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Coll 17/6 'Iraq and Persia: judicial cooperation agreement'

Holding Institution	British Library: India Office Records and Private Papers
Reference	IOR/L/PS/12/2850
Date(s)	16 Sep 1931-27 Oct 1932 (CE, Gregorian)
Written in	English in Latin
Extent and Format	1 file (36 folios)
Copyright for document	<u>Unknown</u>



About this record

Copy correspondence between the Iraqi Minister for Foreign Affairs ('Abdulla Beg Al Damluji, then Ja'far Al 'Askari), the High Commissioner for Iraq (Sir Francis Humphrys), and the Government of Persia [Iran], regarding discussions over a proposed Judicial Co-operation Agreement. The correspondence was forwarded to the India Office Political Department by the Colonial Office, for information.

A draft of the Judicial Co-operation Agreement can be found at folios 29-35.

The file includes a divider which gives a list of correspondence references contained in the file by year. This is placed at the end of the correspondence (folios 1).

Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [front] (1/72)

Previous File :
Next File :

No. ⁽¹⁾ 17
File 6

POLITICAL (EXTERNAL) DEPARTMENT.
COLLECTION.

GENERAL HEADING { Iraq
Persia

SUB-HEAD { Judicial Co-operation Agreement.

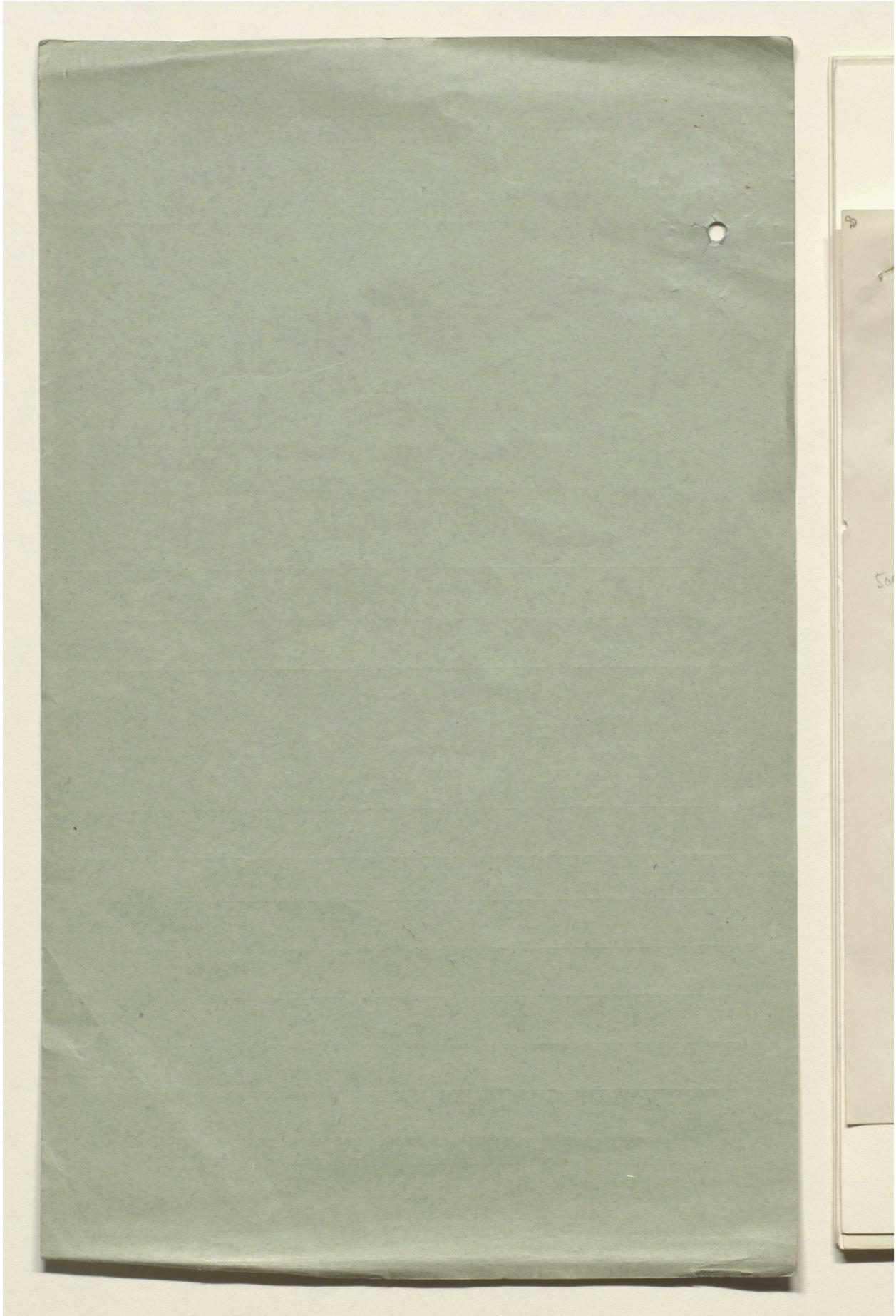
Notes: Coll. ⁶/₈₇ - Arrangements between British India & Saudi Arabia for reciprocal service of summonses

