

(2) The following papers shall be attached to the application:

- a) an authentic or legalised copy of the decision with a clause certifying finality and enforceability, unless this is apparent from the decision itself;
- b) a confirmation showing that the defeated litigant who has not participated in the proceedings, had been properly and timely summoned and, if he was incapable of pleading in court, could be properly represented;
- c) a legalised translation of the documents mentioned under letters a) and b) into the language of that Contracting Party on whose territory the decision is to be recognised or executed.

(3) If the execution is requested on the basis of the decision of an arbitration court, in addition a legalised translation of the Treaty on submission to the jurisdiction of the arbitration court in this matter shall be attached.

### Procedure of Execution

#### Section 35

(1) The court of the Contracting Party on whose territory a decision is to be executed shall carry it out in accordance with the laws of its State.

(2) The court which decides on the application for execution shall confine itself exclusively to ascertaining whether the conditions stipulated in Section 30 to 33 of this Treaty are met.

(3) A debtor may raise against the decision any objections provided for by the laws of the Contracting Party whose court decides on the execution.

#### Section 36

The court decisions mentioned in Section 29 of this Treaty and documents on obligations to pay maintenance in accordance with Section 32 of this Treaty shall be recognised and executed if they have become final and enforceable after the coming-into-force of this Treaty.

#### Section 37

### Execution of Decisions on Costs

(1) If a litigant who, according to Section 2 of this Treaty, was exempted from the payment of security for the costs of the proceedings, is obligated by a final court decision of one Contracting Party to pay the costs of proceedings, such a decision shall be executed on application from the claimant free of charge on the territory of the other Contracting Party.

(2) The court which decides on the execution of a decision according to para. (1) of this Section shall confine itself exclusively to ascertaining whether the decision on costs is final and enforceable.

(3) As regards the application for execution and the annexes to be attached, the provisions of Section 34 of this Treaty shall apply accordingly.

#### Section 38

### Exports of Objects and Transfers

The provisions of this Treaty on the execution of decisions do not affect the legal provisions of the Contracting Parties on the transfer of money or the export of objects obtained through an execution.

## Part VI

### Judicial Assistance in Criminal Matters and Extradition

#### 1. Judicial Assistance

##### Section 39

#### Granting of Judicial Assistance

(1) The Contracting Parties undertake to grant each other judicial assistance by the courts in criminal matters on the conditions laid down in this Treaty.

(2) Courts within the meaning of this Part of the Treaty shall also be other bodies of the Contracting Parties which, in accordance with the laws of their State, have jurisdiction in criminal matters.

##### Section 40

#### Extent of Judicial Assistance

Judicial assistance in criminal matters comprises the serving of documents and evidence as well as the carrying out of individual procedural acts, in the form of the interrogation of offenders, hearings of witnesses or expert witnesses, court investigations, the providing of expert opinion, the searching of houses and persons etc.

##### Section 41

#### Judicial Assistance in Criminal Matters

(1) In providing judicial assistance in criminal matters the courts shall communicate as far as the German Democratic Republic is concerned, through the Ministry of Justice or the Procurator General and, as far as the People's Democratic Republic of Yemen is concerned, through the Ministry of Justice.

(2) In general, the provisions of Sections 10 to 19 of this Treaty shall apply accordingly to the granting of judicial assistance in criminal matters.

##### Section 42

#### Taking over of Criminal Prosecution

(1) The Contracting Parties undertake to initiate, in conformity with the laws of their States, at a request by the other Contracting Party, criminal proceedings against their own citizens who have committed a punishable act on the territory of the other Contracting Party if extradition is possible in accordance with Section 45 of this Treaty.

(2) The request for the carrying out of criminal proceedings is to be supplemented by the result of investigations as well as further evidential material which are available regarding the punishable act.

(3) The requested Contracting Party shall notify the other Contracting Party of the result of criminal proceedings; if a sentence has been pronounced a copy of the final decision is to be attached.

##### Section 43

#### Notification of Court Decisions in Criminal Matters

(1) The Contracting Parties undertake to notify each other at the beginning of each year of final sentences pronounced by their courts against citizens of the other Contracting Party in the course of the past year.

(2) At the request of either Contracting Party the other Contracting Party shall provide information