

**CONVENTION ON LEGAL AID AND LEGAL RELATIONS IN CIVIL,
FAMILY AND CRIMINAL CASES**

Adopted in Minsk on 22 January 1993

Entry into force: 19 May 1994, in accordance with Article 83

Members States of the Commonwealth of Independent States, participants of the present Convention, named hereafter Contracting Parties,

Being guided by the desire to provide to citizens of the Contracting Parties and persons residing on their territories legal defence of personal and property rights similar to those of the native inhabitants of all Contracting Parties,

Attaching great importance to the development of cooperation in the sphere of granting legal assistance in civil, family and criminal cases by judicial organs,

Have agreed on the following:

PART I

GENERAL PROVISIONS

SECTION I

LEGAL DEFENSE

Article 1

Granting legal defence

1. Citizens of each Contracting Party and persons residing on its territory, have the right to use the same legal defence of their personal and property rights on territories of all Contracting Parties as native citizens.
2. Citizens of each Contracting Party and persons residing on its territory, have the right to turn freely and without obstacles to courts, prosecutor's offices and other agencies, whose competence covers civil, family and criminal cases (judicial organs, in what follows), they may make speeches there, hand petitions, bring suits and fulfil other procedural activities on the same conditions as native citizens.
3. The clauses of this Convention are also valid for juridical persons created corresponding to the laws of the Contracting Parties.

Article 2

Exemption from fees and expenses

1. Citizens of each Contracting Party and persons residing on its territory are exempted from paying fees, court and notary expenses and have the right for free juridical aid along with the native citizens.
2. Privileges stipulated by item 1 of this Article are extended to all procedural actions during a case, including taking the resolution.

Article 3

Presenting documents on family and property states

1. The privileges, stipulated in Article 2, are granted on the basis of documents on family and property states of the person handing the petition. These documents are issued by a competent organ of the Contracting Party, on whose territory the claimant resides permanently or temporarily.

2. If the claimant is not a permanent or temporary resident of the Contracting Party, then it is sufficient to present the documents issued by the diplomatic representation or consular office of the claimant's native country.
3. The establishment taking the decision of granting privileges may request some additional data or explanations from the agency that issued the documents.

SECTION II LEGAL AID

Article 4

Granting legal aid

1. Judicial organs of the Contracting Parties grant legal aid in civil, family and criminal cases according to this Convention.
2. Judicial organs of the Contracting Parties grant legal aid to other organizations in the cases indicated in item 1 of the present article.

Article 5

Communication procedure

While fulfilling the norms of the present Convention the competent judicial organs of the Contracting Parties communicate with each other through their central organs, unless this Convention presupposes another way of communication.

Article 6

Range of legal aid

The Contracting Parties grant legal aid to each other by way of carrying out procedural and other actions envisaged by laws of the Contracting Party, in particular: compiling and sending documents, conducting searches, requisition, sending and delivery of exhibits, conducting expertise and interrogations of the parties, accused, witnesses, experts, as well as starting criminal persecution, search of the wanted persons and their delivery, recognition and fulfilment of court decisions in civil cases, verdicts on civil claims, writs of execution, and by way of handing documents.

Article 7

The content and form of commission on granting legal aid

1. The commission on granting legal aid must contain:
 - (a) Name of the organization representing the object of the commission;
 - (b) Name of the organization ordering the commission;
 - (c) Name of the case, in which the legal aid is requested;
 - (d) Names and surnames of the parties, witnesses, suspected, accused, convicted and victims, their addresses, citizenship, occupation, in criminal cases also the place and date of birth, names and surnames of their parents (of available); for juridical persons their name and location;
 - (e) If the persons mentioned in sub-item (d) have representatives, then names, surnames and addresses of the latter;
 - (f) Essence of the commission and other data needed for its fulfilment;
 - (g) In criminal cases also the description and qualification of the committed action and the data on the damage size, if any damage was inflicted by the action.

2. The commission on the delivery of the document must also contain the exact address of the recipient and the name of the document.
3. The commission must be signed and certified by the official seal of the organization ordering the commission.

Article 8

Fulfilment procedure

1. Fulfilling the commission on rendering legal aid, the organization representing the object of the commission applies laws of its country. On the request of the ordering organization the fulfilling organization may also apply the procedural norms of the ordering Contracting Party, if the norms do not contradict laws of the fulfilling Contracting Party.
2. If the requested organization is incompetent to fulfil the order, it must pass the request to a competent organization and to inform the requesting organization about this.
3. On the request of the ordering organization the fulfilling organization must inform on the due time the requesting organization and interested sides about the time and the place of the fulfilment of the order, thus enabling them to be present at the fulfilment process, according to laws of the fulfilling Contracting Party.
4. In cases, where the exact address of the person mentioned in the commission is unknown, the requested organization takes the appropriate measures for finding the address, according to laws of the Contracting Party, on whose territory the requested organization is located.
5. After the fulfilment of the commission the requested organization returns the documents to the requesting organization; in case, where the legal aid could not be rendered, the requested organization must inform in due time about the obstacles that impede the fulfilment of the commission and return the documents to the requesting organization.