This File contains the following papers :—

YEAR.	
1931	P. 2. 5899. 6821.
1932	P. 2. 1053. 1762. 2011. 5041. 6404
19	. P.

 Papers may be removed from or placed within this File only by the Political Registry.

49878 1000 1230



INDEXED
In any further communication on this subject, please quote
No. T1824/86/371.
and address—not to any person by name, but to—
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

P. 7.
6404
1932

India
MC
Put by
24/10

THE Under-Secretary of State for Foreign Affairs presents his
compliments to the Under Secretary of State for
India, and, by direction of the Secretary of State,
transmits herewith copies of the under-mentioned paper.

Foreign Office, 4th
October 20th, 1932.

PP5041
17/6

Reference to previous correspondence:
Foreign Office letter, no. T9586/86/371, of August 19th, 32

5041

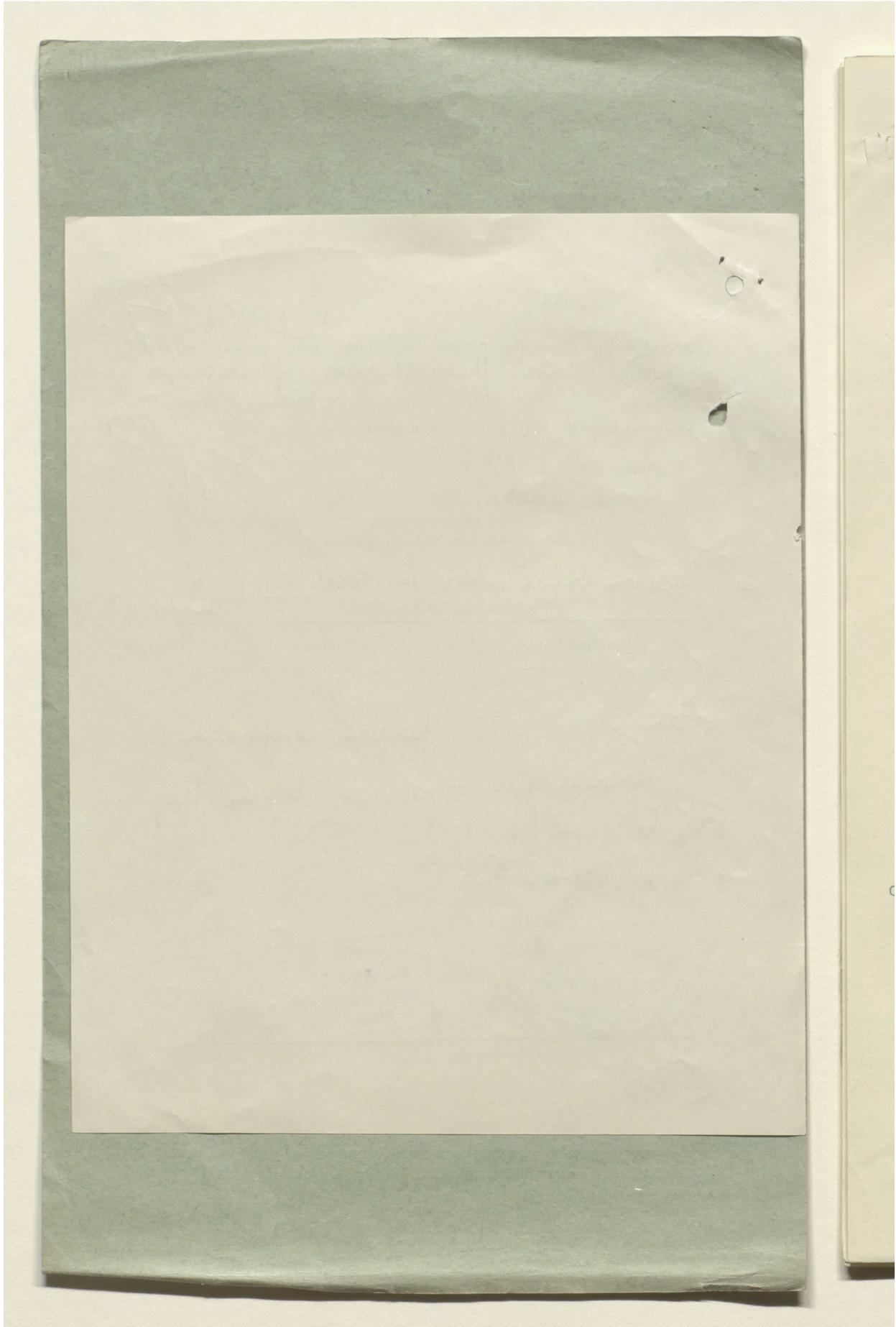
Name and Date.	Subject.
From Colonial Office, no. 96450/32, of October 6 th , 32.	Judicial co-operation agreements between Iraq and Persia.

