

**No. 12508**

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**ROMANIA  
and  
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

**Agreement concerning legal assistance in civil, family and  
criminal cases. Signed at P'yongyang on 2 November  
1971**

*Authentic texts: Romanian and Korean.*

*Registered by Romania on 14 May 1973.*

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**ROUMANIE  
et  
RÉPUBLIQUE POPULAIRE DÉMOCRATIQUE  
DE CORÉE**

**Accord relatif à l'entraide judiciaire en matière civile,  
familiale et pénale. Signé à Pyongyang le 2 novembre  
1971**

*Textes authentiques: roumain et coréen.*

*Enregistré par la Roumanie le 14 mai 1973.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE SOCIALIST REPUBLIC OF ROMANIA AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA CONCERNING LEGAL ASSISTANCE IN CIVIL, FAMILY AND CRIMINAL CASES

The State Council of the Socialist Republic of Romania and the Presidium of the Supreme Peoples Assembly of the Democratic People's Republic of Korea, Being desirous of further strengthening the fraternal friendship between the peoples of the two States, on the basis of the principles of respect for independence and national sovereignty, equal rights, non-interference in domestic affairs and mutual advantage,

Desiring to collaborate closely in the field of legal assistance, have decided to conclude this Agreement concerning legal assistance in civil, family and criminal cases and for this purpose have appointed as their plenipotentiaries:

The State Council of the Socialist Republic of Romania: Aurel Mălnășan, Ambassador Extraordinary and Plenipotentiary of the Socialist Republic of Romania in the Democratic People's Republic of Korea,

The Presidium of the Supreme People's Assembly of the Democratic People's Republic of Korea: Ri Man Sak, Deputy Minister for Foreign Affairs of the Democratic People's Republic of Korea,

Who, having exchange their full powers, found in good and due form, have agreed as follows:

## PART I. GENERAL PROVISIONS

*Article 1. LEGAL PROTECTION*

1. Nationals of each Contracting Party shall enjoy in the territory of the other Contracting Party, in respect of their personal and property rights, the same legal protection as nationals of the Contracting Party in whose territory they are.

2. Nationals of each Contracting Party shall have free and unimpeded access to the authorities of the other Contracting Party having jurisdiction in civil, family and criminal cases and may appear before them, present petitions or claims and institute proceedings in the territory of the other Contracting Party under the same conditions as nationals of the latter Party.

3. The provisions of paragraphs 1 and 2 of this article shall also apply to juridical persons instituted in accordance with the laws of the Contracting Party in whose territory they have their domicile.

*Article 2. PROVISION OF LEGAL ASSISTANCE*

The Contracting Parties shall provide one another, on the basis of reciprocity,

<sup>1</sup> Came into force on 21 October 1972, i.e. 30 days after the date of the exchange of the instruments of ratification, which took place at Bucharest on 21 September 1972, in accordance with article 62(1).

with legal assistance through the authorities having jurisdiction in civil, family and criminal cases.

### *Article 3. METHOD OF COMMUNICATION*

In providing legal assistance, the authorities of the two Contracting Parties referred to in article 2 shall, save as otherwise provided in this Agreement, communicate with one another through their central organs.

### *Article 4. SCOPE OF LEGAL ASSISTANCE*

The Contracting Parties shall provide one another, on the basis of reciprocity, with legal assistance by performing specific acts required in connexion with judicial proceedings, such as the interrogation of accused persons, the examination of witnesses and hearing of litigants, the preparation and transmittal of documents, the conduct of expert examinations and the like.

### *Article 5. FORM AND CONTENT OF APPLICATIONS FOR LEGAL ASSISTANCE*

1. Applications for legal assistance must contain the following particulars:

- (a) The title of the institution making the application;
- (b) The title of the institution to which the application is made;
- (c) The title of the case in respect of which legal assistance is applied for;
- (d) The names of the parties, the accused, tried or convicted persons, their domicile or residence, nationality and occupation and, in criminal cases, where possible, the place and date of birth of the accused or convicted persons and the names of their parents;
- (e) In the case of juridical persons, their title and domicile shall be indicated;
- (f) The names and addresses of the legal representatives of the persons in question;
- (g) The nature of the application and grounds therefor and, in criminal cases, a description of the offence.

2. Applications concerning the provision of legal assistance and the documents annexed thereto shall be drawn up in the language of the applicant Contracting Party and shall be accompanied by translations into Russian, prepared in accordance with the law of the applicant Contracting Party.

