

**No. 25578**

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**BULGARIA  
and  
VIET NAM**

**Treaty on legal assistance in civil, family and criminal cases.  
Signed at Sofia on 3 October 1986**

*Authentic texts: Bulgarian and Vietnamese.  
Registered by Bulgaria on 15 January 1988.*

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**BULGARIE  
et  
VIET NAM**

**Traité relatif à l'entraide judiciaire en matière civile,  
familiale et pénale. Signé à Sofia le 3 octobre 1986**

*Textes authentiques : bulgare et vietnamien.  
Enregistré par la Bulgarie le 15 janvier 1988.*

## [TRANSLATION — TRADUCTION]

TREATY<sup>1</sup> ON LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA AND THE SOCIALIST REPUBLIC OF VIET NAM

The State Council of the People's Republic of Bulgaria and the State Council of the Socialist Republic of Viet Nam,

Desiring to develop further the friendly relations existing between the two States in accordance with the Treaty of friendship and cooperation between the People's Republic of Bulgaria and the Socialist Republic of Viet Nam, dated 1 October 1979, and endeavouring to deepen and improve their mutual ties in the field of legal relations,

Have decided to conclude this Treaty.

For that purpose they have appointed as their plenipotentiaries:

The State Council of the People's Republic of Bulgaria: Svetla Daskalova, Minister of Justice; and

The State Council of the Socialist Republic of Viet Nam: Phan Hien, Minister of Justice,

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

## CHAPTER I. GENERAL PROVISIONS

*Article 1.* LEGAL PROTECTION

(1) Nationals of each Contracting Party shall enjoy in the territory of the other Party, in respect of their personal and property rights, the same legal protection as the nationals of that other Party.

(2) Nationals of one Contracting Party shall be entitled to free access to the courts, procurator's offices, notarial organs (hereinafter referred to as "judicial authorities") and other authorities of the other Contracting Party having jurisdiction in civil (including labour), family and criminal cases, to appear before them, present petitions and bring actions under the same conditions as the nationals of that other Party.

(3) The provisions of the Treaty shall also apply to bodies corporate of the Contracting Parties.

*Article 2.* PROVISION OF LEGAL ASSISTANCE

(1) The judicial authorities of the two Contracting Parties shall provide each other with legal assistance in civil (including labour), family and criminal cases and in other cases provided for in this Treaty.

(2) The judicial authorities shall also provide legal assistance to other authorities having jurisdiction in the cases referred to in the foregoing paragraph.

<sup>1</sup> Came into force on 5 July 1987, i.e., 30 days after the exchange of the instruments of ratification, which took place at Hanoi on 5 June 1987, in accordance with article 79 (1).

*Article 3. METHOD OF COMMUNICATION*

(1) In providing legal assistance, the judicial authorities shall communicate with each other through their central authorities, save as otherwise provided in this Treaty.

(2) For the purposes of this Treaty the central authorities shall be the following: in the case of the People's Republic of Bulgaria, the Ministry of Justice and the Office of the Procurator General, in matters pertaining to extradition and the institution of criminal proceedings; in the case of the Socialist Republic of Viet Nam, the Ministry of Justice and the Office of the Supreme People's Procurator, in matters pertaining to extradition and the institution of criminal proceedings.

*Article 4. IMPLEMENTATION OF LEGAL ASSISTANCE*

The legal assistance referred to in this Treaty shall be provided on the basis of applications, save as otherwise provided in the Treaty.

*Article 5. SCOPE OF LEGAL ASSISTANCE*

The Contracting Parties shall provide each other with legal assistance in performing various procedural acts, including, in particular, the drawing up, transmittal and service of documents, the execution of searches, seizure and delivery of material evidence, the identification of persons and articles, the conduct of expert examinations, the interrogation of accused persons, witnesses and experts, the hearing of litigants and third parties, the conduct of inspections, the enforcement of judgements, the extradition of persons who have committed criminal offences, etc.

*Article 6. FORM AND CONTENT OF APPLICATIONS FOR LEGAL ASSISTANCE*

(1) Applications for legal assistance shall be in writing and shall contain:

- 1) The title of the applicant authority;
- 2) The title of the authority applied to;
- 3) The title of the case in respect of which legal assistance is applied for, the subject of the application and the necessary data for its execution;
- 4) The names and addresses of the litigants, witnesses and other participants in the proceedings, as well as their domicile and residence, nationality, civil status and profession or occupation, if known;
- 5) The names and addresses of the legal representatives of the parties.

(2) Applications for legal assistance in criminal cases shall contain information on the factual circumstances and the legal definition of the offence, and also the place and date of birth of the offender.

(3) Applications shall be signed by the applicant authority and sealed.

*Article 7. PROCEDURE FOR EXECUTING APPLICATIONS FOR LEGAL ASSISTANCE*

(1) In executing applications for legal assistance, the authority applied to shall apply the legislation of its own State. At the request of the applicant authority, it may employ the judicial procedures of the other Contracting Party provided that they do not conflict with the legislation of its own State.

(2) If the person concerned cannot be found at the address specified in the application, the authority applied to shall take the necessary steps to determine his address.