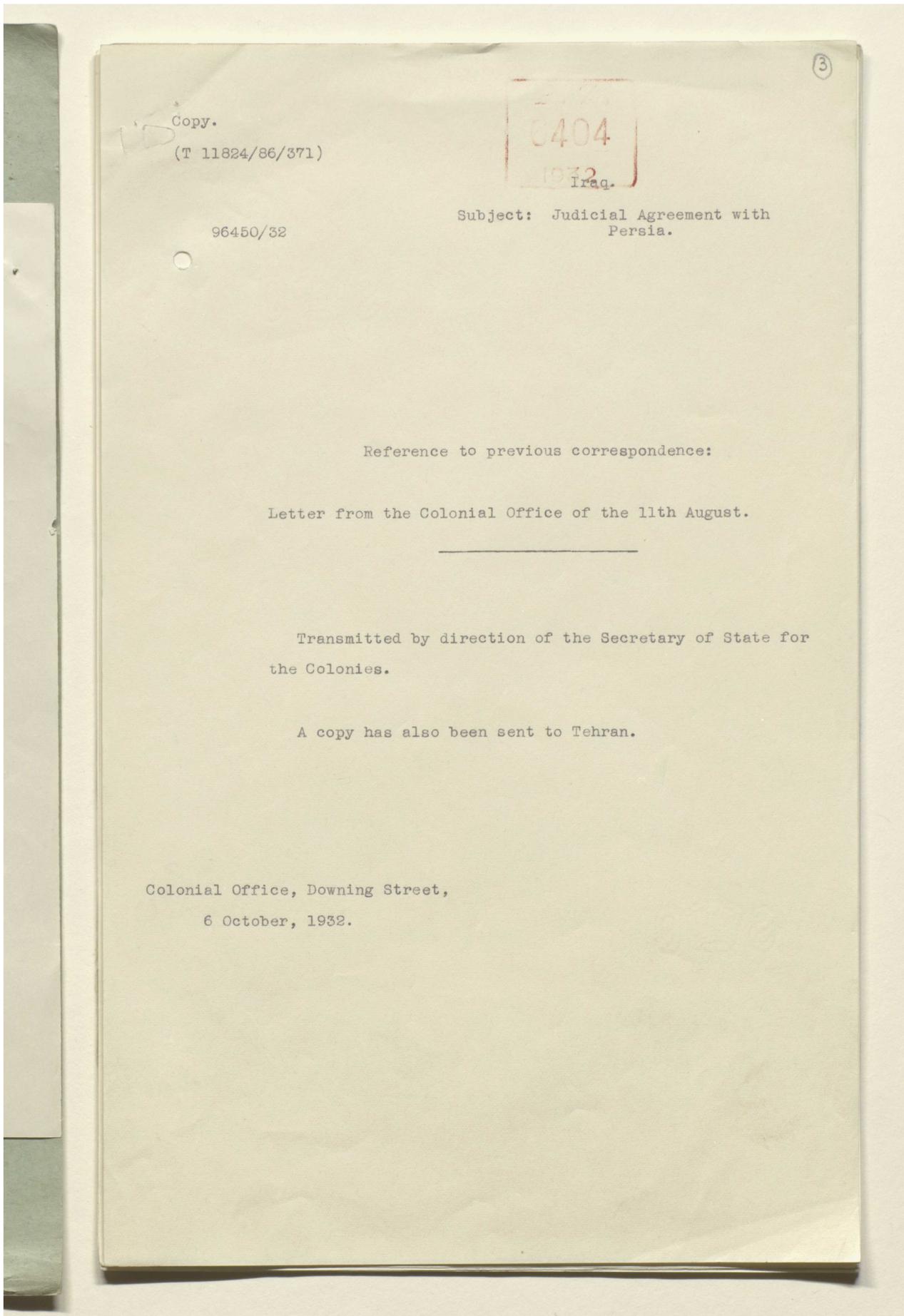
MAILS BRANCH
★ 21 OCT 1932 ★
INDIA OFFICE

ENCLOSURE IN WEEKLY LETTER
NO. 283
27 OCT. 1932
FROM SECRETARY, POLITICAL AND
SECRET DEPT. INDIA OFFICE

Similar letter sent to

14-6130 6353 (2)





Copy.
(T 11824/86/371)

6404
Iraq.

Subject: Judicial Agreement with
Persia.

