

No. 27202

**UNION OF SOVIET
SOCIALIST REPUBLICS
and
TURKEY**

**Consular Convention (with additional protocol). Signed at
Ankara on 27 April 1988**

Authentic texts: Russian, Turkish and English.

Registered by the Union of Soviet Socialist Republics on 30 April 1990.

**UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES
et
TURQUIE**

**Convention consulaire (avec protocole additionnel). Signée à
Ankara le 27 avril 1988**

Textes authentiques : russe, turc et anglais.

*Enregistrée par l'Union des Républiques socialistes soviétiques le 30 avril
1990.*

CONSULAR CONVENTION¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE REPUBLIC OF TURKEY

The Union of Soviet Socialist Republics and the Republic of Turkey desiring to further develop friendly relations and to regulate the consular matters between the two countries have decided to conclude a Consular Convention and have agreed as follows:

PART I. PRELIMINARY PROVISIONS

Article 1. DEFINITIONS

For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

a) "Sending State" means the Contracting Party by whom a consular officer is appointed.

b) "Receiving State" means a Contracting Party within whose territory a consular officer performs his duties.

c) "Consular post" means any Consulate-General, Consulate, Vice-Consulate or Consular Agency.

d) "Consular district" means the area assigned to a consular post for the exercise of consular functions.

e) "Head of a consular post" means the person charged with the duty of acting in that capacity.

f) "Consular officer" means any person, including the head of a consular post, entrusted by the sending State with the exercise of consular functions in the capacity of Consul General, Consul, Vice Consul or Attaché.

g) "Consular employee" means any person employed in the administrative or technical service of a consular post.

h) "Member of the service staff" means any person employed in the domestic service of a consular post.

i) "Members of the consular post" means all consular officers, consular employees and members of the service staff.

j) "Members of the Consular staff" means consular officers, other than the head of a consular post, consular employees and members of the service staff.

k) "Member of the private staff" means a person who is employed exclusively in the private service of a consular officer.

l) "Members of the family" means a consular officer, his spouse (or her husband) and their minor children and also their parents who live together with themselves, whose maintenance is entrusted to them by the law of the sending State.

¹ Came into force on 3 December 1989, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Moscow on 3 November 1989, in accordance with article 60 (1).

m) “Consular archives” includes all the papers, documents, correspondence, books, newspapers, films, tapes, photos, registers of the consular post, together with the ciphers and codes, all kinds of things intended for their protection or safe-keeping.

n) “Consular premises” means the buildings or part of buildings and the land ancillary thereto including the residence of the head of a consular post, irrespective of ownership, used exclusively for the purposes of the consular post.

o) “National” means, in relation to the sending State, any person who is regarded as a national by the law of that State.

p) “Bodies corporate” means the institutions founded by the law of the sending State, of which headquarters are located in that State.

q) “Vessel of the sending State” means any vessel, including those owned by the sending State other than a warship, registered at one of its own ports by the law of that State and entitled to sail under the flag of that State.

r) “Aircraft of the sending State” means any aircraft, including those owned by the sending State other than a military aircraft, registered by the law of that State and entitled to bear the identification signs of that State.

s) “Contracting Parties” means the States which signed the present Convention.

PART II

Article 2. ESTABLISHMENT OF CONSULAR POSTS AND CONSULAR DISTRICTS

1. A Consular post may be established and maintained in the territory of the receiving State only with the State’s consent.

2. The seat of [a] consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

3. The consent of the receiving State shall also be required if a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.

4. The consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the same seat thereof.

5. A consular officer may exercise his functions outside his consular district only with the prior consent of the receiving State.

6. The sending State may, after notifying the States concerned, entrust a consular post established in a particular State with the exercise of consular functions in another State with the consent of the States concerned. The receiving State may withdraw its consent at any time without having to explain the reason for its decision.

7. Upon appropriate notification to the receiving State, a consular post of the sending State may, with the consent of the receiving State, exercise consular functions in the receiving State on behalf of a third State. The receiving State may withdraw its consent at any time without having to explain the reason for its decision.

Article 3. NATIONALITY OF CONSULAR OFFICERS

1. The Contracting Parties may appoint their own nationals as Consular officers.

2. The Contracting Parties may employ only their own nationals or those of the receiving State as consular employees, [members] of the service staff and [members] of the private staff.

Article 4. WORKING STATUS OF THE CONSULAR OFFICERS

Consular Officers possessing the nationality of the sending State are not allowed to perform commercial or any other professional activities other than official functions in the receiving State. This principle also applies to members of the private staff and those of the family.