Article 9

Summons of witnesses, victims, civil plaintiffs, civil defendants, their representatives and experts

1. Witnesses, victims, civil plaintiffs, civil defendants, their representatives and experts, who are summoned by the requested organization to a judicial organ of the Contracting Party ordering the commission, may not be, independent of their citizenship, brought to civil or criminal responsibility, detained or punished for an act committed before crossing the state border. These persons may not be either brought to responsibility, detained or punished in connection with their evidence or conclusions in the capacity of experts concerning the criminal case, which is the object of the court examination.
2. Persons listed in item 1 of this Article lose the guarantee given by this item, if they do not leave the territory of the Contracting Party ordering the commission (having the opportunity to do this) before expiration of 15 days since the day, when the judicial organization interrogating him/her informs that it completed the proceedings.
3. The requesting Contracting Party must pay the witnesses, experts, victims and his legal representatives the expenses of transportation to and sojourn in the requesting country, as well as the compensation for the pay that could be earned during the time of absence from one's job; the expert also has the right to be paid for the expertise. The summon must contain the information which payments must obtain the summoned persons; the judicial organ of the requesting party must, having received their petition, pay the advance for covering the corresponding expenses.
4. A summon of a witness or an expert residing on the territory of one of the Contracting Parties to a judicial organ of the requesting party must not contain any threats of coercion in the case of non-appearance.

Article 10

Order on handing documents

1. The requested judicial organ hands documents according to the procedure valid in its state, if the documents are written in its native language or in Russian, or are appended with the authorized translation to these languages. Otherwise, it hands the documents to the receiver only if the latter agrees to accept them.
2. If it is impossible to hand the documents to the address mentioned in the order, the requested judicial organ carries out, by its own initiative, the needed measures in order to find the address. If it is impossible to find the address, the requested judicial organ must inform about this to the requesting judicial organ and return the documents.

Article 11

Confirmation of handing the documents

Handing the document must be confirmed with a message signed by the person, who received the document, and certified by the official seal of the requested organ. The message must also contain the date of reception and the signature of the clerk of the organ, who handed the document. The reception of the document may be confirmed by another message, which must contain the method, place and time of handing.

Article 12

Rights of diplomatic representations or consular offices

1. The Contracting Parties have the right to hand documents to their citizens through their diplomatic representations or consular offices.
2. The Contracting Parties have the right to interrogate their citizens through their diplomatic representations or consular offices on behalf of the competent organs.
3. In the cases described in items 1 and 2 of the present article it is forbidden to apply coercive methods or threat thereof.

Article 13

Validity of documents

1. Documents, which are issued or authorized by an organ or special entrusted person within their competence, that conform to the established form and are confirmed with the official seal, must be accepted on the territories of other Contracting Parties with any special authorization.
2. Documents, which are regarded as official on the territory of one Contracting Party, have the status of official documents on the territories of other Contracting Parties.

Article 14

Mailing documents on civil status and other documents

The Contracting Parties are obliged to satisfy the requests of mailing without translation and free of charge certificates on registering acts of civil status, documents about education, duration of labour and other documents concerning personal or property rights of citizens of the requested Contracting Party or other persons residing on its territory.

Article 15

Information on legal questions

Central judicial organs of the Contracting Parties send to each other, by request, the information about laws operated or operating on their territories and on the practical appliance of these laws by judicial organs.

Article 16

Finding addresses and other data

1. The Contracting Parties are obliged, if requested, to render assistance, according to their laws, in finding addresses of persons residing on their territories, if it is needed for implementing the rights of their citizens. In this case the requesting party passes available data for assisting the search.
2. The judicial organs of the Contracting Parties are obliged to render to each other the assistance in finding out the places of employment and incomes of the residents of the requested party, to whom judicial organs of the requesting Contracting Party make demands concerning civil, family and criminal cases.

Article 17

Language

In their interrelations in the fulfilment of the present Convention the judicial organs of the Contracting Parties use the state languages of the Contracting Parties or the Russian language.

Article 18

Expenses connected with granting legal aid

The requested Contracting Party shall not demand the compensation of the expenses connected with granting legal aid. The Contracting Parties pay themselves all the expenses connected with granting legal aid on their territories.

Article 19

Refusal in granting legal aid

The request about granting legal aid may be rejected, if granting such aid may inflict damage to the sovereignty or security, or contradicts the legislation of the requested Contracting Party.

PART II

LEGAL RELATIONS IN CIVIL AND FAMILY CASES

SECTION I

COMPETENCE

Article 20

Common

1. If sections II-V of the current part do not stipulate otherwise, the suits against residents of a Contracting Party are brought, independently of their citizenship, to a court of this Contracting Party, and the suits against juridical persons are brought to a court of the Contracting Party, on whose territory the administration organ, representation or branch of this juridical person is placed.

If the case concerns several defendants, residing on the territories of different Contracting Parties, the case is considered in any involved country on the choice of the plaintiff.

2. Courts of a Contracting Party are competent also in cases where on the territory of this party:
 - (a) Trade, industrial or other economic activities of the enterprise (branch) of the defendant is carried out;
 - (b) The obligations of the contract, which is the object of controversy, was fulfilled or must be fulfilled partly or entirely;

- (c) The plaintiff in the case of protecting honour, dignity and business reputation resides permanently or temporarily.
3. In cases about property rights and other material rights for real estate only courts situated where the property is are competent.