96450/32

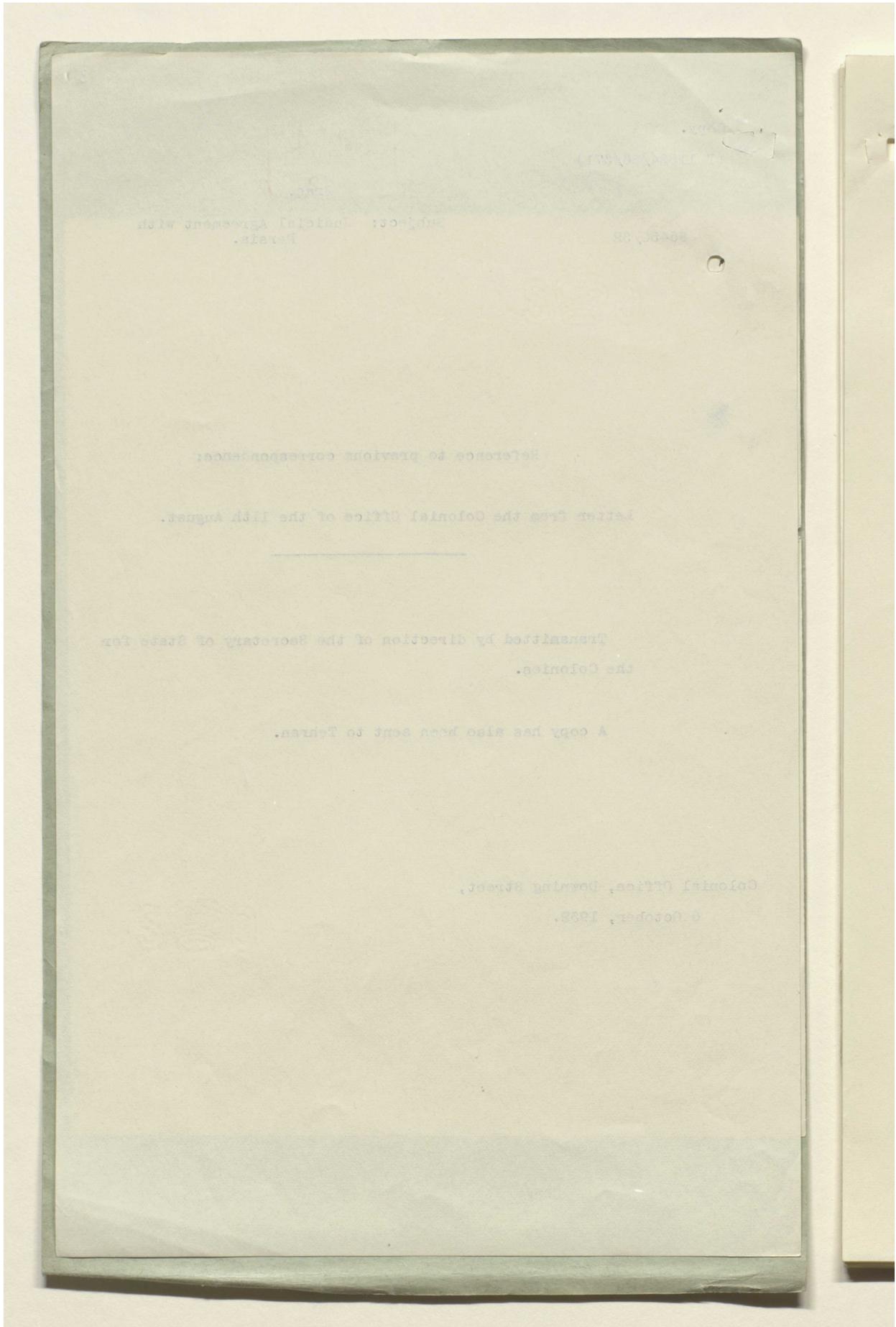
Reference to previous correspondence:

Letter from the Colonial Office of the 11th August.

