recognize and enforce in its territory the following judgements of courts or other authorities rendered in the territory of the other Contracting Party:

- (a) Judgements of courts in civil and family cases, and amicable arrangements in civil and family cases concerning property;
- (b) Sentences in criminal cases relating to damages;
- (c) The awards of arbitral authorities (tribunals).

2. Judgements within the meaning of paragraph 1 of this article shall also be deemed to include judgements in succession cases rendered by the authorities of the Contracting Party which, under the law of that Party, have jurisdiction in matters of succession.

*Article 56. CONDITIONS FOR THE RECOGNITION AND ENFORCEMENT  
OF JUDGEMENTS OF COURTS AND OTHER AUTHORITIES*

The judgements referred to in article 55 of this Treaty shall be recognized and enforced if:

- (a) The judgement has become final and enforceable in accordance with the law of the Contracting Party in whose territory it was rendered;
- (b) The court of the Contracting Party in whose territory the judgement was rendered had jurisdiction, under the law of that Contracting Party or under this Treaty, to rule in the case;
- (c) A party which did not participate in the court proceedings, and against whom an application for the recognition or enforcement of the judgement has been made in accordance with the law of the Contracting Party in whose territory the judgement was rendered, was notified in proper form and due time that the case was under examination, and, in the case of persons lacking legal capacity, was properly represented;
- (d) Final judgement has not previously been rendered in the same matter and between the same parties by a court or arbitral authority (tribunal) of the Contracting Party in whose territory the judgement is to be recognized or enforced;
- (e) Enforcement of the judgement is not contrary to article 13 of this Treaty.

*Article 57. RECOGNITION OF JUDGEMENTS IN MATTERS  
NOT RELATING TO PROPERTY*

Judgements of the courts of either Contracting Party in matters not relating to property which have become final and enforceable shall be recognized in the territory of the other Contracting Party without further proceedings.

*Article 58.* CONDITIONS FOR THE RECOGNITION AND ENFORCEMENT  
OF AWARDS OF ARBITRAL AUTHORITIES (TRIBUNALS)

Awards of arbitral authorities (tribunals) shall be recognized and enforced provided that, in addition to the conditions specified in article 56 of this Treaty, the following conditions are also met:

- (a) The arbitral authority (tribunal) has rendered an award in a dispute in which it had jurisdiction in accordance with the law;
- (b) The award has been rendered on the basis of a written agreement to submit for arbitration a specific dispute or future disputes resulting from specific legal relations and the arbitral authority (tribunal) has rendered the award within the limits of its authority as laid down in the arbitral agreement;
- (c) The agreement to submit the dispute for arbitration has legal force under the law of the Contracting Party in whose territory the award is to be recognized or enforced.

*Article 59.* APPLICATIONS FOR THE ENFORCEMENT OF JUDGEMENTS

1. An application for the enforcement of a judgement may be made directly to the competent court of the Contracting Party in whose territory the judgement is to be enforced or to the court of first instance. In the latter case, the application shall be transmitted to the competent court of the other Contracting Party in the manner prescribed in article 4 of this Treaty.

2. The application shall be accompanied by the following:

- (a) The judgement or a certified copy of the judgement and, if the text does not show that the judgement has become final and enforceable, a certified document to that effect;
- (b) If the party against whom the judgement was rendered did not participate in the proceedings, a certificate showing that he was notified, in proper form and due time, that the case was under examination, or, in the case of persons lacking legal capacity, that he was represented in proper form;
- (c) A certified translation of the documents referred to in subparagraphs (a) and (b).

3. Applications for the enforcement of awards of arbitral authorities (tribunals) shall also be accompanied by a certified translation of the agreement to submit the dispute to the arbitration of the authority (tribunal) dealing with the case.

*Article 60.* RECOGNITION OF THE ENFORCEMENT OF JUDGEMENTS

1. The court adjudicating on the application for enforcement shall establish whether the conditions specified in articles 56 to 58 of this Treaty have been complied with.

2. Rulings on enforcement shall be rendered by the competent court of the Contracting Party in whose territory the judgement is to be enforced.

3. The court of the Contracting Party in whose territory the judgement is to be enforced shall act in accordance with the law of its own State.