3. Material transmitted under this Agreement must be signed and sealed.

### *Article 6. REGULATIONS CONCERNING THE PROVISION OF LEGAL ASSISTANCE*

1. In executing an application for legal assistance, the institution applied to shall apply the law of its own State. The institution applied to may, upon request, apply the procedural regulations of the other Contracting Party provided that they do not conflict with the law of its own State.

2. If the institution applied to is not competent to execute the application, it shall transmit the application to the competent institution and shall notify the applicant institution accordingly.

3. Upon execution of the application, the institution applied to shall notify the applicant institution accordingly.

4. If the application cannot be executed, the institution applied to shall notify the applicant institution accordingly, stating the circumstances which prevented it from executing the application.

*Article 7. REGULATIONS CONCERNING THE SERVICE OF DOCUMENTS*

1. The institution applied to shall serve documents in accordance with the legal provisions concerning the service of documents in force in the territory of its own State where the documents concerned are written in the language of the Contracting Party applied to or are accompanied by a certified translation. If the documents do not meet the above conditions, the aforesaid institution shall notify the addressee of the receipt of the application and deliver the documents to him only if he is willing to accept them.

2. Applications for the service of documents must indicate the exact address of the intended recipient and the title of the document to be served.

3. If the documents cannot be served at the address indicated in the application, the institution applied to shall take the necessary steps to determine the intended recipient's address. If it is not possible to determine the address of the intended recipient, the institution applied to shall notify the applicant institution accordingly and return to it the documents to be served.

*Article 8. CONFIRMATION OF SERVICE OF DOCUMENTS*

Service of documents shall be confirmed in accordance with the regulations concerning the service of documents in effect in the territory of the State to which the institution applied to belongs.

*Article 9. SERVICE OF DOCUMENTS ON OWN NATIONALS*

1. Each Contracting Party shall have the right to serve documents on its own nationals, who are in the territory of the other Contracting Party, through its diplomatic mission or consular office.

2. No compulsion may be used in the service of documents in accordance with paragraph 1 of this article.

*Article 10. ATTESTATION AND RECOGNITION OF DOCUMENTS*

1. Documents drawn up or attested by the courts or other competent institutions of one Contracting Party, and signed and bearing an official seal, shall be accepted by the courts and other institutions of the other Contracting Party without authentication, having the evidential value of official documents.

2. The provisions of paragraph 1 of this article shall also apply to copies of documents attested by the aforesaid institutions.

*Article 11. INVIOABILITY OF WITNESSES AND EXPERTS*

1. No person who, in response to a summons served by an authority of the applicant Contracting Party, appears as a witness or an expert may be prosecuted for an offence or required to serve a penalty in the territory of that Party for the offence which is the subject of the proceedings for which he has been summoned or for any other offence committed before he left the territory of the Party applied to.

2. The witness or expert shall forfeit this privilege if he fails to leave the territory of the applicant Contracting Party within one month from the date on which the institution which summoned him informs him that his presence is no longer necessary. Such period shall not include any period of time during which the

witness or expert is unable through no fault of his own to leave the territory of the applicant Contracting Party.

*Article 12. COSTS OF LEGAL ASSISTANCE*

1. The Contracting Party applied to shall make no claim for repayment of the costs of legal assistance.

2. The institution applied to shall inform the applicant institution of the amount of the costs incurred for the provision of legal assistance.

*Article 13. INFORMATION ON LEGAL QUESTIONS*

The Ministry of Justice of the Socialist Republic of Romania and the Supreme Court of the Democratic People's Republic of Korea, as well as the Procurator's Office of the Socialist Republic of Romania and the Supreme Procurator's Office of the Democratic People's Republic of Korea shall, upon request, exchange information concerning the law in force in their State, and information concerning judicial practice.

PART II. SPECIAL PROVISIONS

Chapter I. LEGAL ASSISTANCE IN CIVIL AND FAMILY CASES

1. LEGAL COSTS

*Article 14*

Nationals of either Contracting Party who are domiciled in the territory of one Contracting Party and have recourse to the courts of the other Contracting Party shall not be required to deposit security for legal costs.

*Article 15*

If a national exempted, on the basis of article 14 of this Agreement, from the deposit of security for legal costs is required under a court judgement in the process of execution to pay legal costs, the court of the other Contracting Party shall, upon request, authorize the compulsory recovery of such costs free of charge.

*Article 16*

Nationals of one Contracting Party shall be afforded, in respect of the legal institutions of the other Contracting Party, to the same extent and under the same conditions, the reliefs granted to nationals of the latter party in consideration of their material and family circumstances.