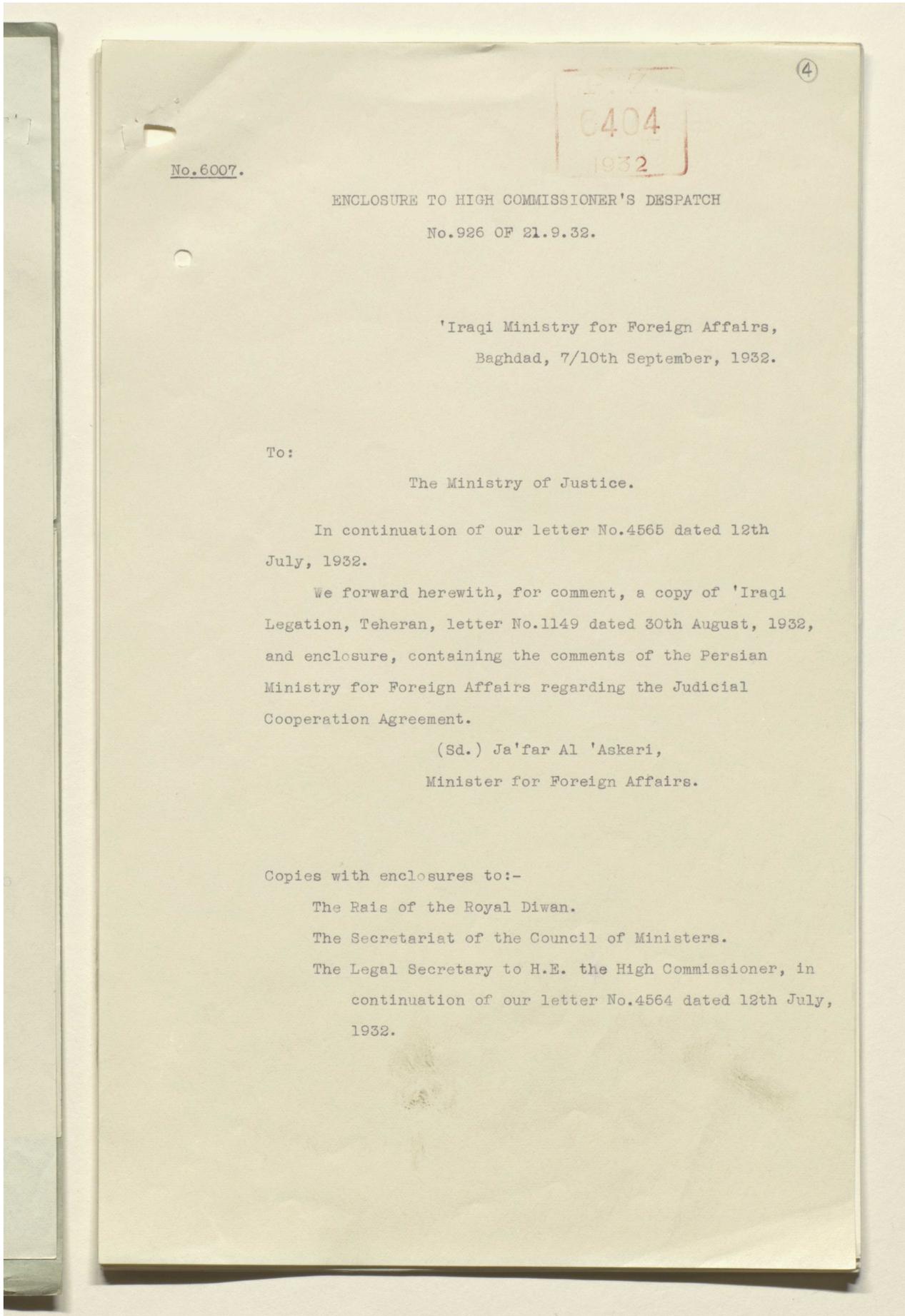
Transmitted by direction of the Secretary of State for
the Colonies.