(3) At the request of the applicant authority, the authority applied to shall notify it in due time of the time and place of execution of the application.

(4) For the purpose of executing the application the authority applied to shall draw up a document indicating the time and place of execution and shall send it to the applicant authority. If the application has not been executed, the authority applied to shall return the accompanying documents and notify the applicant authority of the circumstances preventing execution.

(5) If the authority applied to is not competent to execute an application for legal assistance it shall transmit the request to the competent authority in accordance with the prescribed procedure.

#### *Article 8. SERVICE OF DOCUMENTS*

(1) The applicant judicial authority shall transmit the documents to be served in the language of the authority applied to or with an officially certified translation. If this condition is not complied with, the authority applied to shall serve the documents only if the addressee agrees to accept them.

(2) The application for the service of documents must indicate the name and address of the addressee and the title of the document to be served.

(3) If service cannot be effected, the authority applied to shall return the documents.

#### *Article 9. CERTIFICATION OF SERVICE*

(1) Certification of service of documents shall be effected in accordance with the legislation of the Party applied to.

(2) Certificates of service shall specify the place and date, and the name of the person on whom the documents are served.

#### *Article 10. SERVICE OF DOCUMENTS ON OWN NATIONALS*

(1) Each Contracting Party may serve documents on its own nationals through its diplomatic missions or consular posts in the territory of the other Party.

(2) No coercive measures shall be employed in such service.

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

(1) In providing legal assistance, the Contracting Party applied to shall bear the costs incurred in its territory.

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

#### *Article 12. VALIDITY OF DOCUMENTS*

(1) Documents drawn up or attested by a competent authority in the territory of one Contracting Party, or accompanied by an officially certified translation in due form, shall be valid in the territory of the other Contracting Party without authentication. The same shall apply to documents of nationals whose signatures have been attested in accordance with the regulations in force in the Contracting Party concerned.

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

*Article 13. TRANSMITTAL OF CIVIL STATUS DOCUMENTS*

(1) The Contracting Parties shall transmit to each other free of charge and through the diplomatic channel extracts from the civil registers and additional entries or changes therein, pertaining to nationals of the other Party, within one month after the date on which the entry was made.

(2) Nationals of one Contracting Party shall send requests for the issue of civil status documents to the authorities of the other Contracting Party through the diplomatic channel.

*Article 14. EXCHANGE OF INFORMATION ON LEGISLATION*

The Ministries of Justice and the chief procurator's offices of the two Contracting Parties shall, upon request, send each other information on their current legislation and judicial practice.

*Article 15. LANGUAGES*

When communicating with each other, the authorities of the Contracting Parties shall use their own national language or the Russian language.

CHAPTER II. PERSONAL STATUS

*Article 16. LEGAL CAPACITY AND CAPACITY FOR LEGAL ACTION*

(1) The legal capacity of individuals and their capacity for legal action shall be determined by the legislation of the Contracting Party of which the individual concerned is a national.

(2) In transactions for the purpose of satisfying everyday needs, the capacity of an individual for legal action shall be determined by the legislation of the Contracting Party in whose territory the transactions are concluded.

(3) The legal capacity of bodies corporate shall be determined by the legislation of the Contracting Party under whose legislation they were established.

*Article 17. DECLARATION OF PERSONS MISSING OR DEAD, AND ESTABLISHMENT OF THE FACT OF DEATH*

(1) In proceedings to declare persons missing or dead or to establish the fact of death the competent authorities shall be those of the Contracting Party of which the person concerned was a national at the time of the last information concerning him.

(2) The competent authorities of one Contracting Party may declare a national of the other Contracting Party missing or dead, or establish the fact of his death, on application by any person living in its territory whose rights and interests are governed by the legislation of that Contracting Party.

(3) In the cases referred to in paragraphs (1) and (2) of this article, the judicial authorities shall apply the legislation of their own State.

*Article 18. ANNULMENT OF CAPACITY FOR LEGAL ACTION*

(1) In cases of annulment or limitation of the capacity for legal action, the applicable legislation and competent authorities shall be those of the Contracting Party of which the person concerned is a national.

(2) Where the judicial authority of one Contracting Party finds that there are grounds for annulment or limitation of the capacity for legal action of a national of

the other Party having his domicile or residence in its territory, it shall so notify the judicial authority of the other Contracting Party.

(3) If the judicial authority notified in accordance with the provisions of the foregoing paragraph does not take a decision within three months or states that further action may be taken by the judicial authority at the place of domicile or residence of the person concerned, the latter authority shall conduct the proceedings for the annulment of capacity for legal action in accordance with the legislation of its own State, on condition that the grounds for such annulment are provided for in the legislation of the Contracting Party of which the person concerned is a national. The decision to annul capacity for legal action shall be communicated to the appropriate authority of the other Contracting Party.

(4) In urgent cases, the judicial authority at the place of domicile or residence of the person who is a national of the other Contracting Party and whose capacity for legal action is to be annulled may make arrangements to protect the person concerned or his property. A copy of the decision concerning such arrangements shall be transmitted to the competent authority of the other Contracting Party and if that authority decides on other arrangements, the former arrangements shall be cancelled.