*Article 61.* ENFORCEMENT OF JUDGEMENTS  
RELATING TO PAYMENT OF LEGAL COSTS

1. If a party to a case who, in accordance with article 51 of this Treaty, has been exempted from depositing security for legal costs is required under a final judgement of a court of either Contracting Party to pay legal costs, this judgement shall,

upon the application of the appropriate party, be enforced without charge in the territory of the other Contracting Party.

2. The court adjudicating on an application for the enforcement of a judgement in accordance with paragraph 1 of this article shall confine itself to establishing whether the judgement relating to the payment of legal costs has become final and enforceable.

3. The provisions of article 59 of this Treaty shall also apply, *mutatis mutandis*, to payment of legal costs.

#### *Article 62.* EXPORT OF ARTICLES AND TRANSFER OF FUNDS

The provisions of this Treaty concerning the enforcement of judgements shall not affect the laws of the Contracting Parties governing the export of articles or the transfer of funds acquired as a result of the enforcement.

### PART VII. TRANSMITTAL OF CIVIL REGISTRATION DOCUMENTS

#### *Article 63*

1. The civil registration authorities of the Contracting Parties shall transmit to each other extracts from the civil registers relating to the personal status of nationals of the other Contracting Party.

2. The extracts referred to in paragraph 1 of this article shall be transmitted without delay to the diplomatic mission or consular post of the other Contracting Party.

3. The competent authorities of the Contracting Parties shall transmit to each other, upon request, civil registration certificates for official use.

4. In transmitting and executing applications under paragraph 3 of this article, the competent authorities of the Contracting Parties shall proceed in accordance with article 4 of this Treaty.

#### *Article 64*

1. The competent authorities of the Contracting Parties shall transmit to each other final judgements affecting the civil status of nationals of the other Contracting Party.

2. The judgements referred to in paragraph 1 of this article shall be transmitted free of charge to the diplomatic mission or consular post.

#### *Article 65*

Nationals of either Contracting Party may submit applications for extracts from the civil registers directly to the competent civil registration authority.

#### *Article 66*

If the civil registration authority of either Contracting Party makes an additional note in or corrections to a certificate relating to the personal status of a national of the other Contracting Party, it shall, on request, transmit to that Contracting Party a copy of the certificate containing the additional information or corrections.

## PART VIII. CRIMINAL CASES

*Article 67. EXTRADITION*

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 the purpose of criminal prosecution or for the execution of a sentence.

2. Extradition for the purpose of criminal prosecution shall be permitted only in respect of criminal offences which, under the law of both Contracting Parties, are punishable and which, under the law of both Contracting Parties, may entail punishment in the form of deprivation of liberty for a term of more than one year.

3. Extradition for the purpose of execution of a sentence shall be permitted only in respect of criminal offences which are punishable under the law of both Contracting Parties and for which the person concerned has been sentenced to punishment in the form of deprivation of liberty for a term of more than one year.

*Article 68. REFUSAL OF EXTRADITION*

Extradition shall not take place if:

- (a) The person claimed is a national of the Contracting Party applied to;
- (b) The offence was committed in the territory of the Contracting Party applied to and no request for prosecution has been submitted in accordance with article 86 of this Treaty;
- (c) Under the law of the Contracting Party applied to, exemption from prosecution or punishment has been acquired by lapse of time or on other legal grounds;
- (d) Under the law of one of the Contracting Parties, extradition is not permitted;
- (e) The person claimed has already been prosecuted in the territory of the Contracting Party applied to for the same offence and has been sentenced or discharged, such sentence or discharge having become final.

*Article 69*

If extradition is not permitted, the Contracting Party applied to shall so notify the applicant Contracting Party, informing it of the grounds for refusal of extradition.

*Article 70. REQUISITION FOR EXTRADITION*

1. A requisition for extradition for the purpose of criminal prosecution shall be accompanied by the following: the warrant of arrest and a description of the circumstances of the offence; a description of the evidence which shows the person in question to be justifiably suspected of having committed the offence; the text of the statute defining the offence referred to in the requisition; if the offence resulted in material damage, an indication of the extent of such damage.