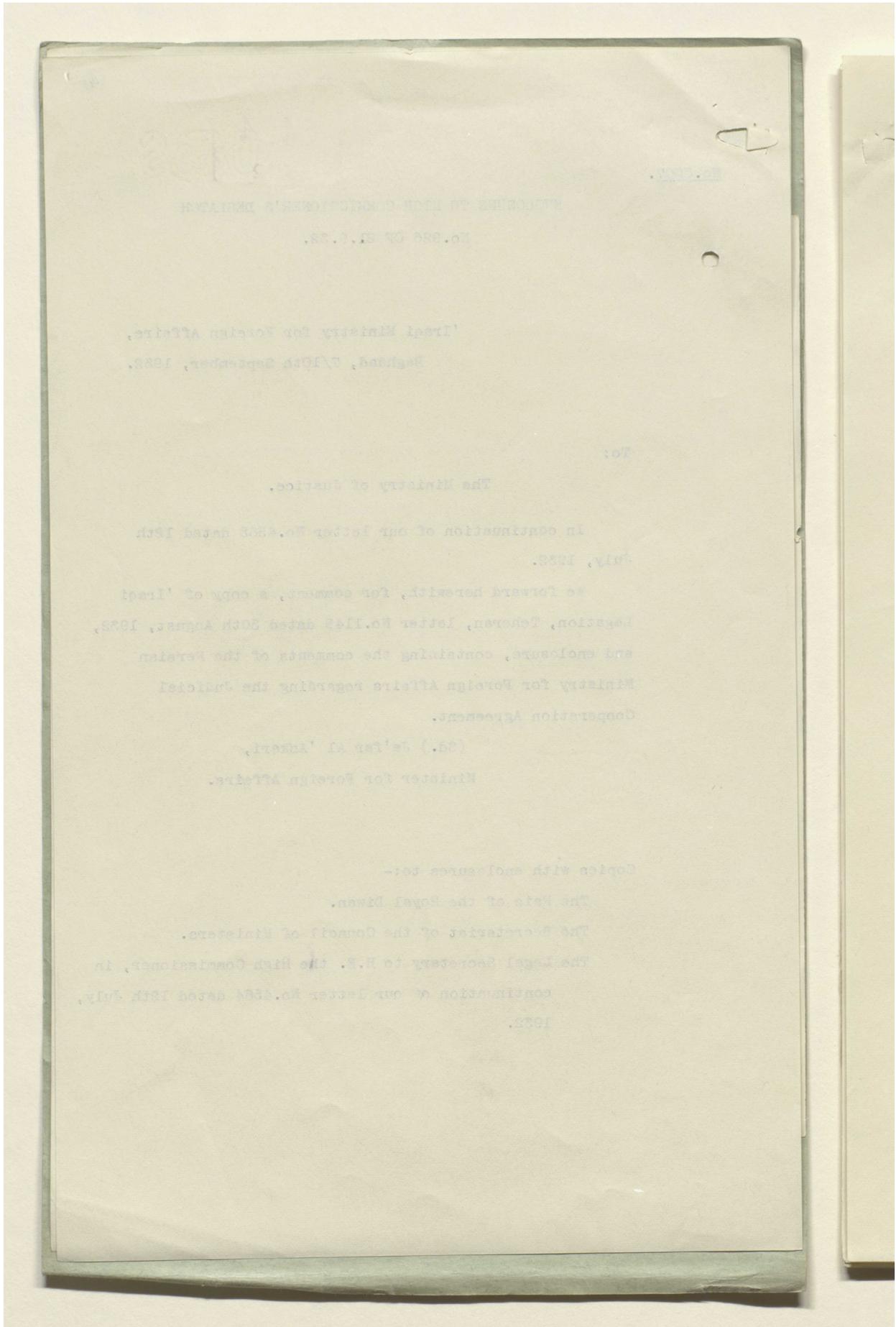
A copy has also been sent to Tehran.

Colonial Office, Downing Street,
6 October, 1932.



Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [4r] (7/72)





Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [5r] (9/72)