Article 5. APPOINTMENT OF A HEAD OF CONSULAR POST

1. The sending State shall notify the Ministry of Foreign Affairs of the receiving State of the appointment of the head of consular post and transmit to the same the consular commission or other document of appointment together with the Curriculum Vitae.

2. The commission shall specify the full name of the head of consular post, his nationality, his category, his consular district and the seat of the consular post.

3. Following the formalities above, the receiving State shall grant him an exequatur or other authorization in any form whatsoever which shall be free of charge. Pending delivery of the exequatur or other authorization, the receiving State may admit the head of the consular post on a provisional basis to enter upon the exercise of the functions and have the benefits of the provisions of this Convention.

4. However, the receiving State may refuse to grant an exequatur or other authorization without having to explain the reason for its decision.

Article 6. NOTIFICATION OF THE APPOINTMENT OF THE HEAD OF THE CONSULAR POST TO THE AUTHORITIES OF THE CONSULAR DISTRICT

As soon as the head of a consular post is admitted even provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of the Convention.

Article 7. INABILITY OF THE HEAD OF A CONSULAR POST TO CARRY OUT HIS FUNCTIONS FOR ANY REASON

1. If the head of a consular post is unable for any reason to carry out his functions or the position of head of consular post is temporarily or continuously vacant, the sending State may empower a consular officer of the same or another consular post in the receiving State, or one of the members of the diplomatic staff of its diplomatic mission in the receiving State, or an officer from the central organization of the sending State, to act temporarily as head of the consular post. In the event of the last choice, the period of temporary duty shall not exceed 3 months within a calendar year. However, where necessary, this period can be extended by a permission to be obtained through the diplomatic channels.

2. All information concerning the identity of the person in charge of the said duties shall be notified to the Ministry of Foreign Affairs of the receiving State.

3. [The] provision of this Convention shall apply to the person who will be in charge of the consular functions in the capacity of head of consular post *ad interim*.

4. Pursuant to paragraph 1 of this article, a member of diplomatic staff of the diplomatic mission in the receiving State who was entrusted with the consular functions shall continue to enjoy diplomatic privileges and immunities.

Article 8. NOTIFICATION OF THE ARRIVALS, DEPARTURES AND CHANGES AFFECTING THE STATUS OF THE OTHER MEMBERS OF THE CONSULAR POST

1. The sending State shall notify the Ministry of Foreign Affairs of the receiving State of the full names, nationalities, titles, arrivals, final departures, changes affecting the status and private addresses in the receiving State of the members of the consular post other than the head of the consular post.

2. In addition, the local authorities shall be notified of:

- a) The arrivals and departures of the members of the family together with information regarding their identity;
- b) The identity, taking office, final departure and termination of service as such of the members of the private staff;
- c) Necessary data concerning the engagement or discharge of the persons possessing the nationality of the receiving State as consular [employees], [members] of the service staff and [members] of the private staff.

Article 9. TERMINATION OF THE FUNCTIONS OF THE MEMBERS OF A CONSULAR POST

The functions of a member of a consular post shall come to an end *inter alia*:

- a) On notification by the sending State to the receiving State that his functions have come to an end;
- b) On withdrawal of the *exequatur* or other authorization;
- c) The receiving State may at any time notify the sending State that a consular officer is declared *persona non grata* or that any other consular employee or member of the service staff is not acceptable without having to explain the reason for its decision. In that event, the sending State shall without delay recall the consular officer and also consular employee or member of the service staff if the last two possessed the nationality of that State.

Where a consular employee or member of the service staff do not possess the nationality of the sending State, that State shall immediately terminate the functions of these persons.

A member of the family of the consular officer may reside and a member of the private staff work in the receiving State only with the permission of that State. The latter may at any time cancel this permission without having to explain the reason for its decision.

In this case, the sending State shall act within the framework of the conditions specified in above paragraph.

Article 10. IDENTITY CARDS

1. The competent authorities of the receiving State shall issue free of charge to every consular officer a document certifying the latter's identification and title according to their own formalities.

2. The provisions of paragraph 1 of this article shall also apply to consular employees, members of the service staff and members of the private staff provided that they do not possess the nationality of the receiving State.

Article 11. EXERCISE OF CONSULAR FUNCTIONS BY A DIPLOMATIC MISSION

1. The sending State may charge one or more members of the diplomatic mission accredited to the receiving State to perform consular functions. The identifications of the said persons shall be notified to the Ministry of Foreign Affairs of the receiving State accordingly.