2. A requisition for extradition for the purpose of execution of a sentence shall be accompanied by a certified copy of the final sentence and the text of the statute defining the offence. If the convicted person has already served a part of his sentence, particulars regarding the uncompleted part of his sentence shall be transmitted.

3. The requisition for extradition shall, where possible, be accompanied by a personal description and a photograph of the person claimed, particulars concerning his identity, nationality and residence, if this information is not contained in the warrant of arrest or the sentence.

*Article 71.* SUPPLEMENTARY INFORMATION REQUIRED FOR REQUISITION  
FOR EXTRADITION

If the requisition for extradition does not provide all the information required, the Contracting Party applied to may request supplementary information and set a time-limit within which supplementary information shall be transmitted. Such time-limit may be extended at the request of the Contracting Party applied to.

*Article 72.* DETENTION OF PERSONS LIABLE TO EXTRADITION

On receipt of a requisition for extradition, the competent authority of the Contracting Party applied to shall take immediate steps to find the person claimed and, where necessary, to detain (arrest) him.

*Article 73*

1. A person liable to extradition may, upon application, be detained even before receipt of the requisition for extradition if the competent authority of the applicant Contracting Party refers to a warrant for the detention of such person or a final sentence and if this authority gives notice at the same time that the requisition for extradition is being transmitted. The application for detention may be made by post, telegraph, telephone or other means.

2. The competent authority of either Contracting Party may detain a person present in its territory even in the absence of an application made under paragraph 1 of this article if there are grounds for suspecting him of having committed an offence referred to in article 67, paragraph 2, of this Treaty in the territory of the other Contracting Party.

3. Each Contracting Party shall immediately notify the competent authority of the other Contracting Party where a person has been detained under paragraphs 1 and 2 of this article.

*Article 74*

1. The competent authorities of the Contracting Party applied to shall terminate the extradition proceedings and release persons who have been detained if supplementary information for the requisition for extradition is not received within the time-limit set in accordance with article 71 of this Treaty.

2. A person detained under article 73 of this Treaty may be released if the requisition for his extradition is not received within two months from the date on which notification of his arrest was sent.

*Article 75.* POSTPONEMENT OF EXTRADITION

If the person claimed is being prosecuted 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 of the sentence.

*Article 76.* TEMPORARY EXTRADITION

1. On receipt of an application, with statement of grounds, from the applicant Contracting Party, the person claimed may be extradited for a temporary period for the purpose of investigation of an offence, if the postponement of extradition under article 75 may result in exemption from prosecution being acquired by lapse of time or may prejudice seriously the investigation of the offence committed by the person in question.

2. A temporarily extradited person shall be returned immediately upon the completion of the investigation of the offence for which he was extradited, which shall be no later than three months after the date of his temporary extradition.

*Article 77. RECEIPT OF REQUISITIONS FOR EXTRADITION  
FROM MORE THAN ONE STATE*

If the requisition for the extradition of a person who committed one or more offences have been received from more than one State, the Contracting Party applied to shall decide which of the requisitions submitted shall be complied with, taking account of the nationality of the person claimed and the place and gravity of the offence.

*Article 78. LIMITS TO THE PROSECUTION OF EXTRADITED PERSONS*

1. An extradited person may not, without the consent of the Contracting Party applied to, be prosecuted, surrendered to a third State or punished for an offence which was committed before his extradition and which was not the offence for which he was extradited.

2. Consent in accordance with paragraph 1 of this article shall not be required if:

- (a) An extradited person who is not a national of the applicant Contracting Party fails to leave its territory 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 leave the territory of the applicant Contracting Party,
- (b) The extradited person leaves the territory of the applicant Contracting Party but subsequently returns thereto of his own will.

*Article 79. NOTIFICATION OF THE RESULTS OF PROSECUTION*

The applicant Contracting Party shall inform the Contracting Party applied to of the results of proceedings taken against extradited persons. If such persons are convicted, a copy of the sentence shall be transmitted after it has become final.

*Article 80. SURRENDER*

1. The Contracting Party applied to shall notify the applicant Contracting Party of the place and time of the surrender of the person claimed.

2. If the applicant Contracting Party fails to accept the person claimed within 15 days after the date fixed for his surrender, he may be released from custody.