*Article 19.* REVOCATION OF DECISIONS TO RESTRICT CAPACITY FOR LEGAL ACTION

The provisions of article 18 shall also apply in the case of revocation of restrictions on capacity for legal action.

CHAPTER III. FAMILY LAW

*Article 20.* MARRIAGE

(1) The conditions governing the conclusion of marriage shall be determined by the legislation of the Contracting Party of which the persons contracting the marriage are nationals.

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

*Article 21.* PERSONAL AND PROPERTY RELATIONS BETWEEN SPOUSES

(1) Where the spouses are nationals of one Contracting Party but are domiciled in the territory of the other Contracting Party, their personal and property relations shall be governed by the legislation of the Contracting Party of which they are nationals.

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

(3) If the spouses to whom the provisions of paragraph (2) apply have not had a joint domicile, the applicable legislation shall be that of the Contracting Party in whose court the proceedings are instituted.

(4) In the cases referred to in paragraphs (1) and (2), the judicial authorities at the place of domicile of the spouses shall have jurisdiction, and in the cases referred to in paragraph (3) the authorities of both Contracting Parties shall have jurisdiction. The provisions of article 22, paragraph (5), shall apply *mutatis mutandis*.

*Article 22. DIVORCE*

(1) Divorces shall be governed by the law of the Contracting Party of which the spouses are nationals at the time of submission of the petition for divorce.

(2) If the spouses are of different nationalities, the applicable legislation shall be that of the Contracting Party in whose court the petition for divorce is submitted.

(3) In the cases referred to in paragraph (1), the competent court shall be that of the Contracting Party of which the spouses are nationals at the time of submission of the petition; however, if at the time of submission of the petition the spouses are domiciled in the territory of the other Party, the court at the place of domicile shall also be competent to hear the petition.

(4) In the cases referred to in paragraph (2), the competent court shall be that of the Contracting Party in whose territory the spouses are domiciled; where one of the spouses is domiciled 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 both have jurisdiction.

(5) In cases where an action is pending in one of the Contracting Parties, the same action may not be brought before a court of the other Contracting Party, and the suit filed last shall be terminated.

*Article 23. APPLICABLE LAW CONCERNING VALIDITY OF A MARRIAGE*

(1) For the purpose of establishing the existence or non-existence of a marriage or of declaring it null and void on the ground of failure to satisfy the requirements for contracting a marriage, the legislation applicable under article 20, paragraph (1), shall apply.

(2) Proceedings to establish the existence or non-existence of a marriage or to annul the marriage on the ground of informality in contracting the marriage shall be governed by the legislation in force at the place at which the marriage was contracted.

(3) In determining the competence of the court, the appropriate provisions of article 22 shall be applied.

*Article 24. RELATIONS BETWEEN PARENTS AND CHILDREN*

(1) The establishment or contestation of the parentage of a child shall be governed by the legislation of the Contracting Party of which the child is a national.

(2) Relations between parents and children shall be governed by the legislation of the Contracting Party of which the child is a national.

(3) The courts competent to decide such cases shall be those of the Contracting Party in whose territory the child is resident or of the Contracting Party of which the child is a national.

*Article 25. ADOPTION*

(1) With regard to adoption the applicable legislation shall be that of the Contracting Party of which the adopter is a national at the time of adoption.

(2) Adoption shall be subject to the consent of the child to be adopted, and to that of other persons and authorities, where the legislation of the Contracting Party of which the child is a national so requires.

(3) Where a child is adopted by a married couple of whom one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, the legislation of both Contracting Parties shall apply.

(4) In adoption proceedings the competent authorities shall be those of the Contracting Party of which the adopter is a national. In cases coming under paragraph (3), the competent authorities shall be those of the Contracting Party in whose territory the spouses have or last had their joint domicile or, in the absence of a joint domicile, those of the two Contracting Parties.

(5) The provisions of the foregoing paragraphs shall apply, as appropriate, also to termination of adoption.

#### *Article 26. GUARDIANSHIP AND CURATORSHIP*

(1) Save as otherwise provided in this Treaty, guardianship over nationals of the Contracting Parties shall be established in accordance with the legislation and by the authorities of the Party of which the prospective ward is a national.

(2) The conditions for establishing or terminating guardianship shall be determined by the legislation of the Contracting Party of which the ward or prospective ward is a national.

(3) The legal relations between a guardian and his ward shall be governed by the legislation of the Contracting Party whose authority appointed the guardian.

(4) With regard to the obligation to accept the office of guardian, the applicable legislation shall be that of the Contracting Party of which the guardian is a national.

(5) A national of one Contracting Party may be appointed guardian of a person domiciled in the territory of the other Contracting Party if the former is domiciled in the territory of the Party in which guardianship is to be exercised.

(6) The provisions concerning guardianship shall also apply to curatorship.

#### *Article 27. SPECIAL CASES REQUIRING THE APPOINTMENT OF A GUARDIAN*

(1) Where need arises to appoint a guardian for a national of one Contracting Party whose domicile, residence or property is in the territory of the other Contracting Party, the authorities of the latter Party shall immediately notify the authorities having jurisdiction under article 26, paragraph (1).

