



**AGREEMENT**  
**ON**  
**LEGAL ASSISTANCE**  
**IN**  
**CIVIL, COMMERCIAL AND PENAL MATTERS**  
**BETWEEN**  
**MONGOLIA**  
**AND**  
**THE REPUBLIC OF TURKEY**



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AND  
THE REPUBLIC OF TURKEY**

Desirous of further promoting friendly relations and of arranging mutual assistance in civil, commercial and criminal matters, extradition and transfer of prisoners on the basis of the principals for national sovereignty, equality of rights and of non-interference in the internal affairs of Contracting Parties,

Have decided to conclude an Agreement on mutual assistance in civil, commercial and criminal matters and have agreed as follows:

**CHAPTER I**

**Section I**

**General Provisions**

**Article 1**

1. Nationals of the Contracting Parties shall be entitled to equal judicial and legal protection in the territory of the other Party with respect to themselves, their property and interests as if they themselves were nationals of the latter Party.

2. Nationals of Contracting Parties shall in the territory of the other Party, be entitled to free access to courts and other competent authorities to lodge claims and to protect their rights and interests in respect of civil, commercial and criminal matters, in the same terms and conditions as nationals of the latter Party.

3. Legal persons shall, whose headquarters is located in the territory of one of the Contracting Parties and have been set up in accordance with the Law of that Party be entitled to enjoy the provisions of the present Agreement as much as they are applicable.

**Article 2**

Each Contracting Party shall designate a central authority to make or receive requests for the purpose of this Agreement. The central authority for Mongolia shall be the Ministry of Justice of Mongolia. The central authority for the Republic of Turkey shall be the Ministry of Justice of the Republic of Turkey.

The authorities of the Contracting Parties shall communicate through diplomatic channel for the implementation of the present Agreement.



Article 3

The Ministries of Justice of the Contracting Parties shall, upon a request mutually give information to each other on their law and practices in that country in regard with legal problems that constitute subject to the present Agreement.

CHAPTER II

*Section I*

*Judicial Assistance in Civil and Commercial Matters*

Article 4

1. The competent authorities of the Contracting Parties undertake to afford each other mutual judicial assistance in civil and commercial matters.

2. Mutual assistance includes, especially enforcement of procedural decisions such as transmitting of documents; hearing of parties, witnesses and examination of experts; discovery.

Article 5

1. A request for judicial assistance shall specify:

- a) The names of the requesting and requested authorities;
- b) The nature of proceedings for which assistance is required;
- c) The names, permanent and temporary addresses (domicile or residence); nationalities and professions of the parties;
- d) The names and addresses of the representatives of the parties;
- e) Information necessary for the subject matter and execution of the request.





2. A request for judicial assistance and its supporting documents shall be signed and officially sealed by the requesting authority.

Article 6

1. The requested authority shall apply the provisions of its own law as for the execution of the request. However, it may, upon the request of the requesting authority, follow the procedure of the latter unless this is incompatible with the law of the requested Party.

2. If the authority to whom the request has been sent is not competent to enforce it, such authority shall forward the request to the competent authority in the requested Party and shall inform the requesting authority thereof.

3. The requested authority shall send the documents establishing the execution of the request to the requesting authority or shall inform the latter where the request is not executed, with the reasons thereof.

Article 7

1. A request for service of documents shall be effected by the requested authority in compliance with the provisions of its law regulating such procedure, if such documents have been prepared in the language of requested Party or accompanied by translations in that language and certified as correct, otherwise, the requested authority shall effect the service of documents only if the addressee consents to receive it.

2. A request for service of documents shall state the full address of the addressee and the documents to be served.

3. If the document can not be served to the address stated in the request for service, the requested authority shall take necessary measures for establishment of the true address. If it has been impossible to establish the true address, the requested Party shall inform the requesting Party thereof, and shall forward the document to the latter.

Article 8

The receipt of the documents to be served shall be prepared in accordance with the law of the requested Party. The receipt shall contain the date and place of such service.



Article 9

The requested Party shall bear all of the costs incurred in its territory for execution of the request and shall not claim the reimbursement thereof.

Article 10

A request for assistance may be refused if it is deemed that granting such request would infringe sovereignty, security or public order of the requested Party.

Article 11

1. Requests for assistance and its supporting documents other than those provided for in paragraph 1 of Article 7 and, Article 13 of the present Agreement, shall be accompanied by certified translations in the language of the requested Party or in English.