Claims against transport agents following from contracts on transportation of loads, passengers and luggage are handed where the administration of the transport organization, to which the pretensions are made according to the proper procedure, is placed.

Article 21

Agreements on places of jurisdiction

1. Controversies may be resolved in other courts of the Contracting Parties, if a written agreement was taken by the sides involved.

Yet, the exclusive competence, following from item 3 of Article 20 and other norms stipulated by sections II-V of the present part, as well as from the internal legislation of the concerned Contracting Party, may be changed by an agreement of the sides.

2. If there is an agreement on passing the case to another court, the original court stops considering the case on the defendant's request.

Article 22

Interrelation of court processes

1. If a case about the same conflict of the same sides is considered by courts of two Contracting Parties, both courts being competent according to the present Convention, then the court that started the court process later must stop the legal proceedings.
2. Counter-claim and the demand of compensation, following from the same legal relationship that has the basic suit, must be considered by the same court that considered the basic suit.

SECTION II

PERSONAL STATUS

Article 23

Legal capacity and capability

1. Capability of a physical person is determined in the legislation of the Contracting Party, whose citizen is the person.
2. Capability of a person without citizenship is determined by the legislation of the country, in which the person resides.
3. Legal capacity of a juridical person is determined by the legislation of the state, according to whose laws it was established.

Article 24

Recognition as partly capable or incapable. Restoration of capability

1. In the affairs of recognition a person as party capable or incapable, except the cases described in items 2 and 3 of the present Article, a court of that Contracting Party is competent, whose citizen is the person.
2. In the case, where a court of a Contracting Party learn the reasons of recognizing as partly capable or incapable a person residing in this country and being a citizen of another Contracting Party, then the court must inform about this a court of the Contracting Party, whose citizen is the person.

3. If the court of a Contracting Party, which was informed about the reasons of recognizing a person as partly capable or incapable, did not start proceedings or did not inform about its opinion within three months, then the case about the recognition as partly capable or incapable will be considered by a court of that Contracting Party, where the person resides. The decision about the recognition of a person as partly capable or incapable is mailed to a competent court of the Contracting Party, whose citizen is the person.
4. The clauses of items 1-3 of the present article are also applied to the restoration of capability.

Article 25

Recognizing a person missing and declaring dead. Establishing the fact of death

1. In cases of recognizing a person missing and declaring dead and in cases of establishing the fact of death the competent judicial organs are the organs of the Contracting Party, whose citizen was the person, when he/she was alive according to the latest information; as to other persons, the competence is passed to the judicial organs of the country, where the person resided at latest.
2. Judicial organs of each of the Contracting Parties may recognize dead or missing, or establish the fact of death of a citizen of another Contracting Party or some other person residing on its territory on the request of interested sides residing on its territory, whose rights and interests are based on laws of this country.
3. While considering the cases of recognizing a person missing and declaring dead and in cases of establishing the fact of death judicial organs of the Contracting Parties apply laws of their state.

SECTION III

FAMILY CASES

Article 26

Marriage

The conditions of marriage are determined for each of the future spouses by the legislation of the Contracting Party, of which he/she is a citizen; for persons without citizenship the procedure is determined by the legislation of the country, where they permanently reside. What concerns the obstacles to the marriage, the laws must be obeyed of that Contracting Party, where the marriage is registered.

Article 27

Legal relations between spouses

1. Personal and property legal relations between spouses are determined by the legislation of the Contracting Party, on whose territory the spouses jointly reside.
2. If one of the spouses resides in one Contracting Party, and another – in another Contracting Party, and both spouses have the same citizenship, then their personal and property legal relations are determined by the legislation of that Contracting Party, whose citizens they are.
3. If one of the spouses is a citizen of one Contracting Party, and another – of another Contracting Party, and one of them resides in one Contracting Party, and another – in another Contracting Party, then their personal and property legal relations are determined by the legislation of the Contracting Party, on whose territory they had their last joint residence.
4. If persons mentioned in item 3 of the present article had no joint residence on the territories of the Contracting Parties, then the legislation is applied of that Contracting Party, whose judicial organs consider the controversy.
5. The legal relations of the spouses concerning their real estate are determined by the legislation of the Contracting Party, on whose territory the real estate is.
6. The judicial organs of the Contracting Party defined in items 1-3 and 5 of the present article are competent in the affairs concerning personal and property legal relations of spouses.

Article 28

Divorce

1. In the affairs concerning divorce the legislation is applied of that Contracting Party, whose citizens at the moment of handing their application are the spouses.
2. If one of the spouses is a citizen of one Contracting Party, and another – of another Contracting Party, then the legislation is applied of that Contracting Party, whose judicial organ considers the case of divorce.