(2) In urgent cases the authorities of the other Contracting Party shall take any necessary provisional measures under their own legislation, provided that they immediately notify the authorities having jurisdiction under article 28, paragraph (1). Such measures shall remain in effect until such time as the latter authorities decide otherwise.

#### *Article 28. TRANSFER OF GUARDIANSHIP*

(1) The authorities of the Contracting Party of which the person requiring a guardian is a national may request the authorities of the other Contracting Party to establish guardianship or to take provisional measures if the prospective ward is domiciled or resident in the territory of the latter Contracting Party. The authorities applied to shall inform the applicant authorities of the establishment of guardianship or of the adoption of provisional measures.

(2) Where guardianship has been established over a national of one Contracting Party who subsequently becomes domiciled in the territory of the other Contract-



ing Party, the authority which established the guardianship may request the authority of the other Party to assume the future exercise of such guardianship. The guardianship shall be deemed to be transferred when the authority applied to assumes guardianship and so informs the applicant authority.

(3) The authority assuming the guardianship shall exercise it in accordance with the legislation of its own State; however, with respect to legal capacity and capacity for legal action the applicable legislation shall be that of the Contracting Party of which the ward is a national. The authority assuming the guardianship shall not be entitled to decide questions relating to the ward's personal status.

#### CHAPTER IV. TRANSACTIONS AND LIABILITY FOR DAMAGE

##### *Article 29.* FORM OF TRANSACTIONS

(1) The form of a transaction shall be that prescribed by the legislation applicable to the transaction itself. It shall, however, be deemed sufficient if the legislation of the place where the transaction is concluded is complied with.

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

##### *Article 30.* IMMOVABLE PROPERTY

With regard to immovable property the applicable legislation and the competent judicial authority shall be those of the Contracting Party in whose territory the immovable property is situated.

##### *Article 31.* APPLICABLE LAW AND COMPETENCE IN CASES OF UNLAWFUL DAMAGE

(1) With regard to liability for compensation in the case of damage resulting from unlawful acts the applicable law shall be that of the Contracting Party in whose territory the act resulting in the damage took place.

(2) If the perpetrator of the damage and the injured party are nationals of or domiciled in the territory of one of the Contracting Parties, the law of that Party shall apply.

(3) The authorities of the Contracting Party in whose territory the breach of the law was committed, or those of the Contracting Party in whose territory the respondent is domiciled, shall be competent to rule in legal disputes concerning damage resulting from unlawful acts.

#### CHAPTER V. SUCCESSION

##### *Article 32.* PRINCIPLE OF EQUALITY

Nationals of one Contracting Party domiciled in the territory of the other Contracting Party shall enjoy the same rights as nationals of the latter Party with respect to property situated in the territory of the other Contracting Party and to rights to be exercised there and also with respect to the capacity to succeed to such property or rights. The property and rights shall descend to them under the same conditions as those applying to nationals of the Contracting Party in question who are domiciled in its territory.

*Article 33. LAW OF SUCCESSION*

(1) Succession to movable property shall be governed by the legislation of the Contracting Party of which the decedent was a national at the time of his death.

(2) Succession to immovable property shall be governed by the legislation of the Contracting Party in whose territory the immovable property is situated.

(3) The question of which property is to be deemed movable and which immovable shall be determined by the legislation of the Contracting Party in whose territory the property is situated.

*Article 34. ESCHEAT*

Where, under the legislation of the Contracting Parties, an estate reverts to the State, the movable property shall revert to the Contracting Party of which the decedent was a national at the time of his death and the immovable property shall revert to the Contracting Party in whose territory such property is situated.

*Article 35. WILLS*

(1) The capacity to make or revoke a will or to contest it on the ground of any defect in expressing the intentions of the testator or in any individual provisions of the will shall be determined by the legislation of the Contracting Party of which the testator was a national when the will was made or revoked.

(2) The form of making or revoking a will shall be determined by the legislation of the Contracting Party of which the testator was a national at the time of making or revoking the will, but the making or revoking of the will shall also be valid if the legislation of the Contracting Party in whose territory such action took place, governing the form of wills, is complied with.

*Article 36. COMPETENCE*

(1) In matters of succession to movable property the competent judicial authorities shall be those of the Contracting Party of which the decedent was a national at the time of his death, except in the cases referred to in paragraph (3).

(2) In matters of succession to immovable property the competent judicial authorities shall be those of the Contracting Party in whose territory such property is situated.

(3) If the entire movable estate of a national of one Contracting Party is situated in the territory of the other Contracting Party, upon petition by an heir, and subject to the consent of all the heirs if there are more than one, the succession proceedings shall be conducted by the judicial authority of that Contracting Party.

(4) The provisions of paragraphs (1), (2) and (3) shall apply, as appropriate, also to disputes arising in connection with succession.

*Article 37. PUBLICATION OF WILLS*

Publication of a will shall be effected by the authority of the Contracting Party in whose territory the will is to be found. If the testator was a national of the other Contracting Party, a copy of the will and the record of its publication shall be transmitted to the competent authority of that Party. Upon request, and if possible, the original of the will shall also be transmitted.

A copy of the will may be also transmitted to another authority competent to take measures for the protection of the estate.