2. Certification of translations may be effected by the requesting Party, sworn translator, notary or diplomatic representative or consular officials of the Contracting Parties.

3. Documents obtained through execution of requests for assistance shall be prepared in the language of the requested Party.

Article 12

1. A witness or expert, whatever his nationality, appearing on a summons before the judicial authorities of the requesting Party, shall not be prosecuted or detained or subjected to any punishment due to a judgement rendered previously in the territory of that party in respect of any offense occurring before his arrival to that state.

A witness or expert, when informed by the authority which invited him that his presence is no longer required, shall not leave the territory of the requesting Party within 15 consecutive days following that notification, such immunity shall cease. The period that prevents a witness or expert leaving the territory of the requesting Party freely, for reasons out of his control, shall be exempted from the period provided in this paragraph.





Such persons shall not be prosecuted or detained due to witness's testimony or expertise.

2. The requesting authority shall inform the witness or expert summoned that travel expenses, subsistence allowances and expertise fees be refunded within the conditions provided by its law. Upon request of such person, an advance for traveling and subsistence expenses shall be paid by the requesting authority.

### *Section II*

#### *Documents*

##### Article 13

Upon a request of the courts or other competent authorities of one of the Contracting Parties, other Party shall forward the copies of personal status certificates, other documents relating to personal affairs and interests of the nationals of the requesting Party, without translation and charge.

##### Article 14

1. Documents drawn up, issued or certified and officially sealed in one of the Contracting Parties territory or their authenticated copies, shall not be subject to legalization in the territory of the other Contracting Party.

2. Documents issued by the official authorities of a Contracting Party shall have the same probative force in the territory of the other Party.

### *Section III*

#### *Exemption from Payment of Security (Judicatum Solvi) and Costs of Proceedings*

##### Article 15

Nationals of any Contracting Party shall not be required to give security (judicatum solvi) only for being a foreign citizen and, for not having domicile or residence in the territory of the other Party.



Article 16

1. Nationals of either of the Contracting Party shall be entitled to benefit exemption from judicial charges and costs, and be granted legal aid free of charge before the courts of the other Party on the same conditions and up to the extent as the nationals of the latter Party.

2. Such judicial assistance and legal aid shall apply to all proceedings of a case, including enforcement proceedings.

3. Nationals entitled to benefit exemption from charges and costs in accordance with the law of either of the Contracting Party shall also enjoy such exemption in the territory of the other Contracting Party as for the proceedings of the same case.

Article 17

1. The certificate necessary to benefit from the provision of Article 16 and to prove personal, family and material status of the applicant, shall be issued by the competent authority of the Contracting Party of which such applicant has his domicile or residence.

2. If an applicant has no domicile or residence in the territory of one of the Contracting Party or other, diplomatic mission or consular agency of his country may issue such certificate.

3. The judicial authority which shall decide upon application for exemption from judicial charges and costs, shall proceed on the method provided in Article 2 of the present Agreement and, may ask for additional information from the authority issued such certificate.

Article 18

If the court of any Contracting Party sets a time limit for the completion of a specific proceeding for a person having residence or domicile in the territory of the other Contracting Party, such limitation shall start from the date of service of documents to the recipient.



*Section IV*

*Recognition and Enforcement of Judgements in  
Civil and Commercial Matters*

Article 19

1. Any of the Contracting Parties, shall recognize and enforce the following judgements rendered in the territory of the other Contracting Party in accordance with the provisions of the present Agreement:

- a) Judgements concerning civil or commercial matters;
- b) Criminal judgements with respect to compensation;
- c) Arbitral awards rendered in civil and commercial matters;

2. Final judicial decisions in civil and commercial matters rendered after entry into force of this Agreement is considered as decisions. Decisions referred to in subparagraph (a) of paragraph 1 above will only be taken in the consideration if legal relationship in regard with those decisions acquired after entry into force of the present Agreement.

3. Decisions concerning personal status shall be recognized even if those decisions rendered before entry into force of this Agreement.