*Article 17*

1. Documents relating to material and family circumstances which are needed for the purpose of granting the reliefs provided for in article 16 of this Agreement shall be issued by the competent authorities of the Contracting Party in whose territory the petitioner has his domicile or residence.

2. If the person submitting the petition has no domicile or residence in the territory of either Contracting Party, the document shall be issued by the diplomatic mission or consular office of his own State.

### *Article 18*

1. A national of one Contracting Party wishing to claim the reliefs provided for in article 16 of this Agreement in respect of a court of the other Contracting Party may make oral or written application to the competent court of his place of domicile or residence in accordance with the law of that State.

2. The court receiving the application shall transmit it, with the accompanying documents, to the competent court of the other Contracting Party.

## *2. TRANSMITTAL OF CIVIL STATUS AND OTHER DOCUMENTS*

### *Article 19*

Each Contracting Party shall transmit, to the other Contracting Party, upon request, copies of documents and final court judgements concerning the civil status of nationals of the applicant Contracting Party.

## *3. PERSONAL STATUS AND FAMILY LAW*

### *Article 20. LEGAL CAPACITY*

Legal capacity shall be determined according to the law of the Contracting Party of which the person concerned is a national.

### *Article 21. MARRIAGE*

1. With respect to the basic conditions for marriage, each of the prospective spouses shall be subject to the law of the Contracting Party of which such prospective spouse is a national.

2. The form of marriage shall be determined by the law of the Contracting Party in whose territory the marriage is contracted.

## *PERSONAL AND PROPERTY RELATIONS OF SPOUSES*

### *Article 22*

1. Where the spouses have the same nationality, their personal and property relations shall be determined by the law of the Contracting Party of which they are nationals.

2. Where one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, their personal and property relations shall be determined by the law of the Contracting Party in whose territory they have or last had their domicile.

### *Article 23*

The court of the Contracting Party of which the spouses are nationals shall have jurisdiction in cases concerning personal and property relations.

Where the spouses have their domicile in the territory of the other Contracting Party, the court of that Contracting Party shall also have such jurisdiction.

Where one spouse is a national of one Contracting Party and the other a national of the other Contracting Party, jurisdiction shall lie with the court of the Contracting Party in whose territory the spouses have or last had their domicile.

## LEGAL RELATIONS BETWEEN PARENTS AND CHILDREN

*Article 24*

In cases relating to the establishment, denial or contestation of parentage, the law of the Contracting Party of which the child is a national shall apply.

*Article 25*

Legal relations between a child and its parents shall be determined by the law of the Contracting Party of which the child is a national.

*Article 26*

1. Decisions on the legal relations referred to in articles 24 and 25 of this Agreement shall be within the jurisdiction of the courts of the Contracting Party of which the child is a national.

2. If both plaintiff and defendant are domiciled in the territory of one Contracting Party the courts of that Contracting Party shall also have jurisdiction, without prejudice to the provisions of articles 24 and 25 of this Agreement.

*Article 27. DECLARATION OF PERSONS AS MISSING OR DEAD AND ESTABLISHMENT OF THE DATE AND FACT OF DEATH*

1. Proceedings for declaring persons missing or dead and for the establishment of the date and fact of death shall be within the jurisdiction of a court of the Contracting Party of which the person concerned was a national at the time when he was last known to be alive.

2. A court of one Contracting Party may, upon the application of persons domiciled in its territory, declare a national of the other Contracting Party missing or dead if, under the law of the State in whose territory the court applied to is situated, the persons concerned have rights in that respect.

3. In the cases provided for in paragraphs 1 and 2 of this article the legal institutions of the Contracting Parties shall apply the law of their own State.

4. *SUCCESSION**Article 28. PRINCIPLE OF EQUALITY IN SUCCESSION CASES*

1. Nationals of one Contracting Party shall have the same rights as nationals of the other Contracting Party in matters relating to the ability to acquire, through statutory or testamentary succession, property in the territory of that Party.

2. Nationals of one Contracting Party may dispose by will of property in the territory of the other Contracting Party.

*Article 29. LAW OF SUCCESSION*

1. Succession to movables shall be governed by the law of the Contracting Party of which the decedent was a national at the time of his death.

2. Succession to immovables shall be governed by the law of the Contracting Party in whose territory the immovable is situated.

*Article 30. WILLS*

1. Matters relating to the capacity to make or revoke a testamentary disposition and the legal effects of defective testamentary dispositions, and the type of testamentary dispositions that are admissible, shall be governed by the law of the Contracting Party of which the decedent was a national at the time of making or revoking the testamentary disposition.