*Article 81. RE-EXTRADITION*

If an extradited person 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, without production of the documents specified in article 70 of this Treaty.

*Article 82. CONVEYANCE*

1. Each Contracting Party shall, upon the application of the other Contracting Party, authorize the conveyance through its territory of any person extradited by a

third State to the Contracting Party applying for such conveyance. The Contracting Party applied to shall not be bound to authorize the conveyance of persons whose extradition may be refused under this Treaty.

2. An application for conveyance shall be submitted and considered in the same manner as a requisition for extradition.

3. The Contracting Party applied to shall authorize conveyance in such manner as it deems most appropriate.

*Article 83. COSTS PERTAINING TO EXTRADITION AND CONVEYANCE*

Costs pertaining to extradition shall be borne by the Contracting Party in whose territory they were incurred, and costs pertaining to conveyance shall be borne by the Contracting Party which submitted the requisition for extradition.

*Article 84. DELIVERY OF ARTICLES*

1. The Contracting Party applied to shall deliver to the applicant Contracting Party all articles used in the commission of offences which entail extradition of offenders under article 67 of this Treaty and articles acquired through the commission of an offence. Such articles shall be delivered even if the offender cannot be extradited by reason of death or any other circumstances.

2. If the Contracting Party applied to has need of the claimed articles as evidence in connection with another criminal proceeding, it may postpone their delivery.

3. These provisions shall not affect the rights of third parties to the articles mentioned in paragraph 1 of this article. After the conclusion of the proceedings, the competent authority of the Contracting Party to which the articles were delivered shall return them to the competent authority of the Contracting Party applied to for transmittal to the person to whom they belong. If persons present in the territory of the applicant Contracting Party are entitled to the articles, the latter may, by agreement with the Contracting Party applied to, return them directly to such persons.

*Article 85. OBLIGATION TO PROSECUTE*

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 applicant Contracting Party.

*Article 86*

1. In the case of the Mongolian People's Republic, requests for prosecution shall be submitted, up to the point of committal for trial, by the State Procurator and, after committal for trial, by the Minister of Justice of the Mongolian People's Republic. In the case of the Czechoslovak Socialist Republic, requests for prosecution shall be submitted, up to the point of committal for trial, by the General Procurator of the Czechoslovak Socialist Republic and, after committal for trial, by the Minister of Justice of the Czech Socialist Republic and the Minister of Justice of the Slovak Socialist Republic.

2. Requests shall be accompanied by documents pertaining to the offence and information concerning the identity of the offender, as well as other available evidence.

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

*Article 87. MISCELLANEOUS PROVISIONS*

1. Each Contracting Party shall annually communicate to the other information concerning final court sentences pronounced with respect to nationals of the other Contracting Party. Such information shall be accompanied by the grounds for such sentences.

2. In the cases referred to in paragraph 1 of this article, the Contracting Parties shall, where possible, transmit the fingerprints of the convicted persons.

3. Each Contracting Party shall, upon request, transmit to the other Contracting Party information regarding the previous convictions of nationals of third States formerly resident in the territory of the Contracting Party applied to, where criminal proceedings have been initiated against such persons in the territory of the applicant Contracting Party.

*Article 88*

If a person who is serving a sentence in the territory of the Contracting Party applied to is summoned to appear as a witness or expert before a court of the applicant Contracting Party, the court shall, in making its application, proceed in accordance with article 4 of this Treaty.

*Article 89. FINAL PROVISIONS*

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

*Article 90*

This Treaty shall enter into force 30 days after the exchange of the instruments of ratification and shall remain in force for a period of five years. The Treaty shall be extended for successive periods of five years unless one of the Contracting Parties denounces it in writing at least six months before the expiry of the current period.

DONE at Ulan Bator on 15 October 1976, in duplicate in the Mongolian, Slovak and Russian languages. In the event of conflicting interpretations, the Russian text shall prevail.

IN WITNESS WHEREOF the Plenipotentiaries have signed this Treaty and have thereto affixed their seals.

For the Mongolian People's Republic:

[DONOYN PUREV]

For the Czechoslovak Socialist  
Republic:

[PAVEL KIRALY]