Article 20

Judgements mentioned in Article 19 of the present Agreement shall be entitled to recognition and enforcement in the other Contracting Party, subject to the following conditions:

- a) A judgement rendered in any of the Contracting Party should be final and enforceable in its territory or in its boundaries;
- b) The court which rendered the decision should be competent according to the laws of the Contracting Party of which recognition and enforcement is sought;
- c) The defendant should have been duly served of summons according to the law of the Contracting Party of which the judgement rendered;
- d) The parties of the proceedings should not have been deprived of the right to defend and, should have been duly served of notice to appear to appear before court and given opportunity to be represented where themselves have been unable to lodge claim and defend;





- e) There should not exist a finalized court decision rendered within the same procedure and for the same parties in the territory of the Contracting Party of which recognition and enforcement is sought;
- f) There should not exist a proceeding pending based on the same facts and having the same purpose and with regard to the same parties before the judicial authority of such Contracting Party of which recognition and enforcement is sought;
- g) Where it is necessary to apply the law of the Contracting Party of which recognition and enforcement is sought, such judgement may be recognized or enforced if:
  - i) Such law have been applied rightfully;
  - ii) The law of the Contracting Party of which recognition and enforcement is sought, is not, in principle different from the other Party.
- h) Such a judgement is compatible with the basic principles of the law and public order of the Contracting Party of which recognition and enforcement is sought.

Article 21

Arbitral awards shall be enforced only if the following conditions are fulfilled in addition to the ones stipulated in Article 20 except Paragraph (f) thereof:

- a) Similar matter can be submitted to arbitration according to the law of the Contracting Party of which enforcement is sought;
- b) The award rendered on the basis of an arbitration Agreement or an arbitration clause between the Parties;
- c) The composition of arbitral authority is in accordance with the arbitration agreement or an arbitration clause of the Parties or in conformity with the law of the State where arbitration took place;
- d) The Parties were duly informed of the appointment of the arbitrator or of arbitration proceedings;
- e) The award became final at the State of origin.



Article 22

1. Application for recognition or enforcement shall be directly submitted to the competent authority of the Contracting Party of which recognition and enforcement is sought, in accordance with the provisions of Article 2 of the present Agreement.

2. Application shall be accompanied by the following documents:

- a) A truly certified copy of the judgement, furnished by a certificate unless its finality and enforceability can be understood from the judgement itself;
- b) A certificate proving that the defeated litigant, who failed to appear before court, be duly served of summons and that where he has been unable to defend himself he has been properly represented;
- c) The documents mentioned in the above paragraphs (a) and (b) of this Article, shall be enclosed with the certified translations in the language of the Contracting Party of which recognition and enforcement is sought or in English.

Article 23

1. The procedure for the recognition or enforcement of the judgements shall be governed by the law of the Contracting Party of which recognition and enforcement is sought.

2. In the implementation of the present Agreement, the authority of which recognition or enforcement is sought, shall be bound by the merits of the case and shall only examine whether or not the conditions provided in the present Agreement is fulfilled.

Article 24

The provisions of the present Agreement relating to recognition and enforcement of judgements shall not affect the domestic rules of the Contracting Parties in regard with the transfer of money and property, obtained as a result of judicial execution procedures, to a foreign country.





**CHAPTER III**

**Section I**

***Mutual Assistance in Criminal Matters***

**Article 25**

1. The Contracting Parties undertake to afford each other mutual assistance in criminal matters.
2. Mutual assistance in criminal matters includes especially execution of procedural transactions as such transmitting of documents, search, seizure and delivery of documents and property consisting evidence, expert examination, interrogation of accused and hearing of witness and experts and (examining of objects and sites).

**Article 26**

1. A request for assistance in criminal matters shall indicate as follows:
  - a) The names of the requesting and requested authorities;
  - b) The subject of the investigation or the case;
  - c) The names of the accused or convicts, their domicile or residence, nationality and profession and where possible, their places and dates of birth and names of fathers and mothers;
  - d) Names, and addresses of their legal representatives,
  - e) The purpose of the request and the necessary information for execution of the request with the description of the facts to constitute offense and the nature of the offense.
2. Requests and accompanying documents shall contain the signature and official seal of the preparing authority.



Article 27

1. The requested authority shall execute the request for judicial assistance in the manner specified by the provisions of its current law. However, the requested authority may, to the extent not contrary to its own law, upon the request of the requesting authority, apply the law of the latter.
2. If the requested authority is not competent for the execution of the request, it shall transmit the request to its competent authority and shall inform the requesting authority thereof.
3. On the request of the requesting Party, the requested Party shall inform the date and place of execution of the request. The requested Party may grant permission for the presence of the interested officers and persons of the requesting Party during execution of the request.
4. The requested authority, following the execution of the request, shall return the documents establishing the execution of the request to the requesting authority or shall inform the latter where the request is not executed, with the reasons thereof.