2. The exercise of the consular functions by the members of the diplomatic mission referred to in paragraph 1 of this article shall not affect the privileges and immunities accorded to them by virtue of their diplomatic status.

PART III

Article 12. FACILITIES RELATING TO CONSULAR POSTS AND CONSULAR OFFICERS IN RESPECT OF THEIR CONSULAR FUNCTIONS

The receiving State shall accord all necessary facilities for the performance of consular functions and take appropriate measures to ensure that the consular officers can benefit from the rights, privileges and immunities due to them under this Convention and can carry out their official functions.

Article 13. ACCOMMODATION

1. The receiving State shall be helpful, in accordance with its laws and regulations, to the consular post of the sending State in acquiring or renting necessary premises and or parts of premises for itself, and constructing premises on the acquired land for this purpose [of] restoring existing premises and transferring also their ownership.

2. It shall also assist to consular post in obtaining suitable accommodation for its members.

3. The sending State shall not be exempt from the obligation of respecting town planning laws and regulations or other restrictions in force while constructing premises or restoring the existing ones.

Article 14. USE OF NATIONAL FLAG AND COAT OF ARMS

1. The sending State shall have the right to the use of its national flag and coat of arms in the receiving State in accordance with the provisions of this article.

2. The national flag of the sending State may be flown and its coat of arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.

3. In the exercise of the right accorded by this article the laws, regulations and usages of the receiving State shall be respected.

Article 15. INVIOABILITY OF THE CONSULAR PREMISES

1. Consular premises shall be inviolable. The authorities of the receiving State may enter the consular premises only with the consent of the head of the consular post or of that of the diplomatic mission or of the designee by one of the heads above.

In case of fire or other disaster requiring prompt protective action, the consent of the head of the consular post shall be given as soon as possible.

2. The receiving State is under a special duty to take all appropriate measures to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

3. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of search, requisition, seizure or execution.

Article 16. INVIOABILITY OF THE CONSULAR ARCHIVES AND DOCUMENTS

The consular archives and documents shall be inviolable at all times and wherever they may be.

Article 17. FREEDOM OF COMMUNICATION

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State. The same fees shall apply to the consular post in the use of ordinary means of communication as applied to the diplomatic mission of the sending State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

Article 18. PROTECTION OF CONSULAR OFFICERS

The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 19. PERSONAL INVIOABILITY OF CONSULAR OFFICERS

1. Consular officers shall be liable to arrest or detention only for the crimes necessitating a punishment restricting their freedom for over 5 years in conformity with the laws of the receiving State and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this article consular officers shall not be committed to prison or be liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except

in the case specified in paragraph 1 of this article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

4. In the event of the arrest or detention of a consular officer or the institution of criminal proceedings against him, the receiving State shall as soon as possible notify the case to the diplomatic mission or consular post to which the consular officer is attached.

Article 20. IMMUNITY FROM JURISDICTION

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this article shall not, however, apply in respect of a civil action either:

- a) Arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
- b) By a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

Article 21. LIABILITY TO GIVE EVIDENCE

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this article, decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the national laws of the sending State.

Article 22. WAIVER OF PRIVILEGES AND IMMUNITIES

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in articles 19, 20 and 21.

The waiver shall in all cases be express, and shall be communicated to the receiving State in writing.

2. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under article 20 shall preclude him from invoking immunity from jurisdiction in respect of any counter, claim directly connected with the principal claim.

3. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity

from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 23. EXEMPTION FROM LEGAL AND PERSONAL OBLIGATIONS

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 24. EXEMPTION FROM REGISTRATION OF ALIENS AND RESIDENCE PERMITS

Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

Article 25. EXEMPTION FROM WORK PERMITS

Members of the consular post possessing the nationality of the sending State shall, with respect to the service rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.

Article 26. SOCIAL SECURITY EXEMPTION

1. Subject to the provisions of paragraph 3 of this article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall exclusively apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

- a) That they are not nationals of or permanently resident in the receiving State; and
- b) That they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in the paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

Article 27. EXEMPTION FROM TAXATION

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- a) Indirect taxes of a kind which are normally incorporated in the price of goods or services;

- b) Dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of article 28;
- c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State subject to the provisions of paragraph 4-b of this article;
- d) Dues and taxes on private income having its source in the receiving State;
- e) Charges levied for specific services rendered;
- f) Registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 28.