Article 29

Competence of judicial organs of the Contracting Parties

1. In the affairs concerning divorce, to which item 1 of Article 28 is applicable, the judicial organs are competent of the Contracting Party, whose citizens at the moment of handing their application are the spouses. If at the moment of handing in their application the both spouses reside on the territory of another Contracting Party, then the judicial organs of the latter are also competent.
2. In the affairs concerning divorce, to which item 2 of Article 28 is applicable, the judicial organs are competent of the Contracting Party, on whose territory the both spouses reside. If one of the spouses resides in one Contracting Party, and another – in another Contracting Party, then the judicial organs of the both Contracting Parties are competent.

Article 30

Acknowledging a marriage null and void

1. In the affairs concerning acknowledging a marriage null and void the legislation is applied of that Contracting Party, where, according to Article 26, the marriage was registered.
2. Competence of judicial organs in the affairs concerning acknowledging a marriage null and void is determined according to Article 27.

Article 31

Establishing and contesting paternity or maternity

Establishing and contesting paternity or maternity are determined by the legislation of that Contracting Party, whose citizen is the child by birth.

Article 32

Legal relations between parents and children

1. The legal relations between parents and children are determined by the legislation of that Contracting Party, on whose territory the children permanently reside.
2. In the affairs of taking alimony from adult children the legislation is applied of that Contracting Party, on whose territory the claimant resides.
3. In the affairs concerning the legal relations between parents and children the court is competent of that Contracting Party, whose legislation is applicable according to items 1 and 2 of the present article.

Article 33

Guardianship or trusteeship

1. Establishment or cancellation of guardianship or trusteeship is done according to the legislation of that Contracting Party, whose citizen is the person, for whom the guardianship or trusteeship are established or cancelled.

2. The legal relations between guardian or trustee and the person under wardship are regulated by the legislation of that Contracting Party, whose judicial organ appointed the guardian or trustee.
3. The duty to accept guardianship or trusteeship is determined by the legislation of that Contracting Party, whose citizen is the person appointed as guardian or trustee.
4. Guardian or trustee of a person, who is a citizen of one of the Contracting Parties, may be appointed a citizen of another Contracting Party, if he/she resides on the territory of the Party, where the guardianship or trusteeship will be carried out.

Article 34

Competence of judicial organs of the Contracting Parties in the questions of guardianship or trusteeship

In the affairs of establishment or cancellation of guardianship or trusteeship the judicial organs are competent of that Contracting Party, whose citizen is the person, for whom the guardianship or trusteeship are established or cancelled, if the present Convention does not stipulate otherwise.

Article 35

Procedure of taking measures concerning guardianship or trusteeship

1. In case, where measures concerning guardianship or trusteeship must be applied in interests of a citizen of a Contracting Party, who permanently or temporarily resides, or has property on the territory of another Contracting Party, a judicial organ of this Contracting Party must inform without delay the organ competent according to Article 34.
2. In urgent cases the judicial organ of another Contracting Party may take the needed temporary measures according to its legislation. If doing so it must inform about this without delay the organ competent according to Article 34. These measures remain valid until the organ mentioned in Article 34 takes its decision.

Article 36

Procedure of passing guardianship or trusteeship

1. The organ competent according to Article 34 may pass the guardianship or trusteeship to an organ of another Contracting Party in the case, where the person, being under guardianship or trusteeship, permanently or temporarily resides, or has property on the territory of this Contracting Party. Passing guardianship or trusteeship becomes valid from the moment, when the requested organ takes on itself the guardianship or trusteeship and informs about this the requesting organ.
2. The organ, which, according to item 1 of the present article, took on itself the guardianship or trusteeship, carries them out according to the legislation of its state.

Article 37

Adoption

1. The adoption or its cancellation is determined by the legislation of the Contracting Party, whose citizen is the adopting parent at the moment of handing the application about the adoption or its cancellation.
2. If the child is a citizen of another Contracting Party, then for the adoption or its cancellation it is necessary to get the consent of a legal representative or a competent state organ, as well as the consent of the child, if it is demanded by the legislation of the Contracting Party, whose citizen is the child.
3. If the child is being adopted by spouses, one of whom is a citizen of one Contracting Party and another – of another Contracting Party, then the adoption or its cancellation must be carried out in accordance with the procedures stipulated by the legislation of the both Contracting Parties.
4. In the affairs connected with the adoption or its cancellation the organ is competent of that Contracting Party, whose citizen is the adopting parent at the moment of handing the application about the adoption or its

cancellation; in the case envisaged in item 3 of the present article the organ is competent of that Contracting Party, on the territory of which the spouses had or have their last joint temporary or permanent residence.

SECTION IV

LEGAL PROPERTY RELATIONS

Article 38

Property rights

1. The property rights for real estate are determined by the legislation of the Contracting Party, on whose territory the real estate is. The question whether some property is real estate is solved according to the legislation of the country, on whose territory the property is.
2. The property rights for transport vehicles, which had to be included into the state registers, are determined according to the legislation of the Contracting Party, on whose territory the organ is situated that registered the vehicle.
3. Appearance or cessation of property rights or other material rights for property are determined by the legislation of the Contracting Party, on whose territory the property was at the moment, when an action or another circumstance occurred that caused the appearance and cessation of such rights.
4. Appearance or cessation of property rights or other material rights for property, which is the object of a deal, are determined by the legislation of the country, where the deal is concluded, if the involved sides did not decide otherwise.