2. The form of the testamentary disposition or revocation shall be determined by the law of the Contracting Party of which the decedent was a national at the time of making or revoking the testamentary disposition. The testamentary disposition or its revocation shall also be deemed to have legal force, with respect to form, if the law of the Contracting Party in whose territory the testamentary disposition was made or revoked is complied with.

*Article 31. JURISDICTION IN SUCCESSION CASES*

1. In proceedings in matters of succession to movables, the competent legal institution shall be that of the Contracting Party of which the decedent was a national at the time of death, save as provided in paragraph 3 of this article.

2. In proceedings in matters of succession to immovables, the competent legal institution shall be that of the Contracting Party in whose territory the immovable is situated.

3. If the entire movable estate of a deceased national of one Contracting Party is situated in the territory of the other Contracting Party, proceedings in matters of succession to such estate shall, upon petition by the successor or other person having rights of succession, be conducted by the legal institutions of that Contracting Party, subject to the consent of all the successors.

4. The provisions of paragraphs 1 and 2 of the article shall also apply in respect of disputes arising in connexion with the right of succession.

*Article 32*

For the purpose of determining whether property is movable or immovable the law of the Contracting Party in whose territory the property is situated shall apply.

*Article 33. NOTIFICATION OF DEATH*

1. If a national of one Contracting Party dies in the territory of the other Contracting Party, the competent institution shall immediately notify the diplomatic mission or consular office of the other Contracting Party accordingly. At the same time it shall communicate to it whatever information is available concerning the successors and their domicile or residence, the estate and the will if one exists.

2. If the diplomatic mission or consular office learns of the death first it shall be required to notify the competent authority of the country of residence with a view to the protection of the estate.

## MEASURES FOR THE PROTECTION OF THE ESTATE

*Article 34*

If an estate is left in the territory of one Contracting Party by a national of the



other Contracting Party, the competent institution shall, in accordance with the law of its own State, take such measures as are necessary for the protection and administration of the estate.

#### *Article 35*

If a national of one Contracting Party dies during a temporary stay in the territory of the other Contracting Party, his personal effects shall be delivered on the basis of an inventory without any formal proceedings to the diplomatic mission or consular office of the Contracting Party of which the decedent was a national, in accordance with the provisions of the law of the Contracting Party in whose territory the effects are situated.

#### *Article 36. READING OF WILLS*

The opening and reading of the will shall be within the jurisdiction of the legal institution of the Contracting Party in whose territory the will is to be found.

Each Contracting Party shall transmit, upon request, to the legal institution of the Contracting Party conducting the succession proceedings a copy of the will and a report on the condition and contents of the will, as well as a report on the reading of the will.

#### *Article 37. ESCHEAT*

In the case of an escheated estate the movable property shall revert to the Contracting Party of which the decedent was a national at the time of his death and the immovable property shall revert to the Contracting Party in whose territory it is situated.

#### *Article 38. DELIVERY OF THE ESTATE*

The movable estate of the monies realized from the sale of the movable or immovable estate shall, after completion of the succession proceedings, be delivered to successors having their domicile or residence in the territory of the other Contracting Party; where it is impossible for the estate or the monies realized to be delivered to the heirs or their representatives, the estate or monies shall be delivered to the diplomatic mission or consular office of that Contracting Party in accordance with the provisions of the law of the Contracting Party in whose territory the estate is situated.

### *5. RECOGNITION AND ENFORCEMENT OF JUDGEMENTS*

#### *Article 39. RECOGNIZABLE AND ENFORCEABLE JUDGEMENTS*

1. In accordance with the provisions of this Agreement, after its entry into force, both Contracting Parties shall recognize and enforce in their territory the following judgements which become final in the territory of the other Contracting Party:

- (a) Final judgements in civil and family cases;
- (b) Final judgements in criminal cases relating to damages for injury resulting from the commission of an offence.

*Article 40.* PREREQUISITES FOR THE RECOGNITION AND ENFORCEMENT OF  
• JUDGEMENTS

The judgements mentioned in article 39 of this Agreement shall be recognized and their enforcement shall be authorized under the following conditions:

1. Where the judgement is final and enforceable in accordance with the law of the Contracting Party in whose territory it was rendered.
2. Where the court of the Contracting Party in whose territory the judgement was rendered has jurisdiction under the law of the Contracting Party in whose territory recognition and enforcement are sought.
3. Where a party who did not participate in the court proceedings and against whom the judgement was rendered was served, or that party's representative was served, in due time, with a summons in accordance with the law of the Contracting Party in whose territory the judgement was rendered.
4. Where a court of the Party applied to has not rendered a final judgement in the same case.