2. Members of the consular post and those of the private staff possessing the nationality of the sending State shall be exempt from dues and taxes on the wages which they receive for their services.

3. The consular post shall observe the obligations which the laws and regulations of the receiving State impose concerning the levying of income tax in respect of members of consular post and those of the private staff possessing the nationality of that State;

4. In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

- a) Shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State, the export of which was prohibited at the time of his death;
- b) Shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers on movable property, the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 28. EXEMPTION FROM TAXATION OF CONSULAR PREMISES AND SOME MOVABLE PROPERTIES

1. Consular premises and the residence of the head of [the] consular post of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered. This exemption shall also apply to contracts and legal formalities concerning the acquisition of the said immovable properties.

2. The exemption from taxation referred to in paragraph 1 of this article shall not apply to such dues and taxes if under the laws and the regulations of the receiving State, they are payable by the person who contracted with the sending State.

3. The provisions of paragraphs 1 and 2 [of] this article shall also apply to movable properties owned by the sending State exclusively for the use of the consular post.

Article 29. EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

- a) Articles for the official use of the consular post;
- b) Articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment.

The articles intended for consumption shall not exceed the quantities necessary for direct utilisation by the persons concerned.

2. Consular employees possessing the nationality of the sending State shall enjoy the privileges and exemptions specified in paragraph 1 of this article in respect of articles imported during the first six months of their installation.

3. The definition of articles covers also means of transport.

4. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

Article 30. FREEDOM OF MOVEMENT

Subject to its laws and regulations concerning zones [the] entry into which is prohibited or regulated for reasons of national security, the receiving State shall, on the basis of reciprocity, ensure freedom of movement and travel in its territory to all members of the consular post and also members of their families.

Article 31. INSURANCE OF MEANS OF TRANSPORT

Means of transport designed for the use of the consular post possessed by the sending State and those owned by the members of the consular post are subject to compulsory insurance. The consular post shall comply with the notifications relating thereto by the Ministry of Foreign Affairs of the receiving State.

Article 32. SOME PROVISIONS RELATING TO PRIVILEGES AND IMMUNITIES

1. Consular employees who are nationals of the receiving State shall be amenable to the jurisdiction of that State with the exception of acts performed in the exercise of their functions and exclusively enjoy the immunities referred to in paragraph 3 of Article 21.

2. Members of the family of a member of the consular post shall enjoy the privileges and immunities referred to in this Convention provided that they are not nationals of the receiving State, that they are not having their permanent residences in the territory of that State and that they are not carrying on any private gainful occupation in that State.

3. However, the receiving State has to exercise its jurisdiction over the persons referred to in paragraph 1 of this article in such a way as not to hinder unduly the performance of the functions of the consular post.

PART IV. CONSULAR FUNCTIONS

Article 33. SCOPE OF THE FUNCTIONS

The consular officer shall be entitled:

- a) To protect the rights and interests of the sending State as well as those of nationals of that State in the receiving State;

- b) To further the development of commercial, economic, cultural, scientific and touristic relations between the sending State and the receiving State and likewise promote friendly relations between the two countries;
- c) To ascertain by all legitimate means information on developments and conditions in the commercial, economic, cultural, scientific and touristic life of the receiving State, report thereon to the Government of the sending State and give information to persons interested.

*Article 34. COMMUNICATION WITH THE AUTHORITIES
OF THE RECEIVING STATE*

In the exercise of their functions consular officers may address:

- a) The competent local authorities of their consular district;
- b) The competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

*Article 35. REPRESENTATION OF NATIONALS OF THE SENDING STATE
BEFORE THE AUTHORITIES OF THE RECEIVING STATE*

1. A consular officer is authorized to take necessary measures with a view to enabling nationals of the sending State to be represented appropriately before the tribunals and other authorities of the receiving State, in accordance with the laws and regulations of the receiving State, where such nationals are unable to defend their rights and interests because of absence or any other reason.

2. Representation provided for in paragraph 1 of this article comes to an end upon designation of a proxy by the person so represented or the latter assuming defence of his own rights and interests.

Article 36. REGISTRATION OF NATIONALS, ISSUANCE OF PASSPORTS AND VISAS

A consular officer shall be entitled:

- a) To register nationals of the sending State;
- b) To receive requests and declarations of nationals of the sending State pertaining to the nationality and to draw up documents relating thereto;
- c) To issue, renew, amend and cancel passports and travel documents in respect of nationals of the sending State;
- d) To issue visas to nationals of the receiving State, as well as to those of the third States.