Article 39

Form of a deal

1. The form of a deal is determined according to the legislation of the country, where the deal is concluded.
2. The form of the deal concerning real estate and rights for it is determined according to the legislation of the Contracting Party, on whose territory the real estate is.

Article 40

Proxy

The form and the expiration date of a proxy are defined according to the legislation of the Contracting Party, on whose territory the proxy is given.

Article 41

Rights and obligations of the sides of a deal

Rights and obligations of the sides of a deal are determined by the legislation of the country, where the deal is concluded, if the involved sides did not decide otherwise.

Article 42

Compensation of a damage

1. Obligations on the compensation of a damage, except those, which follow from the contracts and other legal actions, are determined by the legislation of the Contracting Party, on whose territory the action or other circumstances occurred that caused the demand on the compensation.
2. If the tortfeasor and the aggrieved side are citizens of the same country, then the legislation of this country is applicable.

3. In the cases mentioned in items 1 and 2 of the present article a court is competent of that Contracting Party, on whose territory the action or other circumstances occurred that caused the demand on the compensation. The aggrieved side may hand a claim also in a court of the Contracting Party, where the defendant resides.

Article 43

Time limitation of action

The questions of the time limitation of action are solved according to the legislation used for regulating such legal relations.

SECTION V

INHERITANCE

Article 44

The equality principle

Citizens of all Contracting Parties may inherit on the territories of other Contracting Parties property or rights according to laws or testament under equal conditions and in same volume as native citizens of this country.

Article 45

Inheritance rights

1. The rights for inheritance of property, except the case determined by item 2 of the present article, are determined by the legislation of that Contracting Party, on whose territory the testator had his/her latest permanent residence.
2. The rights for inheritance of real estate are determined by the legislation of that Contracting Party, on whose territory the real estate is.

Article 46

Passing the inheritance to the state

If, by the legislation of the Contracting Party applicable while inheritance, the heir is the state, then the inherited movables pass to the state, whose citizen was the testator at the moment of his death; inherited real estate passes to the state, on whose territory the real estate is.

Article 47

Testament

The person's ability to compile or cancel the testament, as well as the form of the testament and its cancellation are determined by the legislation of that Contracting Party, on whose territory the testator permanently resided at the moment of compiling the act. Yet, the testament and its cancellation may not acknowledged as invalid because of imperfect form, if the form satisfies the demands of the legislation of the state, where the testament was compiled.

Article 48

Competence in the cases concerning inheritance

1. Proceedings of the cases concerning inheritance of movables must be conducted by judicial organs of that Contracting Party, on whose territory the testator resided at the moment of his death.

2. Proceedings in the cases concerning inheritance of real estate must be conducted by judicial organs of that Contracting Party, on whose territory the real estate is.
3. Clauses of items 1 and 2 of the present article are also applicable when considering the controversies concerning inheritance.

Article 49

Competence of diplomatic representations or consular offices in inheritance affairs

In inheritance affairs, including inheritance controversies, diplomatic representations or consular offices are competent to represent (except the right for refusal from the inheritance) citizens of their state without a special proxy in judicial organs of other Contracting Parties, if the citizens are absent or did not appoint their attorney.

Article 50

Measures on guarding the inheritance

1. The judicial organs of the Contracting Parties take measures, according to their legislation, needed for guarding the inheritance left on their territories by citizens of other Contracting Parties or for administrating the inheritance.
2. The diplomatic representation or consular office of the Contracting Party, whose citizen is the heir, must be immediately informed about the measures taken according to item 1 of the present article. The mentioned organizations may take part in the implementation of these measures.
3. According to the request of the judicial organs competent to conduct proceedings in the inheritance affair, as well as of the diplomatic representations or consular offices, the measures taken according to item 1 of the present article may be changed, cancelled or postponed.

PART III

RECOGNITION AND EXECUTION OF DECISIONS

Article 51

Recognition and execution of decisions

Each of the Contracting Parties, under the conditions determined by the present Convention, must recognize and execute the following decisions, taken on the territories of other Contracting Parties:

- (a) Decisions of judicial organs on civil and family affairs, including agreements of peace confirmed by a court and notarial acts concerning financial obligations (decisions, in what follows);
- (b) Court decisions on criminal cases of recompensing damage.

Article 52

Recognition of decisions not requiring execution

1. The decisions not requiring execution, that were taken by judicial organs of each Contracting Party and came into effect, are recognized on the territories of all Contracting Parties without special proceedings provided that:
 - (a) Judicial organs of the requested Contracting Party had not taken before a decision in this case that came into effect;
 - (b) The case, according to the present Convention or, if it is not covered by the Convention, according to the legislation of the country, on whose territory the decision must be recognized, is not related to the exclusive competence of judicial organs of the Contracting Party.

2. The clauses of item 1 of the present article are also related to decisions on guardianship and trusteeship, as well as to decisions on divorce, taken by organs competent according to the legislation of the Contracting Party, on whose territory the decision was taken.