*Article 41.* APPLICATIONS FOR AUTHORIZATION OF ENFORCEMENT OF  
JUDGEMENTS

1. An application for authorization of enforcement of a judgement may be made directly to the competent court of the Contracting Party in whose territory the judgement is to be enforced or to the court which rendered judgement in the case at first instance. In the latter case, applications addressed to the competent courts of the other Contracting Party shall be transmitted in the manner prescribed in article 3 of this Agreement.

2. The application for authorization of enforcement shall be accompanied by the following documents:

- (a) The original text of the judgement or a certified copy of the judgement as well as an official document confirming that the judgement has become final and is enforceable where this is not shown in the text of the judgement;
- (b) A certificate showing that a party who did not participate in the proceedings and against whom judgement was rendered was notified in due time and in proper form that the case was under examination, in accordance with the law of the Contracting Party in whose territory the judgement was rendered.

*Article 42.* PROCEDURE FOR THE ENFORCEMENT OF JUDGEMENTS

The court of the Contracting Party in whose territory the enforcement procedure takes place shall apply the law of its own State.

*Article 43.* DELIVERY OF ARTICLES AND TRANSFER OF FUNDS

In the event of enforcement, the delivery of articles or transfer of funds shall be effected in accordance with the law of the Contracting Party in whose territory the articles or funds are.

Chapter II. LEGAL ASSISTANCE IN CRIMINAL CASES

*Article 44.* OBLIGATION TO INSTITUTE PROSECUTION PROCEEDINGS

1. Each Contracting Party undertakes at the request of the other Contracting Party to institute, in accordance with its own law, proceedings for the prosecution of one of its nationals where there is sufficient evidence that he has committed an

extraditable offence in the territory of the other Contracting Party. The request shall be accompanied by documents containing the particulars of the offence and all available evidence concerning the commission of the offence.

2. The Contracting Party applied to shall inform the other Contracting Party of the results of the criminal proceedings and, where final sentence is pronounced, shall also transmit a copy thereof.

#### *Article 45. NOTIFICATION OF SENTENCES*

1. Each Contracting Party shall communicate to the other Contracting Party information concerning final sentences pronounced by courts against nationals of the other Contracting Party.

2. At the request of the courts or procurators, each Contracting Party shall send information concerning the criminal record of persons prosecuted or tried in the territory of the other Contracting Party.

#### *Article 46. OBLIGATION TO EXTRADITE*

Each Contracting Party undertakes to extradite, at the request of the other Contracting Party, persons in its territory for the purpose of criminal prosecution, trial or the execution of a sentence in the territory of the other Contracting Party.

#### CONDITIONS FOR EXTRADITION

##### *Article 47*

Extradition for the purpose of criminal prosecution or trial may be allowed only where, under the law of both Contracting Parties, the offence is punishable with deprivation of liberty for a term of more than two years or with a heavier penalty. Extradition with a view to the execution of a sentence may be allowed only where the sentence entails a term of more than a year or a heavier penalty.

##### *Article 48*

1. The following may not be extradited:

- (a) Persons who are nationals of the Contracting Party applied to;
- (b) Non-nationals who are domiciled in the territory of the Contracting Party applied to.

2. Extradition shall not be allowed where:

- (a) The offence was committed in the territory of the Party applied to;
- (b) Under the law of both Contracting Parties criminal proceedings may be instituted only on the complaint of the injured party;
- (c) Exemption from prosecution or punishment has been acquired through amnesty or lapse of time under the law of one Contracting Party or there are other causes preventing prosecution or punishment, such as reconciliation of the parties, the granting of a pardon or the like;
- (d) The offence has been the subject of a final judgement pronounced by a competent court of the Contracting Party applied to or the criminal prosecution has been discontinued.

#### *Article 49. METHOD OF COMMUNICATION*

In matters relating to extradition and the institution of criminal prosecution

affecting persons to be extradited the Contracting Parties shall communicate with one another through the diplomatic channel.