Article 37. FUNCTIONS RELATING TO CIVIL STATUS

1. Within the limits permitted by the laws and regulations of the receiving State, a consular officer shall be entitled:

- a) To draw up and record birth and death certificates of nationals of the sending State;
- b) To celebrate a marriage, provided that both of the parties forming a future couple are nationals of the sending State, and draw up relevant documents accordingly, when the laws and regulations of the receiving State require it; the consular post shall advise the competent authorities of that State of the celebrated marriages;

- c) To register the marriage or divorce effected in conformity with the laws of the receiving State, provided that at least one of the parties is a national of the sending State;
- d) To receive any declarations pertaining to family relationships of nationals of the sending State.

2. The provisions of paragraph 1 shall not involve exemption of the interested persons from any obligation of declaration imposed by the laws of the receiving State.

3. The competent authorities of the receiving State shall without delay forward to the consular post free of charge the copies of the registers of civil status concerning nationals of the sending State requested for administrative purposes.

Article 38. THE NOTARIAL FUNCTIONS

1. A consular officer shall be entitled:

- a) To receive, draw up and attest any declarations by nationals of the sending State;
- b) To draw up, attest and receive for safekeeping wills, other documents and declarations of nationals of the sending State;
- c) To draw up, attest and keep the contracts between nationals of the sending State. This provision shall not apply to contracts concerning the establishment, transfer and cancellation of rights on immovable properties;
- d) To certify the accuracy of the signatures of nationals of the sending State;
- e) To translate and legalize all documents issued by the competent authorities of the sending or receiving State and authenticate translations and copies of such documents;
- f) To perform some other notarial works in accordance with the laws of the sending State.

2. The documents drawn up, certified or authenticated by a consular officer of the sending State enumerated in paragraph 1 of this article shall be regarded as duly certified official ones and have the same legal and evidential force as if they were drawn up, certified or authenticated by the competent authorities of the receiving State, provided that there is nothing contrary thereto in the laws and regulations of that State.

Article 39. RECEIVING PROPERTY FOR SAFEKEEPING

1. A consular officer may receive documents, money, valuable articles and other property belonging to nationals of the sending State for safekeeping, provided that there is nothing contrary thereto in the laws of the receiving State.

The said documents, money, valuable articles and other property can be taken out from the receiving State only in compliance with the laws of that State.

2. Similarly a consular officer may receive for transmission to their owners found property which was previously lost during the stay of nationals of the sending State in the receiving State.

Article 40. GUARDIANSHIP AND TRUSTEESHIP

1. The authorities of the receiving State shall inform the competent consultant post, as soon as they have knowledge, of any case where a guardian or trustee shall

be appointed for a national of the sending State residing permanently or temporarily in the receiving State.

2. The provisions of Article 35 of this Convention shall apply to the safeguard of the rights and interests of minors or other persons lacking full capacity.

3. A consular officer may take initiative with the authorities of the receiving State in respect of the appointment of guardian or trustee and in particular [the] proposal for the candidates to perform these functions.

4. In the event of non-administration of property belonging to minors or persons lacking full capacity, a consular officer may ensure the appointment of a curator for property or may request the competent authorities of the receiving State to take necessary measures to this end.

5. A consular officer may ensure in compliance with the laws of the sending State the care of a minor who is a national of the sending State and a resident in the receiving State.

Article 41. COMMUNICATION AND CONTACTS WITH NATIONALS OF THE SENDING STATE

1. A consular officer shall be entitled to communicate with nationals of the sending State, to render every assistance to them in their relations with the competent authorities of the receiving State and to engage also for them attorneys and interpreters or other persons to this end.

2. The receiving State shall not impose restrictions on the correspondence of nationals of the sending State with the consular post and shall not also hinder their entries into consular premises.

The competent authorities of the receiving State shall assist the consular officer in having information about one of [the] nationals of the sending State, getting in touch and conversing with him.

Article 42. CONTACT WITH NATIONALS SUBJECTED TO ANY MEASURE DEPRIVING THEM OF THEIR LIBERTIES

1. The competent authorities of the receiving State shall inform the consular post of the sending State without delay, anyhow within 5 days at the latest, if within its consular district, a national of that State is put in custody, is arrested or is subjected to any measure depriving him of his liberty. Likewise, the competent authorities of the receiving State shall without delay, transmit any communication addressed to the consular post by such a person. The said authorities shall inform the person concerned without delay of his rights accorded under this article.

