

Treaty
between the German Democratic Republic
and the Somali Democratic Republic
on Judicial Assistance in Civil, Family,
Labour Law and Criminal Matters

The German Democratic Republic and the Somali Democratic Republic,

Endeavouring to strengthen the friendly cooperation between the two States on the basis of the principles set forth in the Charter of the United Nations,

Desiring to regulate the relations between the two States in the field of judicial assistance in civil, family, labour law and criminal matters,

Have resolved to conclude the present Treaty.

To this end they have appointed their Plenipotentiaries:
The Chairman of the Council of Ministers of the German Democratic Republic:

Hans-Joachim Heusinger

Deputy Chairman of the Council of Ministers and Minister of Justice,

The Chairman of the Council of Ministers of the Somali Democratic Republic:

Dr. Abdisalam Sheikh Hussein, Minister of Justice and Religious Affairs,

Who, after exchanging their full powers, found to be in good and due form, have agreed as follows:

Chapter I

Legal Protection

Article 1

Free Access to the Courts

(1) Citizens of the one of the Contracting States shall have in the territory of the other Contracting State free access to the courts and may appear before them in civil, family, labour law and criminal matters on the same conditions as citizens of this Contracting State.

(2) Paragraph 1 shall analogously apply to juristic persons which were founded according to the laws of one of the Contracting States and are seated in its territory.

(3) Citizens of the one Contracting State are those persons who, according to the laws of this State, hold its citizenship.

Article 2

Exemption from Payment of Security for Costs of Proceedings

(1) No payment of security for costs of proceedings shall be imposed on citizens of the one of the Contracting States appearing as plaintiffs before the courts of the other Contracting State as far as they have their domicile or abode in the territory of one of the Contracting States.

(2) Paragraph 1 shall analogously apply to juristic persons which were founded according to the laws of one of the Contracting States and are seated in its territory.

Article 3

Exemption from Advance Payment

(1) The courts of the one Contracting State shall grant exemption from advance payment for costs of proceedings to the citizens of the other Contracting State on the same con-

ditions and to the same extent as to citizens of this Contracting State.

(2) Exemption from advance payment granted to a citizen by a court of the one Contracting State in a matter shall also apply to any procedural act carried through in the same matter by a court of the other Contracting State.

Article 4

Conditions

(1) The decision on an application for exemption from advance payment shall be subject to the submission of a certificate to the effect that the applicant does not or only partially possess the means needed for the proceedings.

(2) The certificate shall be issued by the competent authority of the Contracting State in whose territory the applicant has his domicile or abode.

(3) Should the applicant have his domicile or abode neither in the territory of the one nor in the territory of the other Contracting State a certificate issued by the diplomatic or consular representation of the Contracting State whose citizen he is and which is competent for his domicile or abode shall be considered sufficient.

Article 5

Transmission of the Application

The application for exemption from advance payment may be submitted through the competent court of the Contracting State whose citizen the applicant is. The court shall transmit the application for exemption from advance payment to the court of the other Contracting State according to Article 9.

Article 6

Examination of Documents

The court which decides on the application for exemption from advance payment may, within the framework of its jurisdiction, examine the certificate submitted as to its correctness and, if necessary, request the authority of the other Contracting State to supply further details.

Chapter II

Judicial Assistance in Civil, Family and Labour Law Matters

Article 7

Granting of Judicial Assistance

(1) The Contracting States undertake, at the request of their respective courts, to grant each other judicial assistance in civil, family and labour law matters according to the stipulations of the present Treaty.

(2) Paragraph 1 shall apply analogously to the Offices of the Notaries Public and the Sections of Juvenile Care of the German Democratic Republic.

Article 8

Extent of Judicial Assistance

Judicial assistance covers the performance of procedural acts for the purpose of clarifying circumstances, ascertaining facts and for other reasons as well as the service of documents.