*Article 38. MEASURES FOR THE PROTECTION OF THE ESTATE*

(1) The authorities of a Contracting Party in whose territory an estate has been left by a deceased national of the other Contracting Party shall, in accordance with their own legislation, take such measures as are necessary to ensure the protection and administration of the estate.

(2) Measures taken in accordance with the foregoing paragraph shall be reported immediately to the diplomatic mission or consular post of the other Contracting Party, which may participate in their implementation.

(3) At the request of the authority competent to conduct the succession proceedings, the measures taken under paragraph (1) may be modified or rescinded.

(4) The time-limit for acceptance of the estate provided for in the legislation of the Contracting Parties shall be reckoned from the date of notification of the diplomatic mission or consular post of the death of the decedent.

*Article 39. NOTIFICATION OF THE DEATH OF A DECEASED PERSON*

(1) If a national of one Contracting Party dies in the territory of the other Contracting Party the competent local authority shall, directly and without delay, notify the diplomatic mission or consular post of the Party of which the deceased person was a national and shall communicate to it whatever information is available concerning the heirs, their domicile and address, the estate and the will, if any. The local authority shall also provide such information if it learns that the deceased has left property in the territory of a third State.

(2) If an estate is left in the territory of one Contracting Party and it is learned that there are heirs or legatees who are nationals of the other Contracting Party and are domiciled in its territory, the local authority shall so notify, directly and without delay, the diplomatic mission or consular post of the other Contracting Party.

*Article 40. DELIVERY OF THE ESTATE*

(1) Where, upon completion of the succession proceedings in the territory of one Contracting Party, the movable estate or the proceeds of sale of the movable or immovable estate are to be delivered to heirs or legatees domiciled in the territory of the other Contracting Party and it is not possible for them to receive the estate or proceeds in person or through their representatives, the estate shall be delivered to the diplomatic mission or consular post of the Party concerned.

(2) Delivery of the estate in accordance with paragraph (1) shall take place if:

- (a) All claims presented by creditors within the time-limit prescribed by the legislation of the Contracting Party in whose territory the estate is situated have been secured or paid;
- (b) The duties and taxes have been paid or secured;
- (c) The competent authorities have approved, where such approval is required, the export of the movable estate or the transfer of the proceeds of sale.

CHAPTER VI. LEGAL COSTS

*Article 41. EXEMPTION FROM DEPOSIT OF SECURITY FOR LEGAL COSTS*

Nationals of one Contracting Party appearing before a court of the other Contracting Party and domiciled in the territory of either Contracting Party shall not be

required to deposit security for legal costs on the sole ground that they are aliens and have no domicile or office in the territory of the Party before whose court they are appearing.

*Article 42.* EXEMPTION FROM FEES AND COSTS AND FREE LEGAL ASSISTANCE

Nationals of one Contracting Party shall be exempt from fees and costs in connection with proceedings conducted in the territory of the other Contracting Party and shall be afforded facilities and free legal assistance under the same conditions and to the same extent as nationals of that other Party.

*Article 43.* DOCUMENTS REQUIRED FOR EXEMPTION FROM FEES AND COSTS

(1) Documents concerning personal, family, employment and property status shall be issued by the competent authorities of the Contracting Party in whose territory the person wishing to enjoy the facilities referred to in article 42 is domiciled or resident.

(2) If the person wishing to enjoy the facilities referred to in article 42 is not domiciled or resident in the territory of the Contracting Parties, the documents may be issued by the diplomatic mission or consular post of his State.

(3) The judicial authority ruling on the application for facilities under article 42 shall be entitled to request additional information from the authority which issued the documents.

*Article 44.* PROCEDURE FOR THE SUBMISSION OF DOCUMENTS

(1) If a national of one Contracting Party wishes to be granted the facilities referred to in article 42 by the appropriate authorities of the other Contracting Party, he may apply to the competent authorities of that Contracting Party at his place of domicile or residence and they shall transmit the application and documents issued under article 43 to the competent authority of that Party.

(2) A petition for the institution of proceedings may be submitted simultaneously with the application for the enjoyment of the privileges referred to in article 42.

(3) Applications of the kind referred to in the foregoing paragraphs shall be submitted in the form prescribed by the legislation of the Contracting Party in which the applicant is domiciled or resident.

*Article 45.* TIME-LIMIT FOR THE PAYMENT OF FEES AND LEGAL COSTS

If a national of one Contracting Party is required to pay fees and legal costs to the authorities of the other Contracting Party but does not have his domicile or residence in the territory of that Party, he shall be allowed sufficient time to make such payment.

CHAPTER VII. RECOGNITION AND ENFORCEMENT OF JUDGEMENTS  
AND ARBITRAL AWARDS

*Article 46.* RECOGNITION AND ENFORCEMENT OF JUDGEMENTS IN CASES  
RELATING TO PROPERTY

(1) Under the conditions specified in this Treaty, the two Contracting Parties shall enforce in their territory the following judgements that have been rendered and become final in the territory of the other Contracting Party:

(a) Judgements rendered in civil and family cases, judicial settlements and decisions concerning costs;

- (b) Judgements in criminal cases where they relate to compensation for damage or loss;
- (c) Arbitral awards and arbitral settlements in accordance with the conditions specified in article 50.