2. A consular officer shall have the right to visit a national of the sending State who is in custody, prison or subjected to any measure depriving him of his liberty, to converse and correspond with him and to arrange for his legal representation. He shall also have the right to visit any national of the sending State who serves a sentence depriving him of his liberty. The competent authorities of the receiving State shall permit the consular officer to visit the said national at the latest 7 days following the custody, arrest or subjection to any measure depriving [him] of liberty and subsequently at reasonable intervals.

3. The rights referred to in this article shall be exercised in conformity with the laws and regulations of the receiving State, provided that the said laws and regulations must not nullify these rights.

Article 43. DECLARATIONS BY NATIONALS AND NOTIFICATION

A consular officer shall have the right and competence, at the request of the competent authorities of the sending State, to receive the voluntary declarations by nationals of the sending State in the capacity of parties, witnesses and experts and likewise to serve on them judicial and extra-judicial documents. In the execution of these acts, it is forbidden to use coercive means or to threaten to use them.

Article 44. TRAFFIC ACCIDENTS

The competent authorities of the receiving State shall inform without delay the consular officer of all incidents in which nationals of the sending State have died or have been heavily injured.

Article 45. DEATH OF A NATIONAL

The competent authorities of the receiving State shall inform without delay the consular post of the death of a national of the sending State and forward to it a copy of the death certificate free of charge.

Article 46. INHERITANCE AND PROTECTIVE MEASURES

1. The competent authorities of the receiving State shall inform the consular officer without delay of the opening of an inheritance as a result of the death of a national of the sending State as well as the opening of an inheritance, in which a national of the sending State is interested in the capacity of heir, holder of a right or legatee regardless of the nationality of the deceased.

2. The competent authorities of the receiving State shall take necessary measures envisaged by the laws and regulations of that State to protect the inheritance and to transmit the consular officer a copy of the will, if the said will has been drawn up by the deceased, as well as all information available in respect of rightful heirs, their domiciles, value and composition of the estate including money received from social insurances, revenue and insurance policies.

3. The consular officer shall be entitled to request the following to be fulfilled:

- a) The preservation of the estate, affixing and lifting of seals, taking of necessary measures concerning the preservation of the estate including [the] appointment of an executor as well as the executor's participation in these transactions;
- b) The sale of property forming part of [the] inheritance as well as the notification of the fixed date of this sale to enable the consular officer to be present;

4. At the end of the inheritance suit of official formalities, the competent authorities of the receiving State shall inform the consular officer without delay of the foregoing and transmit him within a period of three months the inheritance or shares falling on the persons concerned following payment of debts, taxes and dues.

5. If the value of inheritance is of little importance the consular officer shall request that property be submitted to himself. Then he shall have the right to transmit it to persons concerned accordingly.

6. The consular officer shall have the right to receive personal shares, inheritance, pensions, social insurance, unpaid salaries and insurance policies falling on nationals of the sending State not being domiciled in the receiving State in order to transmit them to the persons concerned.

7. Transfer of property and credits to the sending State in the application of the provisions of paragraphs 4, 5 and 6 of this article shall be made only in accordance with the laws of the receiving State.

Article 47. DEATH OF A NON-RESIDENT NATIONAL

1. Where a national of the sending State not being domiciled in the receiving State dies during his trip in that State, the property of the deceased shall be preserved and then submitted to the consular officer of the sending State without any special procedure by the competent authorities of the receiving State. The consular officer shall pay back the debts previously shouldered by the deceased during his stay in the receiving State subject to limitation by the value of the submitted property.

2. The provisions of paragraph 7 of Article 46 shall also apply to property referred to in paragraph 1 of this article.

Article 48. ASSISTANCE TO VESSELS

1. A consular officer shall have the right to render every assistance to vessels of the sending State as well as to crew of these vessels during their stay in territorial and inland waters including ports. Similarly, a consular officer shall have the right of surveillance and inspection on vessels and crew of the sending State.

2. A master or a member of crew may freely communicate with the consular post.

3. The competent authorities of the receiving State shall respect measures taken by a consular officer in conformity with the laws and regulations of the sending State concerning vessels of this State and their crew. In the execution of these functions a consular officer may request assistance from the competent authorities of the receiving State.