Article 53

Petition on the permission for coercive execution of a decision

1. The petition on the permission for coercive execution of a decision is handed to a competent court of the Contracting Party, where the decision must be executed. The petition may be also handed to the court that took the decision in the first instance. This court passes the petition to a court competent to take the decision on the petition.
2. The petition is appended by:
 - (a) The decision or its authorized copy, as well as the official document confirming that the decision came into effect and must be executed or that it must be executed before coming into effect, if it does not follow from the decision itself;
 - (b) The document confirming that the side, against which the decision was taken and which did not participate in the process and was not properly represented, was summoned to the court in time and in the proper order;
 - (c) The document confirming the partial execution of the decision at the moment of its sending;
 - (d) The document confirming the agreement of the sides about their turning to court.
3. The petition on the permission for coercive execution of a decision and the appended documents must be supplied with the authorized translation to the language of the requested Contracting Party of to Russian.

Article 54

Procedure of recognition and coercive execution of decisions

1. The petition on the recognition and permission for coercive execution of decisions envisaged in Article 51 must be considered by courts of the Contracting Party, on whose territory the coercive execution is to be taken.
2. The court considering the petition on the recognition and permission for coercive execution confines its decision to checking the conditions stipulated by the present Convention. In the case, where the conditions are observed, the court takes a decision on the coercive execution.
3. The procedure of the coercive execution is determined by the legislation of the Contracting Party, on whose territory the coercive execution is to be taken.

Article 55

Refusal to recognize or execute decisions

The recognition of the decisions mentioned in Article 52 and the issue of the permission for coercive execution may be refused in cases, where:

- (a) According to the legislation of the Contracting Party, on whose territory the decision was taken, it did not come into effect or does not requires execution, except the decisions that must be executed before coming into effect;
- (b) The defendant did not participate in the process because he/she or his/her attorney did not receive the summon to the court in the proper time and order;
- (c) Another decision was taken beforehand on the territory of the Contracting Party, where the decision must be recognized and executed, that had already come into effect by the same case between the same sides, on the same subject and on the same reasons, or in case, where there is a recognized decision of a court of the third party, or if a judicial organs of the Contracting Party had started before the proceedings on this case;

- (d) According to the clauses of the present Convention or, if it is not covered by the Convention, according to the legislation of the Contracting Party, on whose territory the decision must be recognized and executed, the case is related to the exclusive competence of its judicial organs;
- (e) The document, which confirms the agreement of the sides about their turning to court, is absent;
- (f) The term of the coercive execution stipulated by the legislation of the Contracting Party, whose court executes the order, has expired.

PART IV

LEGAL AID IN CRIMINAL CASES

SECTION I

EXTRADITION

Article 56

Obligations for extradition

1. The Contracting Parties take on obligation, according to the conditions determined by the present Convention, to extradite to each other by the request the persons, who are on their territories, for bringing to criminal responsibility or for executing a verdict.
2. The extradition for bringing to criminal responsibility is performed for the actions that, by laws of the both Contracting Parties, are considered to be punishable by an imprisonment not shorter than one year.
3. The extradition for executing a verdict is performed for the actions that, by laws of the both Contracting Parties, are considered to be punishable, and for which the person, who must be extradited, was condemned for the term not shorter than six months.

Article 57

Refusal in extradition

1. The extradition is not performed if:
 - (a) The person to be extradited is a citizen of the requested Contracting Party;
 - (b) At the moment of receiving the request the criminal persecution, according to the legislation of the requested Contracting Party, cannot be started, or the verdict cannot be executed because of expiration of the term or by other legal reasons;
 - (c) The person to be extradited was already tried in the requested Contracting Party for the same crime, and the verdict was issued or the case was closed by a decision that already came into effect;
 - (d) The criminal persecution, according to the legislation of the requested or requesting Contracting Party, is conducted in the capacity of a private accusation (after the claim of the victim).
2. The extradition may be refused if the crime, in connection with which the extradition is required, was committed on the territory of the requested country.
3. In case of the refusal in extradition the requesting Contracting Party must be informed on the reasons of the refusal.

Article 58

Demand of extradition

1. The demand of extradition must contain:
 - (a) Name of the requested organ;
 - (b) Description of the actual circumstances of the action and the text of the law of the requesting Contracting Party, after which the action is considered to be a crime;
 - (c) Surname, first name and patronymic of the person to be extradited, his/her citizenship, place of permanent or temporary residence, description of the person and other personal data, if possible;

- (d) Description of the size of damage caused by the action.
2. The demand of extradition must be appended with the authorized copy of the detention warrant.
 3. The demand of extradition for executing the verdict must be appended with the authorized copy of the verdict with the mark about its coming into effect, as well as the text of the criminal law, according to which the person was found guilty. If the condemned has already done a part of his term, the information about it is given too.
 4. The demand of extradition and the appended documents must be compiled according to Article 17.

Article 59

Additional information

1. If the demand of extradition does not contain all the needed information, then the requested Contracting Party may demand the additional information, giving the term of one month. This term may be doubled on the petition of the requesting Party.
2. If the requesting Contracting Party do not present the additional information within the prescribed term, then the requested Contracting Party must release the detained person.

Article 60

Detention for extradition

Having received the demand of extradition the requested Contracting Party must immediately take measures for detention of the person to be extradited, except in cases, where the extradition may not be performed.