Article 28

1. If the judicial authority of the requesting Party considers the personal appearance of a witness or expert before it, that judicial authority, shall so mention in its request for service of summons.
2. A request stated in the previous paragraph of the present Article, shall not contain any fine or other sanction for not complying with the summons.
3. The allowances, travel and subsistence expenses of the witnesses and experts shall be borne by the requesting Party.
4. A witness or expert, whatever his nationality, voluntarily appearing before a judicial authority in the requesting Party, shall not be prosecuted, or detained or convicted or subjected to any other restriction of his personal liberty in the territory of that Party in respect of acts anterior to his departure from the territory of the requested Party. Such persons shall also benefit from the said immunity in respect of acts connected with the procedure constituting the subject matter of the investigation or proceeding.





5. If a witness or expert, after receiving a notification that his presence is no longer required, shall not leave the territory of the requesting Party within 15 consecutive days following the said notification, the immunity provided in paragraph (4) of the present Article shall cease. The period that prevents a witness or expert leaving the territory of the requesting Party freely shall be exempted from the period provided in this paragraph.

Article 29

1. The requested Party shall effect service of documents accompanied by the translations prepared in the language of that Party and authenticated officially, in the manner provided for by its own law. Otherwise, the requested Party may, effect service of documents with the consent of the recipient.

2. The true address of the recipient and the nature of the document shall be indicated in a request for service of documents.

3. If the documents can not be served to the address indicated in the request, the requested Party shall take necessary measures to determine the true address of the recipient. If it is impossible to do so, the requested Party shall notify the requesting Party thereof and return the documents to the latter Party.

Article 30

Document for proof of service shall be prepared in a manner provided by the law of the requested Party. The said document shall include the date and place of service.

Article 31

Subject to the provisions of paragraph 3 of Article 28, the requested Party shall bear the costs of judicial requests incurred in its territorial boundary zones and shall not be entitled to reimbursement.



Article 32

1. Requests for assistance may be refused in the following cases:
  - a) The requested Party is of the opinion that the request, if granted, would prejudice its sovereignty, security and public order;
  - b) The execution of the request for an assistance is regarded by the requested Party as being incompatible with its domestic law.
2. If a request for assistance is refused according to the provisions of the previous paragraph of the present Article, reasons shall be given thereof.

Article 33

1. Other than those provided for in paragraph 1 of Article 29 and Article 68, requests for assistance and supporting documents shall be accompanied by translations into the language of requested Party or in English.
2. Certification of translation may be effected by the requesting Party, sworn translator, notary or diplomatic representative or consular official of the Contracting Parties.
3. Documents obtained through execution of a request shall be in the language of the requested Party.

*Section II*

*Extradition*

Article 34

1. The Contracting Parties, agree to extradite to the other, in accordance with the provisions of present Agreement, persons found in their territory and sought by the other Party for prosecution, trial or enforcement of a sentence.





2. Extradition for prosecution or trial shall be granted only for offenses punishable by a term of imprisonment of more than 12 months or by a more severe penalty, under the laws of both Contracting Parties.

3. Extradition for execution of a sentence shall be granted only for offenses punishable by imprisonment and in case the person has been punished by imprisonment more than 6 months or by a more severe penalty.

4. If the request for extradition comprises several separate offenses each of which is punishable by imprisonment under the laws of both Contracting Parties but of which some do not fulfill the conditions provided in paragraphs 2 and 3 of the present Article, the requested Party shall also have the right to grant extradition for the latter offenses.

#### Article 35

1. Extradition shall not be granted in the following cases:

- a) If the person sought is a national of the requested Party;
- b) If the request is regarded not acceptable by the requested Party due to its domestic law or if the punishment can no longer be executed because of the lapse of time or of another reason provided in its law;
- c) If the person sought is the subject of a finalized court decision or of a non prosecution decision for the same offense for which extradition is sought in the requested Party;
- d) If the offense has been committed in the territory of the requested Party.

2. Where the requested Party does not extradite the person sought due to its own nationality, it shall, at the request of the requesting Party, initiate criminal proceedings against him. The files, information and other evidence shall be submitted by the requesting Party to the Requested Party. The Requesting Party shall be informed of the results of the said proceedings.