Article 49. COMPETENCE OF CONSULAR OFFICERS CONCERNING VESSELS AND ITS CREW

A consular officer shall be entitled to embark upon all activities concerning navigation in compliance with the laws of the sending State and provided that there is nothing contrary thereto in the laws and regulations of the sending State:

- a) To receive, draw up or sign all documents concerning nationality, ownership and other real rights as well as the situation and exploitation of a vessel;
- b) To question the master and other members of the crew, to examine, receive and certify the documents of the vessel, to receive declarations relating to the vessel, cargo and voyage and also to embark upon activities aimed at facilitating the vessel's entry into, stay in, and departure from a port;
- c) To take all necessary measures in order to ensure treatment in hospital for the master and members of the crew and repatriation of any such person;
- d) To render assistance to the master or any member of the crew in their relations with the courts and other authorities of the receiving State and for this purpose to ensure them legal aid and the aid of an interpreter or of another person.

*Article 50. JURISDICTION IN RESPECT OF OFFENCES COMMITTED
ON BOARD THE VESSEL*

1. The courts and other competent judicial authorities of the receiving State may use their jurisdiction in respect of offences committed on board the vessel of the sending State exclusively in the following cases:

- a) Offences committed by or against a national of the receiving State or by or against any person other than a member of the crew;
- b) Offences breaching the tranquillity or safety of the territorial or internal waters or a port of the receiving State;
- c) Offences against the laws and regulations of the receiving State regarding public health, the safeguarding of life at sea, immigration, customs, oil pollution or smuggling;
- d) Offences punishable with a sentence of minimum 3 years or more deprivation of liberty under the laws of the receiving State.

2. However, the courts and other competent authorities of the receiving State may use their jurisdiction in respect of the vessel of the sending State at the request or with the consent of the consular officer.

*Article 51. INTERVENTION BY THE AUTHORITIES OF THE RECEIVING STATE
ON BOARD THE VESSEL*

1. In the cases where the competent authorities of the receiving State intend to visit, arrest or detain on board the vessel of the sending State the master, a member of crew, a passenger of this vessel or another person who is not a national of the receiving State, or to seize a property on board, prior to such intervention, they shall inform the consular post, to enable the consular officer to be present on board the vessel. Notification to be made to this end shall indicate a definite hour. If the consular officer or his representative has not been present there, by applying the said authorities, he could request them to be furnished with all information available about what had happened there. These provisions shall also apply to the case of questioning of the master or a member of crew by the receiving State.

2. In urgent cases or if investigation is made at the request of the master, the consular officer must be informed of investigation in the shortest time possible.

At the request of the consular officer, he shall be also informed of the completed investigation during his absence.

Article 52. EXCEPTIONAL CASES

The provisions of Articles 48, 49 and 51 cannot be raised against the receiving State in respect of the customs laws and regulations, measures of health quarantine as well as the other measures of control of that State relating to public health, sea pollution, police of port security of goods and admission of foreigners.

Article 53. SINKING OF VESSEL OR AVERAGE

1. If a vessel of the sending State sinks, is wrecked, is damaged, runs aground, is swept ashore or otherwise sustains damage within the territorial or inland waters of the receiving State, the competent authorities of the receiving State shall without delay inform a consular officer and advise him of the measures already taken for the rescue and preservation of the vessel, the passengers, crew and their property and cargo.

2. The competent authorities of the receiving State shall render necessary assistance to the consular officer upon his request in measures he shall take in connection with the situation referred to in paragraph 1.

3. Where a vessel of the sending State has sunk and crew, cargo, documents and property on board the vessel have been found on or near the coast of the receiving State or brought into a port of that State and neither the master of the vessel, his agent, the owner of the vessel nor the underwriters concerned are present and they are not in a position to make arrangements for the custody of the said property or the future destination, the consular officer shall be deemed to be authorized to make the same arrangements as the owner himself could have made for such purposes if the said owner were present.

4. The consular officer may take all measures provided in paragraph 3 concerning any property coming out of the vessel or its cargo and belonging to a national of the sending State, regardless of the nationality of this vessel found on or near the coast or swept into the port of the receiving State, sustained damage, run aground or sunk. The competent authorities of the receiving State shall without delay inform the consular officer of the existence of such property.

5. The equipment, cargo and supplies on board the vessel sustaining damage shall not be subject to customs duty or other similar taxes and dues provided that they are not left to the use or consumption in the receiving State.