(2) Decisions in matters of succession rendered by authorities of the Contracting Parties which are competent under the legislation of the Party concerned to render such decisions shall also be regarded as judgements and judicial settlements within the meaning of paragraph (1).

*Article 47. RECOGNITION OF JUDGEMENTS IN CASES NOT RELATING TO PROPERTY*

Final judgements in civil and family cases not relating to property, rendered by the judicial authorities, civil status authorities and authorities responsible for guardianship and curatorship of one Contracting Party shall be recognized in the territory of the other Contracting Party without further proceedings, provided that the authorities of that Party have not rendered a final judgement in the same case and that such matter does not fall, under this Treaty, within their exclusive jurisdiction.

*Article 48. PROCEDURE FOR RECOGNITION AND AUTHORIZATION OF ENFORCEMENT*

(1) An application for authorization of enforcement of a judgement shall be made to the court which heard the case at first instance, and such court shall transmit the application to the court competent to rule on the application.

(2) Decisions to recognize and authorize the enforcement of a judgement shall be rendered by the judicial authority of the Contracting Party in whose territory enforcement is to take place.

*Article 49. DOCUMENTS ACCOMPANYING APPLICATIONS*

An application for the authorization of enforcement shall be accompanied by:

- (a) A court-certified copy of the judgement and a document certifying that it has become final and enforceable, if this is not clear from the text of the judgement itself;
- (b) A document showing that the Party against whom the judgement was rendered or his representative was served in due time and in proper form with at least one summons;
- (c) A certified translation of the application and of the documents referred to in this article.

*Article 50. CONDITIONS FOR THE ENFORCEMENT OF ARBITRAL AWARDS*

Awards by arbitral authorities shall be enforced if, in addition to the conditions set forth in article 49, subparagraphs (b) and (c), the following requirements have been met:

- (a) The award has been handed down in pursuance of a written agreement establishing the competence of the arbitral authority in an existing dispute or in future disputes arising from a defined legal relationship and the arbitral authority has handed down its award within the scope of the competence thus established;
- (b) The agreement establishing the competence of the arbitral authority is valid under the laws of the Contracting Party in whose territory the award is to be enforced.

*Article 51. APPLICABLE LEGISLATION*

(1) In proceedings concerning recognition and authorization of the enforcement of a judgement the applicable legislation shall be that of the Contracting Party in whose territory such actions take place.

(2) If the Court has any doubts as to authorizing enforcement of the judgement, it may require the applicant to furnish clarification, it may interrogate the defendant concerning the substance of the application or, where necessary, it may request additional information from the court which rendered the judgement.

(3) The court ruling on the application for authorization of enforcement shall, through its Ministry of Justice, notify the Ministry of Justice of the other Contracting Party of the decision taken.

*Article 52. CONDITIONS GOVERNING A STAY OF ENFORCEMENT*

Where, in the territory of the Contracting Party whose court pronounced the judgement, enforcement has been stayed in accordance with the legislation of that Party, the proceedings for the authorization of enforcement shall also be stayed and if the decision concerning authorization of enforcement has already been rendered, enforcement of the decision shall be stayed.

*Article 53. PROCEDURE FOR ENFORCEMENT*

(1) The enforcement procedure shall be determined by the legislation of the Contracting Party in whose territory the judgement is to be enforced.

(2) The defendant may object to enforcement of the judgement if this is admissible under the legislation of the Contracting Party whose court rendered the judgement.

*Article 54. REFUSAL OF RECOGNITION AND ENFORCEMENT OF JUDGEMENTS*

(1) Recognition and enforcement of a judgement shall be refused if:

- (a) The Party against whom the judgement was rendered did not participate in the proceedings because neither he nor his representative was served in due time and in proper form with a summons to appear in court or the summons was made only by public announcement or in a manner at variance with this Treaty;
- (b) The judgement pertains to a claim to ownership or any other real right to immovable property situated in the territory of the Party in which the judgement is to be recognized and enforced;
- (c) The judgement conflicts with an earlier judgement which has become final and was rendered in a case between the two litigants on the same subject and on the same grounds by a court of the Contracting Party in whose territory the judgement is to be recognized or enforced or if there are pending proceedings before a court of the Contracting Party applied to, instituted before the judgement whose recognition or enforcement is sought became final;
- (d) The case falls, under this Treaty, within the exclusive competence of the judicial authority of the Contracting Party in whose territory the judgement is to be recognized or enforced.

*Article 55*

The provisions of articles 46 to 54 shall also apply to judicial and arbitral settlements.

*Article 56.* ENFORCEMENT OF AWARDS OF LEGAL COSTS

(1) Applications for authorization of enforcement shall be accompanied by a court-certified copy of the award of costs, attesting that it has become final and enforceable.

(2) The documents shall be accompanied by a certified translation in the language of the Contracting Party in whose territory the award is to be enforced or in the Russian language.

(3) The Court authorizing enforcement of the award of costs shall consider only:

(a) Whether the award has become final and enforceable;

(b) Whether the documents referred to in paragraph (1) are accompanied by a certified translation.