Article 36

1. A request for extradition relating to a person being prosecuted or tried for an offense shall be accompanied by a certified true copy of the arrest warrant, a statement defining commission of the offense and the legal provisions describing the offense and the applicable punishment. In case of a material damage occurred as a result of the offense, the cost of that damage shall, as accurate as possible, be mentioned.

2. A request relating to a person sought for the enforcement of a sentence shall be accompanied by certified true copy of the finalized judgement and full text of the applied provisions of law describing the offense. If a part of the sentence has already been served, it shall be specified.

3. Information about nationality and as accurate as possible, the description, identity, location, personal status and, enclosed with photograph and finger-prints of the person sought shall be attached to the request.

4. Requesting Party is not under obligation to submit the documents of evidence relating to the offense attributed to the person sought.

Article 37

If a request of extradition does not include all of the necessary information, the requested Party may ask for its completion. For this purpose, the requested Party, may fix a time limit that can be extended reasonably, but not exceeding 2 months.

Article 38

Upon receipt of a request for extradition, the requested Party shall, without delay, take all necessary measures including provisional arrest of the person sought. This provision shall not apply to the cases where there is no obligation to grant extradition according to the provisions of the present Agreement.





Article 39

In case of urgency the competent authorities of the requesting Party may request the provisional arrest of the person sought. The competent authorities of the requested Party shall decide on the matter in accordance with its law.

The request for provisional arrest shall state that one of the documents mentioned in paragraphs 1 or 2 of the Article 36 exists and that it is intended to send a request for extradition. It shall also state for what offenses extradition will be requested and when, where and how such offense was committed and shall so far as possible give a description of the person sought.

A request for provisional arrest shall be sent to the competent authorities of the requested Party either through the diplomatic channel or direct by post or telegraph or through the International Criminal Police Organization (Interpol) or by any other means affording evidence in writing accepted by the requested Party.

The requesting authority shall be informed without delay of the result of its request.

Provisional arrest may be terminated if, within a period of 45 days after arrest, the requested Party has not received the request for extradition and the documents mentioned in Article 36. It shall not, in any event, exceed 60 days from the date of such arrest. The possibility of provisional release at any time is not excluded, but the requested Party shall take measures which it considers necessary to prevent the escape of the person sought.

Release shall not prejudice re-arrest and extradition if a request for extradition is received subsequently.

Article 40

*Postponed or Conditional Surrender.*

1. The requested Party may, after making its decision on the request for extradition, postpone the surrender of a person sought, in order to proceed against that person or to enforce a sentence imposed for an offense other than that for which extradition is sought.



2. The requested Party may, instead of postponing surrender, temporarily surrender the person sought to the requesting Party. The person thus surrendered temporarily, shall be sent back to the requested Party after completion of the proceedings which constitutes basis for his surrender and in any case within a period not exceeding 3 months.

#### Article 41

##### *Concurrent Requests*

If extradition of the same person is requested by more than one State, the requested Party shall determine which request is to be granted.

#### Article 42

##### *Rule of Speciality and Re-Extradition to a Third State*

1. An Extradited person shall, without the consent of the requested Party, neither be prosecuted, tried or subjected to enforcement of a sentence for an offense committed prior to his surrender other than that for which extradition was granted, nor be re-extradited to a third State in respect of an offense committed prior to his surrender.

2. Consent of the requested Party is not required in the following cases:

a) If the person extradited, haven't left the territory of the requesting Party within 15 consecutive days after the completion of proceedings or enforcement of sentence if rendered so;

This period excludes the time which the released person could not voluntarily leave the territory of the requesting Party.

b) If, after having left, the extradited person has returned to the territory of the requesting Party.





Article 43

*Decision on the Request*

1. The requested Party shall communicate to the requesting Party the decision on the request for extradition.
2. In case of any complete or partial refusal of the request for extradition the reasons for it shall be communicated to the requesting Party.
3. If the request for extradition is agreed to, the requested Party shall inform the requesting Party of the time and place of surrender. If the requesting Party has not taken over the person sought within 15 days following the date determined, he shall be released.

Article 44

If the extradited person flees and returns to the territory of the requested Party, it is not necessary to communicate the documents provided in Article 36 of the present Agreement for a new request for extradition.