Article 61

Detention before receiving the demand of extradition

1. The person to be extradited may be detained before receiving the demand of extradition, by special request. The request must contain reference to the detention warrant or the verdict that came to effect, and the promise to send additionally the demand of extradition. The request for the detention may be sent by mail, telegraph, telex or facsimile.
2. The person may be detained without the request described in item 1 of the present article, if there are doubts envisaged by law that the person committed a crime, implying extradition, on the territory of other Contracting Party.
3. The second Contracting Party must be immediately informed about taking into custody or the detention before receiving the demand of extradition.

Article 62

Releasing the detained person

1. The person detained according to item 1 of Article 61 must be released, if the demand of extradition is not received within one month since the detention.
2. The person detained according to item 2 of Article 61 must be released, if the demand of extradition is not received within the term determined for detention in the legislation.

Article 63

Postponement of extradition

If the person to be extradited was brought to criminal responsibility or condemned for some other crime on the territory of the requested Contracting Party, his/her extradition may be postponed until finishing the criminal persecution, executing the verdict or until the release.

Article 64

Temporary extradition

1. If the postponement of extradition envisaged by Article 63 may imply the expiration of the term of the criminal responsibility or to hamper the investigation, then the person to be extradited may be extradited temporarily.
2. The temporarily extradited person must be returned after the completion of the actions concerning the criminal case, for which he/she was extradited, but not later than three months after the extradition. If there are well-grounded reasons, this term may be prolonged.

Article 65

Collision of demands of extradition

If the demands of extradition come from several states, the requested Contracting Party selects itself, which of the demands to satisfy.

Article 66

Limits of criminal persecution of the extradited person

1. The extradited person may not be brought to criminal responsibility or punished for the crime committed before the extradition, which was not the reason of the extradition without the consent of the requested Contracting Party.
2. The extradited person may not be transferred to the third party without the consent of the requested Contracting Party.
3. The consent of the requested Contracting Party is not required if the extradited person will not leave the territory of the requesting Contracting Party or will return there voluntarily within one month after finishing the trial or, in case of conviction, within one month after the release. This term does not include the time during which the extradited person could not leave the territory of the requesting Contracting Party independently of his/her will.

Article 67

Transfer of the extradited person

The requested Contracting Party informs the requesting Contracting Party about the place and time of the extradition. If the requesting Contracting Party does not accept the person to be extradited during 15 days after the appointed date of the transfer, the person must be released.

Article 68

Repeated extradition

If the extradited person dodges the criminal persecution or punishment and returns on the territory of the requested Contracting Party, then the person must be extradited on the repeated demand without presenting documents mentioned in Articles 58 and 59.

Article 69

Notification on the results of proceedings on the criminal case

The Contracting Parties notify each other about the results of the proceedings on the criminal case of the extradited person. If requested, the copy of the final decision is sent.

Article 70

Transit transportation

1. A Contracting Party, by the request of another Contracting Party, permits the transit transportation through its territory of persons, extradited to the latter by a third country.
2. The request for the transit is considered in the same manner as the demand of extradition.
3. The requested Contracting Party permits the transit transportation in the manner, which it considers more reasonable.

Article 71

Expenses of the extradition and transit transportation

The expenses of extradition must be paid by that Contracting Party, on whose territory the expenses are made, and the expenses of transit transportation must be paid by the Contracting Party requesting the transportation.

SECTION II

CRIMINAL PERSECUTION

Article 72

Obligation to carry out criminal persecution

1. Each Contracting Party is obliged, by the commission of another Contracting Party, to carry out the criminal persecution against its own citizens, suspected in committing a crime on the territory of the requesting Contracting Party.
2. If the crime, after which the case is started, implies civil and legal demands of the persons, to whom the damage was inflicted by the crime, then these demands must be considered within this case, if the petition about the damage compensation is available.

Article 73

Commission to carry out the criminal persecution

1. The commission to carry out the criminal persecution must contain:
 - (a) Name of the requesting organ;
 - (b) Description of the action that caused the commission to carry out the criminal persecution;
 - (c) Information, as correct as possible, on the place and time of the action;
 - (d) Text of the law of the requesting Contracting Party, which qualifies the action as a crime, as well as the texts of other legal acts, which are essential for the proceeding on the case;
 - (e) Surname and first name of the suspect, his/her citizenship and other personal data;
 - (f) Complaints of the victims in connection with criminal cases started by victim's complaint and petitions about the damage compensation;
 - (g) Estimation of the size of the damage inflicted by the action.

The commission must be appended with the documents concerning the criminal persecution and proofs that the requesting Contracting Party has.

2. If the requesting Contracting Party sends a started criminal case to the requested Contracting Party, the latter must continue the crime investigation using its own legislation. Each document on the case must be authorized and stamped with the official seal of the competent judicial organs of the requesting Contracting Party.
3. The commission and the appended documents must be compiled according to the clauses of Article 18.

4. If the accused is under custody on the territory of the requesting Contracting Party at the moment of sending the commission to carry out the criminal persecution, he/she must be transported to the territory of the requested Contracting Party.

Article 74

Notification in the results of the criminal persecution

Requested Contracting Party must notify the requesting Contracting Party about the final decision. If requested, the copy of the final decision is sent.