(4) The decision of the court concerning authorization of enforcement may be appealed in accordance with the legislation of the State whose court handed down the award.

*Article 57*

(1) Recovery of the costs of enforcement shall be governed by the legislation of the Contracting Party in whose territory the award is enforced.

(2) The court shall authorize enforcement of the award of costs without hearing the litigants.

(3) Enforcement of the award of costs may not be refused on the ground that the applicants have not paid the costs of enforcement of the award in advance.

*Article 58.* DELIVERY OF ARTICLES AND FUNDS

The provisions of this Treaty concerning enforcement and recognition of judgments shall not affect the laws and other regulations of the Contracting Parties prohibiting, restricting or governing the export of articles and the transfer of funds.

LEGAL ASSISTANCE IN CRIMINAL CASES

CHAPTER VIII. EXTRADITION

*Article 59.* OBLIGATION TO EXTRADITE

(1) The Contracting Parties undertake, upon application, to extradite to each other persons in their territory for the purpose of criminal prosecution or execution of a sentence.

(2) Extradition for the purpose of criminal prosecution shall be permitted only for an offence which, under the legislation of the two Contracting Parties, is punishable with deprivation of liberty for a term of more than one year or with a heavier penalty.

(3) Extradition for the purpose of execution of a sentence shall be permitted only for acts punishable under the legislation of both Contracting Parties and for which the person has been sentenced to deprivation of liberty for a term of at least one year or a heavier penalty.

*Article 60. REFUSAL OF EXTRADITION*

Extradition shall not be permitted 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 Contracting Party applied to;
- (c) At the time of receipt of the requisition for extradition, under the legislation of the Contracting Party applied to, prosecution cannot be undertaken or the sentence cannot be executed owing to lapse of time or for other reasons;
- (d) Criminal proceedings have been instituted in the Contracting Party applied to against a person whose extradition is sought for an extraditable offence or the judicial authorities have passed final sentence for the offence or ordered the termination of the proceedings;
- (e) Criminal proceedings are instituted upon the filing of a complaint by the injured party.

*Article 61. REQUISITION FOR EXTRADITION*

(1) The requisition for extradition shall contain the name of the person whose extradition is sought, the date and place of his birth, his nationality, information on his domicile or residence, and particulars concerning the nature of the offence and the damage resulting from the offence.

(2) A requisition for extradition for the purpose of criminal prosecution shall be accompanied by a certified copy of the warrant of arrest, a description of the offence and the text of the law relating to the offence committed. If the offence resulted in other damage, the extent of such damage shall also be specified.

(3) The requisition for extradition for the purpose of execution of a sentence shall be accompanied by a certified copy of the final sentence. If the person sentenced has served part of his sentence, the portion of the sentence served shall be specified.

*Article 62. SUPPLEMENTARY INFORMATION*

(1) If the requisition for extradition does not contain all the necessary particulars, the Party applied to may request supplementary information, and may for that purpose set a time-limit not exceeding three months. This time-limit may be extended for valid reasons.

(2) If the information requested in accordance with the foregoing paragraph is not received, the competent authority of the Party applied to may discontinue the extradition proceedings and release the person detained.

*Article 63. ARREST*

If the requisition for extradition is in compliance with the provisions of this Treaty, the Party applied to shall immediately take the measures prescribed in its legislation for the arrest of the person whose extradition is sought.

*Article 64. PROVISIONAL ARREST*

(1) A person may also be arrested pending receipt of the requisition for extradition if the applicant Contracting Party expressly so requests and states that a warrant of arrest has been issued in respect of such person or that a sentence, on the basis of which it intends to apply for his extradition, has been passed on him. The request for provisional arrest may be made by post, telegraph, telephone or radio.



(2) The competent authorities of a Contracting Party may, even in the absence of such a request, arrest a person in its territory who, according to the information available, has committed an extraditable offence in the territory of the other Contracting Party.

(3) The other Contracting Party shall be notified immediately of the arrest.

(4) A person arrested in accordance with the provisions of the foregoing paragraph shall be released if the requisition for his extradition is not received from the other Contracting Party within thirty days after the date on which notification of the arrest was sent. The other Contracting Party shall be notified of such release.

#### *Article 65. POSTPONEMENT OF EXTRADITION*

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

#### *Article 66. TEMPORARY EXTRADITION*

(1) If postponement of extradition under article 65 may result in exemption from prosecution being acquired by lapse of time or may seriously prejudice the investigation of the offence, the person claimed may be extradited temporarily on the basis of a requisition with a 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 67. CONFLICTING REQUISITIONS FOR EXTRADITION*

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

#### *Article 68. SURRENDER*

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

(2) If the applicant Contracting Party fails to accept the person claimed within fifteen days after the date set for his surrender, such person may be released. By agreement between the two Contracting Parties this time-limit may be extended, but not by more than fifteen days.

#### *Article 69. RE-EXTRADITION*

If an extradited person evades prosecution or punishment and returns to the territory of the Contracting Party applied to, he may be re-extradited upon receipt of a new requisition from the applicant Contracting Party, even without production of the information and documents specified in article 61.

