

2. the court of the deciding Contracting State was competent in the proceedings according to Paragraph 1 of Article 33;
3. the court of the deciding Contracting State has adhered to the obligation according to Paragraph 2 of Article 33;
4. the unsuccessful party has been properly summoned and represented according to the laws of the deciding Contracting State;
5. in the same claim and between the same parties no final decision has been pronounced in the territory of the recognizing State, or that no legal action has been instituted in this matter before the court of the recognizing State;
6. the giving of the executory declaration does not contradict the State and law order of the recognizing State.

Article 33

Jurisdiction

(1) In proceedings for recovery of maintenance both the courts of the Contracting State in whose territory the respondent had his domicile or abode in the time of the institution of the proceedings and the courts of the Contracting State in whose territory the claimant had his domicile or abode in the time of the institution of the proceedings have jurisdiction.

(2) When the respondent has his residence or abode in the territory of the other Contracting State, the competent court is obliged to ascertain the incomes situation of the respondent with a view to stipulating the amount of maintenance to be paid.

Article 34

Application for Execution

(1) The application for giving the executory declaration to a decision and for instituting execution may be submitted directly to the court of first instance of the deciding State, or to the competent court of the executing State. The application shall be transmitted to the competent court in the way agreed in Article 9.

(2) The application shall be accompanied by:

1. a copy of the decision with a certificate of legal force;
2. a confirmation to the effect that the unsuccessful party was duly summoned according to the laws of the State where the verdict was issued and could be properly represented;
3. the authenticated translation of the documents under items 1 and 2 in the language of the executing State.

Article 35

Procedure

(1) The court of the executing State that decides upon the application shall only examine whether the requirements set forth in Articles 32 and 34 have been met. This being the case, the court shall give the executory declaration.

(2) In the procedure for giving the executory declaration and instituting execution the laws of the executing State shall apply.

Article 36

Execution of Decisions on Costs

(1) If a party who, according to Article 2, was exempted from payment of security for the costs of proceedings is obligated by a final decision to refund the costs of proceedings, such a decision shall be executed on application of the claimant free of charge in the territory of the other Contracting State.

(2) Decisions as to the amount of costs shall be regarded decisions within the meaning of Paragraph 1.

(3) Article 34 shall analogously apply to the application for execution and the annexes to be attached.

Chapter VII

Judicial Assistance in Criminal Matters

1. Judicial Assistance

Article 37

Granting of Judicial Assistance

(1) The Contracting States undertake to grant each other judicial assistance in criminal matters according to the provisions of the present Treaty at request of their respective courts and Procurator's Offices.

(2) In granting judicial assistance in criminal matters Articles 10—17 shall analogously apply.

Article 38

Extent of Judicial Assistance

(1) Judicial assistance shall comprise effecting of investigations and procedural acts including the provision and transmission of evidence, especially by the interrogation of witnesses and expert witnesses as well as the service of documents.

(2) Judicial assistance shall also be granted in procedures for identification of persons and the search for persons and property.

Article 39

Communication

In granting judicial assistance, the courts and Procurator's Offices 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 Somali Democratic Republic is concerned, through the Ministry of Justice and Religious Affairs.

Article 40

Information Relating to Judicial Records

The Contracting States shall, at request, communicate each other information from the judicial records relating to pending proceedings in the way agreed in Article 39.

Article 41

Communication of Convictions

The Contracting States shall inform each other half-yearly in the way agreed in Article 39 of final convictions issued by their courts against citizens of the other Contracting State.

Article 42

Refusal of Judicial Assistance

(1) Judicial assistance may be refused:

1. if the execution of the request is likely to prejudice the sovereignty, security or the basic principles of the State and Law order of the requested Contracting State;
2. if the offence motivating the request is not punishable under the law of the requested Contracting State.

(2) Item 2 of Paragraph 1 shall not apply to offences to be prosecuted by the Contracting States on the grounds of international agreements.

(3) Judicial assistance may furthermore be refused if the person claimed is a citizen of the requested Contracting State.

2. Taking Over of Proceedings

Article 43

The Contracting States undertake at the request of the other Contracting State to institute criminal proceedings under domestic law against their own citizens if they have committed any offence in the territory of the requesting Contracting State.