Article 54. DEATH OR DISAPPEARANCE OF A MEMBER OF A CREW

1. Where a member of crew of the vessel of the sending State dies or disappears in the receiving State on board the vessel or on land, the master or the person replacing him and the consular officer of the sending State are the unique competent persons to draw up an inventory of the articles, valuable things and other property left by the deceased or disappeared, and to embark upon necessary acts in order to transfer all property for the purpose of preserving them and liquidating the estate. However, if the deceased or disappeared is a national of the receiving State, the master or the person replacing him shall draw up the inventory at the moment of the fixation of the death or disappearance. A copy of this inventory shall be submitted to the authorities of the receiving State which are competent to embark upon all kind of necessary representations aimed at preserving property, and where necessary, liquidating the estate. These authorities shall inform the consular post of the sending State of all representations.

2. In the cases where a consular officer exercises his rights in respect of inheritance referred to in paragraph 1 of this article, he must comply with the laws and regulations of the receiving State.

Article 55. AIRCRAFTS

The provisions of Articles 48-54 of this Convention shall also apply to aircrafts of the sending State as far as possible.

Article 56. CONSULAR FEES AND CHARGES

1. The consular post may levy in the territory of the receiving State the fees and charges in conformity with the laws and regulations of the sending State for consular acts.

2. The sums collected for consular acts referred to in paragraph 1 of this article shall be exempt from all dues and taxes in the receiving State.

PART V. GENERAL AND FINAL PROVISIONS

Article 57. OTHER CONSULAR FUNCTIONS

A consular officer may exercise any other consular functions entrusted to him by the sending State which are not prohibited by the laws of the receiving State and to which no objection is taken by that State or those mentioned in the international accords in force between the two countries.

Article 58. RESPECT FOR THE LAWS AND REGULATIONS OF THE RECEIVING STATE

1. Without prejudice to their privileges and immunities, it is the obligation of all persons enjoying privileges and immunities under the provisions of this Convention to respect the laws and regulations of the receiving State. They have also a duty not to interfere in the internal affairs of that State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

Article 59. PROCEDURE TO APPLY TO BODIES CORPORATE

The provisions of this Convention concerning nationals of the sending State shall also apply to bodies corporate.

Article 60. RATIFICATION AND ENTRY INTO FORCE

1. This Convention shall be subject to ratification and enter into force on the thirtieth day following the exchange of instruments of ratification.

2. This Convention shall remain in force for an indefinite period. This Convention may be denounced through notification by each of the Contracting Parties. Then the Convention shall cease to be in force within the six months following the day of denouncement.

IN WITNESS WHEREOF, the Plenipotentiaries of the Contracting Parties have signed this Convention and affixed their seals thereto.

DONE in Ankara on 27 April 1988 in two original copies in Russian, Turkish and English, all being equally authentic. In case of any difference in the interpretation of the provisions of this Convention, the English text shall prevail.

For the Union
of Soviet Socialist Republics:

[Signed]

YU M. VORONTSOV

For the Republic
of Turkey:

[Signed]

NÜZHET KANDEMİR

ADDITIONAL PROTOCOL TO THE CONSULAR CONVENTION BETWEEN
THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE REPUBLIC
OF TURKEY

1. In the application of the Consular Convention the Turkish side will proceed as follows on the subject of Consular bags:

The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities have serious reasons to believe that the bag contains something other than the official correspondence or documents and articles intended for official use, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused the bag shall be returned to its place of origin.

In the application of this Convention the Soviet side will proceed as follows on the subject of Consular bags:

The Consular bag shall be neither opened nor detained nor returned to its place of origin.

2. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

3. If provided with an official document indicating his status and the number of packages constituting the consular bag, the consular courier of the sending State shall enjoy the same rights, privileges and immunities in the receiving State as the diplomatic courier does. Only a national of the sending State who is not a permanent resident of the receiving State shall be designated the consular courier. The provisions of this paragraph shall also apply to the consular courier *ad hoc* whose rights, privileges and immunities shall cease when he has delivered to the consignee the consular bag in his charge.

4. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. A member of the consular post may take possession of the bag directly and freely from the captain of the ship or of the aircraft as well as to transmit such bag to him.

5. This additional Protocol shall form an integral part of the Convention.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol and affixed thereto their seals.

DONE in Ankara on 27 April 1988 in two original copies in Russian, Turkish and English, all being equally authentic. In case of any difference in the interpretation of the provisions of this Protocol, the English text shall prevail.

For the Union
of Soviet Socialist Republics:

[Signed]

YU M. VORONTSOV

For the Republic
of Turkey:

[Signed]

NÜZHET KANDEMİR