*Article 50. DOCUMENTS TO ACCOMPANY THE REQUISITION FOR EXTRADITION*

The requisition for extradition shall be accompanied by:

- (a) A certified copy of the warrant of arrest and, in the case of extradition for the purpose of execution of a sentence, a certified copy of the final sentence;
- (b) A copy of the texts of the appropriate statutes;
- (c) Information concerning the time and place of commission of the offence and the extent of the material damage occasioned by the offence;
- (d) Information concerning the length of the unserved sentence in the case of a convicted person who has only served a part of the sentence;
- (e) Any information that could facilitate the identification of the person claimed.

*Article 51. SUPPLEMENTARY INFORMATION*

If all the information required is not provided in the requisition for extradition, the Contracting Party applied to may request supplementary information, the other Party being required to comply with the request within two months.

DETENTION PENDING EXTRADITION

*Article 52*

The Contracting Party applied to shall take immediate steps, in accordance with the conditions specified in this Agreement, to detain the person claimed.

*Article 53*

If the supplementary information concerning the person claimed is not submitted within the time-limit specified in article 51 of this Agreement, the Party applied to shall order the release of the person detained.

*Article 54. POSTPONEMENT OF EXTRADITION*

Extradition may be postponed if the person claimed is involved in criminal proceedings or is required to serve a sentence entailing deprivation of liberty pronounced by a court of the Contracting Party applied to.

*Article 55. TEMPORARY EXTRADITION*

If the postponement of extradition may result in exemption from prosecution being acquired by lapse of time or may prejudice the investigation of the offence, extradition may be allowed on the express condition that the person claimed is returned immediately after completion of the proceedings for which the extradition was allowed.

*Article 56. RECEIPT OF REQUISITIONS FOR EXTRADITION FROM MORE THAN ONE STATE*

If requisitions for extradition are received from more than one State, the Party applied to shall decide to which State the person claimed shall be extradited.

*Article 57. LIMITS TO CRIMINAL ACTION IN RESPECT OF THE EXTRADITED PERSON*

An extradited person may not be prosecuted or tried for an offence other than that for which he was extradited, may not be required to serve a sentence other than that for which extradition was obtained and may not be extradited to a third State unless:

- (a) The Party applied to consents thereto;
- (b) While able to do so, the extradited person fails to leave the territory of the applicant Party within one month after the conclusion of the criminal proceedings or completion of the sentence or returns to that territory after leaving it.

*Article 58. INFORMATION CONCERNING THE RESULTS OF THE CRIMINAL PROCEEDINGS*

The applicant Contracting Party shall inform the Party applied to of the results of the prosecution of the person extradited.

If the extradited person was convicted, a copy of the final judgement shall be transmitted to the other Party.

*Article 59. SURRENDER*

1. The Contracting Party applied to shall, if it agrees to the extradition, notify the other Contracting Party of the place and date of the surrender of the person concerned.

2. If the applicant Contracting Party fails to accept the person to be extradited at the place and on the date set in accordance with paragraph 1 of this article, such person may be released from custody.

*Article 60. RE-EXTRADITION*

If an extradited person in one way or another evades prosecution or punishment and reappears in the territory of the Contracting Party applied to he shall, in the event of a new requisition for extradition, be extradited without production of the documents specified in article 50 of this Agreement.

*Article 61. DELIVERY OF ARTICLES*

1. At the request of the applicant Contracting Party, the Contracting Party applied to shall deliver:

- (a) Articles that can be used as evidence; such articles shall be delivered even in cases when extradition cannot take place by reason of death or other circumstances;
- (b) Articles acquired through or used in the commission of the offence.

2. The Contracting Party applied to may temporarily withhold the articles referred to in paragraph 1 of this article if it needs them in connexion with other criminal proceedings.

3. The rights of the Party applied to or of third parties to such articles shall remain unaffected. Where such rights exist, the articles shall be returned to the Party applied to immediately after the conclusion of the proceedings.

## PART III. FINAL PROVISIONS

*Article 62*

1. This Agreement shall be subject to ratification and shall enter into force 30 days after the exchange of the instruments of ratification, which shall take place at Bucharest.

2. This Agreement is concluded for a period of five years. If neither Contracting Party denounces it, in writing, six months before the expiry of that period, it shall be extended for successive periods of five years.

DONE at P'yongyang on 2 November 1971, in duplicate in the Romanian and Korean languages, both texts being equally authentic.

IN WITNESS WHEREOF the plenipotentiaries of both Contracting Parties have signed this Agreement and have thereto affixed their seals.

For the State Council  
of the Socialist Republic  
of Romania:

[AUREL MĂLNĂȘAN]

For the Presidium of the Supreme  
People's Assembly of the Democratic  
People's Republic of Korea:

[RI MAN SAK]