#### *Article 70. DELIVERY OF OBJECTS CONNECTED WITH THE OFFENCE*

(1) Upon request, each Contracting Party shall deliver to the other, where permitted by the legislation of the Party applied to:

(a) Objects acquired through the commission of an offence;

(b) Objects which may be used as evidence in criminal proceedings; these shall be delivered even in cases where the offender cannot be extradited by reason of his death or escape or other circumstances.

(2) If the objects requested are needed by the Contracting Party applied to as evidence in criminal proceedings, delivery may be postponed until such proceedings have been completed.

(3) The rights of third parties to objects delivered to the applicant Contracting Party shall remain unaffected. After the conclusion of the proceedings, the objects shall be delivered to the persons in its territory who are entitled to them. If the persons so entitled are in the territory of the Contracting Party applied to, the applicant Party shall return the objects in question for delivery to such persons.

#### *Article 71. NOTIFICATION OF THE RESULTS OF CRIMINAL PROCEEDINGS*

The Contracting Parties shall inform each other of the results of criminal proceedings against an extradited person. If sentence has been passed, a copy of the sentence shall also be transmitted.

#### *Article 72. LIMITS TO PROSECUTION*

(1) An extradited person may not be tried or punished for other offences committed before his extradition and not specified in the requisition for extradition without the consent of the Contracting Party applied to.

(2) The consent of the Contracting Party applied to shall not be necessary if:

(a) The extradited person does not leave the territory of the applicant Contracting Party within a period of one month after the termination of the criminal proceedings or completion of the sentence even though he has the opportunity to do so. This time-limit shall not include any period in which the extradited person is unable, for reasons beyond his control, to leave the territory of the applicant Contracting Party;

(b) The extradited person has left the territory of the applicant Contracting Party and subsequently returned to it.

#### *Article 73. CONVEYANCE IN TRANSIT*

(1) At the request of one of the Contracting Parties, the other Party shall authorize conveyance in transit through its territory of persons extradited by a third Party to that Contracting Party. The Contracting Parties shall not be required to authorize conveyance in transit if, under the provisions of this Treaty, extradition is not allowed.

(2) An application for authorization of conveyance in transit shall be formulated and transmitted in the same manner as a requisition for extradition.

#### *Article 74. COSTS OF EXTRADITION AND CONVEYANCE IN TRANSIT*

Costs connected with extradition shall be borne by the Contracting Party in whose territory they were incurred, whereas costs connected with conveyance in transit shall be borne by the applicant Contracting Party.

## CHAPTER IX. PROSECUTION

*Article 75. OBLIGATION TO PROSECUTE*

(1) Each Contracting Party shall prosecute in accordance with its own legislation, at the request of the other Contracting Party, any of its nationals suspected of having committed an offence in the territory of the applicant Party.

(2) The request shall be accompanied by a report containing information on the offence and all available evidence. The Contracting Party applied to may request supplementary evidence, which the applicant Contracting Party shall be required to transmit.

(3) The Contracting Party in whose territory the criminal proceedings are instituted shall inform the other Contracting Party of the results thereof. If final sentence is passed, a copy of the sentence shall be transmitted.

*Article 76. IMMUNITY OF WITNESSES AND EXPERTS*

(1) A witness or expert who, in response to a summons served on him by a judicial authority of the Contracting Party applied to, appears before a judicial authority of the applicant Contracting Party may not, irrespective of his nationality, be prosecuted in the territory of that Party or arrested for an offence which is under investigation, or punished for an offence committed by him before crossing the State frontier.

(2) The immunity of a witness or expert shall cease if he fails to leave the territory of that Party within one week after the date on which the authority which summoned him informs him that his presence is no longer required. This time-limit shall not be deemed to include any period in which the witness or expert is unable, for reasons beyond his control, to leave the territory of that Party.

## CHAPTER X. EXCHANGE OF INFORMATION IN CRIMINAL CASES

*Article 77. NOTIFICATION OF SENTENCES*

Each Contracting Party shall inform the other of final sentences passed on nationals of that other Party. Notification shall be effected by transmittal of a copy of the terms of the sentence.

*Article 78. COPIES OF EXTRACTS FROM THE REGISTER OF CONVICTIONS*

The authorities of the Contracting Parties in charge of the office of records of convictions shall transmit copies of extracts from the register of convictions, upon request, to the judicial authorities and also to the procurator's offices of the other Contracting Party.

## CHAPTER XI. FINAL PROVISIONS

*Article 79. RATIFICATION, PERIOD OF VALIDITY AND DENUNCIATION*

(1) This Treaty is subject to ratification and shall enter into force 30 days after the exchange of the instruments of ratification, which shall take place at Hanoi.

(2) This Treaty is concluded for an indefinite period, but may be denounced by either Contracting Party and shall cease to have effect one year after the date of receipt of notice of denunciation.

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

DONE at Sofia on 3 October 1986, in duplicate in the Bulgarian and Vietnamese languages, both texts being equally authentic.

For the State Council  
of the People's Republic of Bulgaria:

[SVETLA DASKALOVA]

For the State Council  
of the Socialist Republic of Viet Nam:

[PHAN HIEN]

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