Article 75

Consequences of taking the decision

If the requested Contracting Party received, according to Article 72, the commission to carry out the criminal persecution after the verdict came into effect or after a judicial organ of the requested party took some other decision, the criminal case may not be started by the judicial organs of the requesting Contracting Party; if the case was already started, it must be closed.

Article 76

Mitigating and aggravating circumstances

Each Contracting Party, while investigating crimes and considering criminal cases in court, takes account of mitigating and aggravating circumstances, stipulated by laws of the Contracting Parties, regardless of the territory, where the circumstances occurred.

Article 77

Procedure of consideration of the cases within jurisdiction of courts of two or more Contracting Parties

If a person or a group of persons are accused of committing several crimes within jurisdiction of courts of two or more Contracting Parties, a court is competent of that Contracting Party, on whose territory the preliminary investigation has been finished. In such a case the affair is considered according to the juridical procedures of that Contracting Party.

SECTION III

SPECIAL REGULATIONS OF LEGAL AID IN CRIMINAL CASES

Article 78

Passing exhibits

1. By the request the Contracting Parties are obliged to pass to each other the following exhibits:
 - (a) Objects used in committing the crime, which implied the extradition of the person according to the present Convention, including tools and weapons of the crime; objects that were acquired as a result of the crime or as a remuneration for it, or the objects, which the criminal got in exchange for objects acquired in such a manner;
 - (b) Objects that may be used as proof of the crime; these objects must be passed also if the criminal cannot be extradited because of his death, escape or other reasons.
2. If the requested Contracting Party needs as proof the objects mentioned in item 1 of the present article, then the passing may be postponed until the proceedings are finished.
3. The rights of third sides for the passed objects remain valid. After finishing the proceedings these objects must be returned gratis.

Article 79

Notification about verdicts and information on criminal records

1. Each Contracting Party must annually inform other Contracting Parties about the verdicts of guilty that came into effect, which were issued by its courts against the citizens of the corresponding Contracting Party, sending also fingerprints of the convicted.
2. Each Contracting Party must inform other Contracting Parties gratis, if requested, about the criminal records of persons, who were tried in its courts and found guilty, if these persons are brought to criminal responsibility on the territory of the requesting Contracting Party.

Article 80

Procedure of communications concerning extradition and criminal persecution

The communications concerning extradition and criminal persecution, as well as concerning the execution of investigation commissions, which infringe citizens' rights and require prosecutor's sanction, are conducted by general prosecutors (prosecutors) of the Contracting Parties.

SECTION IV

CONCLUDING REMARKS

Article 81

Problems arising in implementing the Convention

The problems arising in implementing the Convention are solved by competent organs of the Contracting Parties on their mutual agreement.

Article 82

Compatibility with other international agreements

The present Convention does not collide with clauses of other international agreements, whose participants are the Contracting Parties.

Article 83

Procedure of coming into effect

1. The present Convention must be ratified by the states, which signed it. Instruments of ratification are handed for keeping the Belarus Government that plays the function of the bailee of the Convention.
2. The present Convention comes into effect on the 30th day, counting from the day of handing the bailee the third instrument of ratification. For the state, which hands in its instrument of ratification after the Convention comes into effect, it will come into effect on the 30th day, counting from the day of handing the bailee its instrument of ratification.

Article 84

Term of expiration of the Convention

1. The present Convention is operable during five years since the day of coming into effect. After the expiration of this term the Convention will be automatically prolonged for other five years.
2. Each Contracting Party may leave the present Convention having sent the written notification to the bailee not later than 12 months before the expiration of the consecutive five-year term.

Article 85

Retroactive force

The present Convention is valid also for the legal relations occurred before its coming into effect.

Article 86

Procedure of joining the Convention

Other states may join the present Convention after its coming into effect, if all the Contracting Parties agree, by way of handing the bailee the documents about the wish to join. The joining becomes valid after 30 days after the bailee received the last notification of agreement from the member-countries.

Article 87

Bailee's obligations

The bailee shall inform without delay all the states, which signed the present Convention or joined it later, about the date of handing each instrument of ratification or document about joining, about the date of the Convention coming into effect, as well as about reception of other notifications.

Compiled in the city of Minsk on 22 January 1993 in one original in the Russian language. The original is stored in the Archive of the Government of Belarus, which will direct one authorized copy of the Convention to each member-state.

THE LAW OF UKRAINE

**On the ratification of the Convention on legal aid and legal relations in civil,
family and criminal cases**

The Supreme Rada of Ukraine rules:

To ratify the Convention on legal aid and legal relations in civil, family and criminal cases (Convention, in what follows) signed on behalf of Ukraine in Minsk on 22 January 1993 with the following reservations:

1. Ukraine takes the obligations about rendering legal aid as it is determined by Article 6 of the Convention, except acknowledgement and fulfilment of writs of execution.
2. Ukraine takes the obligations to recognize and execute the decisions taken on the territories of the member-states envisaged by item 'a' of Article 51 of the Convention, except notarial acts on financial obligations.

Head of the Supreme Rada of Ukraine
The City of Kyiv, 10 November 1994 O. MOROZ
No. 240/94-BP