Article 45

*Transit*

1. Each Contracting Party shall, at the request of the other Party, grant transit through its territory for a person surrendered to the latter by a third State. The Contracting Parties are not under obligation to grant transit for offenses assumed non extraditable according to provisions of the present Agreement.
2. The competent authorities of the Contracting Parties shall agree on the form, route and other conditions of the transit in each case.



Article 46

*Information on the Results of Proceedings*

The requesting Party shall inform the requested Party of the results of the criminal proceedings initiated against the extradited person following his surrender. In addition to this obligation, upon the request of the requested Party, the requesting Party shall transmit a copy of the final decision to the former.

Article 47

The procedure of extradition and provisional arrest shall be solely governed by the law of the requested Party.

Article 48

The documents for a request for extradition shall be accompanied by true certified translations in the language of the requested State, or in English.

Section III

*Transfer of Prisoners for the Purpose of Executing  
Their Sentences in the State of Their Nationality*

Article 49

1. A national of each Contracting Party finally sentenced by deprivation of liberty finally in the territory of the other Party shall, upon the agreement of Contracting Parties and according to the provisions stipulated in the present Agreement, be transferred to his country for execution of his sentence.

2. The transfer of prisoner shall be effected upon the request of the Contracting Party in which the person has been sentenced (Sentencing State) and by the agreement of the other Party to which the person to be sent (Administering State).





3. The sentenced person's State of nationality, may also apply to the other Party for consideration of his transfer.

Article 50

The prisoner, his representative or members of the family may apply to the competent authorities of one of the Contracting Parties in order to initiate the procedure stipulated in Article 49. The competent authorities of the Sentencing State shall inform the prisoner for the possibility of such an application.

Article 51

A transfer of prisoner shall only be effected if the act subject his conviction is regarded as an offense according to the law of the Administering State.

Article 52

1. A transfer of prisoner shall only be effected by the consent of the prisoner.
2. If the prisoner is not in a position to express his valid consent, the consent of his legal representative shall be taken.

Article 53

The Administering State shall inform the Sentencing State of whether or not the former agreed on the request for transfer at the earliest convenience.

Article 54

1. If the Contracting Parties agree upon the transfer, the competent authorities of the Administering State shall be bound by the nature and duration of the sentence, provided by the judgement.



2. If the sentence is by its nature or duration incompatible with the law of the Administering State or the law of that State requires so, the competent authority of the Administering State may convert the sentence to a sanction provided for the same category of offenses in its law. Such sanction shall, as far as possible, correspond by its nature with that imposed in the judgement of the Sentencing State. The sanction determined in the Administering State, must not be harsher by its nature and duration than that imposed by the Sentencing State and must not exceed the maximum prescribed by the law of former for the same category of offenses.

3. The competent authority of the Administering State shall be bound by the findings as to the facts and can not substitute any other nature of sanction instead of restriction of liberty.

Article 55

When the Sentencing State agrees upon a request for transfer, the competent authorities of the Contracting Parties shall determine the place, date and conditions for transfer in the earliest convenience. Transfer of prisoner shall be effected in the territory of the Sentencing State.

Article 56

1. Enforcement of the sentence shall, including conditional release, be governed by the law of Administering State.

2. A transferred prisoner shall benefit from amnesty granted in both Sentencing and Administering states.

3. A transferred prisoner may only by granted pardon in the Administering State.

4. Following the transfer, upon any application, the court of the Sentencing State, alone has the right to review of the judgement.

Article 57

1. The Contracting Parties shall mutually inform each other of all changes in the status of sentenced person that might effect execution, including, in particular amnesty, pardon or any application for review of judgement.





2. The Administering State shall inform the Sentencing State upon the completion of the enforcement of the sentence.

Article 58

Surrender of the prisoner to the Administering State shall, as far as possible, be effected according to the procedure provided in paragraph 3 of the Article 43.

Article 59

1. Request for transfer shall be made in writing.
2. Request shall be supported by the following documents:
  - a) A certified copy of the judgement furnished by information that it is a final decision;
  - b) Texts of the law defining the offense and showing the punishment;
  - c) Documents including, as far as possible detailed information on the identity, nationality, domicile and residence of the prisoner;
  - d) Document specifying the part of the sentence already served in the Sentencing State;
  - e) A declaration containing the consent of the prisoner for transfer;
  - f) Other documents which might be important as for examination of the request.

Article 60

If the Administering State considers that the information and document submitted to it is insufficient, it shall ask for additional information and may set a time-limit, that can be prolonged upon a valid request, for the receipt of such information. If the additional information is not transmitted, the Administering State shall decide upon the request by means of the information and documents supplied previously.



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**Article 61**

Requests for transfer and supporting documents require no formal authentication and shall be accompanied by translations in the language of Administering State, or in English.

**Article 62**

Any costs incurred because of a transfer shall be borne by the Administering State, except costs incurred exclusively in the territory of the Sentencing State.

***Section IV***

***Ancillary Provisions Relating the Criminal Matters***

**Article 63**

The Contracting Parties undertake to initiate criminal proceedings in accordance with their own law, against their nationals having committed an offense in the territory of the other Party upon the request of latter.

**Article 64**

1. Written applications that the Contracting Parties would transmit each other to initiate criminal proceedings mentioned in Article 63 shall contain the following:

- a) The name of the requesting authority;
- b) Documents in regard with the offense constituting subject to the request, including the time and place of the offense;
- c) Identity, nationality and, as far as possible, information on the domicile or residence of the suspect.

2. Request shall be supported by the following documents:

- a) The minutes of the preparatory investigation or certified copies thereof prepared in the language of the requesting Party;





- b) All of the documents and property which might constitute evidence for criminal proceeding; Article 67 of the present Agreement shall apply in this respect;
- c) The texts of the applicable provisions of law provided in the current legislation where the offense has been committed;
- d) The photograph and finger-prints of the suspect, where necessary and when possible.

3. The requested Party shall notify other Party of the result of the proceedings and shall forward a copy of the final decision.

Article 65

1. If the appearance of a person held in custody in the territory of one of the Contracting Party is needed by the requesting Party as a witness, the requested Party may consent for temporarily transfer of that person to the territory of the requesting Party on the condition that he shall be kept in custody and be sent back after hearing at the earliest convenience.

2. If the appearance of a person held in custody in the territory of a third State is needed as a witness, the Contracting Parties shall grant permission for transit through their territory.

3. In cases mentioned in paragraphs 1 and 2 above, provisions of Article 28 shall, as far as possible, apply.

Article 66

1. Any article in connection with commission of the offense or which might constitute evidence for criminal proceedings shall be delivered to the requesting Party even if extradition can not be carried out owing to the absence of the person sought or because of other reasons.

2. The requested Party may temporarily postpone delivery of the article if it considers that article would be necessary for another criminal proceeding.



3. The rights of third persons in the said property are reserved. Such property shall be returned to the requested Party to be delivered to the related persons.

**Article 67**

Costs incurred in regard with extradition and delivery of property shall be borne by the requesting Party except costs incurred exclusively in the territory of the requested Party.

**Article 68**

1. The Contracting Parties shall transmit information to each other concerning the judgements rendered and finalized in respect of the nationals of the other Party at least once a year.

2. Upon a request, the Contracting Parties shall transmit information to each other in regard with judicial records of the persons who had been previously subjected to a sentence in the territory of the requested Party and who has already been subjected to a criminal proceeding in the territory of the requesting Party.

3. In the cases mentioned in the paragraphs 1 and 2 above, the Contracting Parties shall, as far as possible, send to each other finger-prints of the sentenced persons.

**Article 69**

The provisions of Chapter III shall also be applicable for requests relating to cases occurred before entry into force of this Agreement.

**CHAPTER IV**

***Final Provisions***

**Article 70**

Any difficulties which may arise in connection with the application of this Agreement shall be settled through diplomatic channel.





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Article 71

The present Agreement shall be ratified and the instruments of ratification thereof shall be exchanged at Ankara.

The present Agreement shall come into force 30 days after the exchange of the instruments of ratification.

Article 72

This Agreement shall remain in force for an indefinite period. However, each Contracting Party may denounce the agreement at any time by giving a notice to the other Contracting Party.

Denunciation shall take effect six months after the date when the other State has received such notification.

In Witness Whereof, the respective Plenipotentiaries of the Contracting Parties have signed this agreement and have affixed hereto their seals.

Done at Ulaanbaatar on the 02nd day of May 2000 in triplicate, in Mongolian, Turkish and English languages, all three texts having the same force. In case of difference in interpretation, the English text shall prevail.

for

MONGOLIA

Dashpuntsag GANBOLD  
Minister of Justice of Mongolia

for

THE REPUBLIC OF TURKEY

Prof. Dr. Hikmet Sami TÜRK  
Minister of Justice of the Republic of  
Turkey