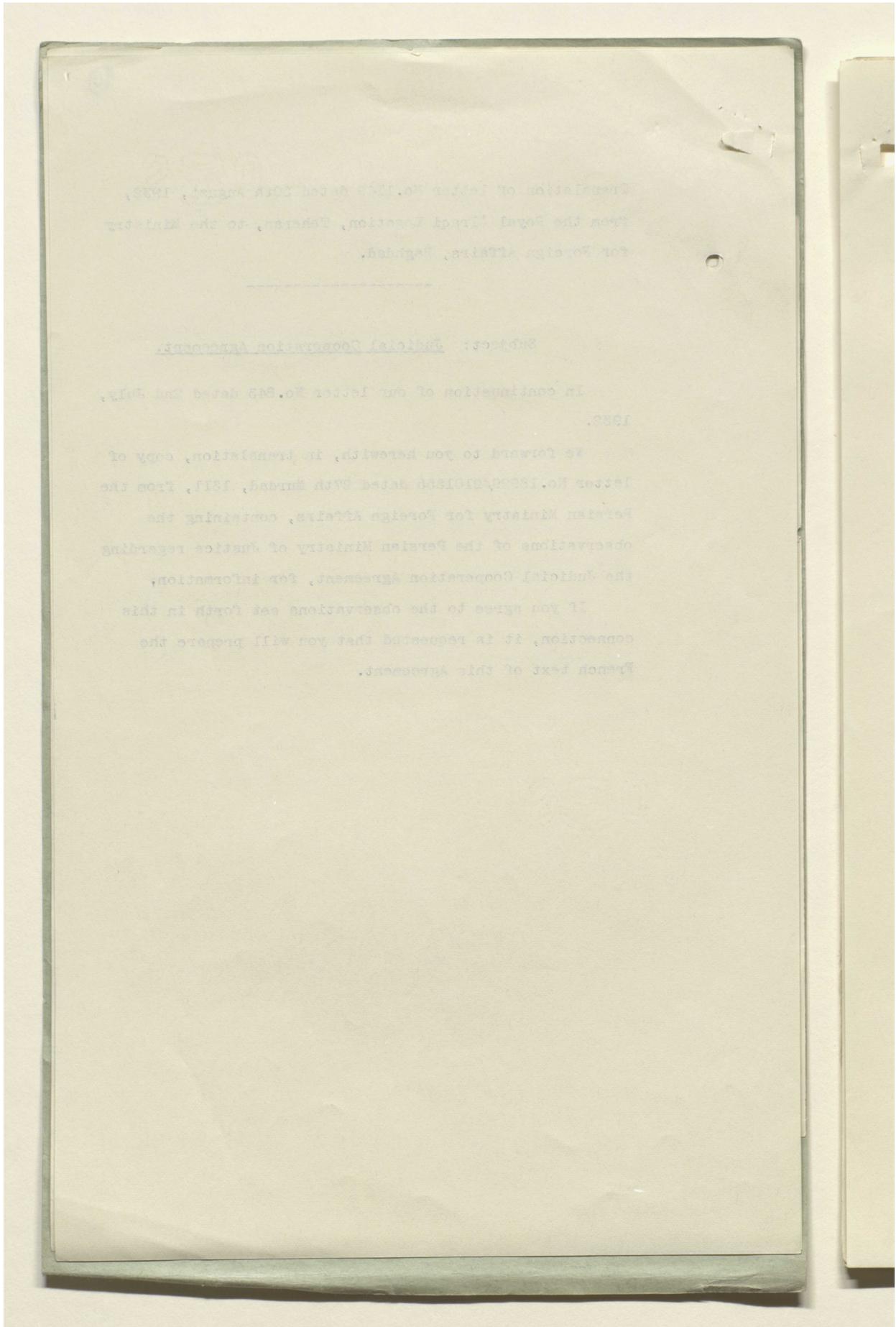
Translation of letter No.1149 dated 30th August, 1932,
from the Royal 'Iraqi Legation, Teheran, to the Ministry
for Foreign Affairs, Baghdad.

Subject: Judicial Cooperation Agreement.

In continuation of our letter No.843 dated 2nd July,
1932.

We forward to you herewith, in translation, copy of
letter No.18929/2101555 dated 27th Mordad, 1311, from the
Persian Ministry for Foreign Affairs, containing the
observations of the Persian Ministry of Justice regarding
the Judicial Cooperation Agreement, for information.

If you agree to the observations set forth in this
connection, it is requested that you will prepare the
French text of this Agreement.



Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [6r] (11/72)

⑥

Translation of letter No.18929/2101555 dated 27th Mordad (15th August, 1932), from the Persian Ministry for Foreign Affairs to His Excellency Tawfiq Beg Al Suwaidi, Minister Plenipotentiary, Teheran.

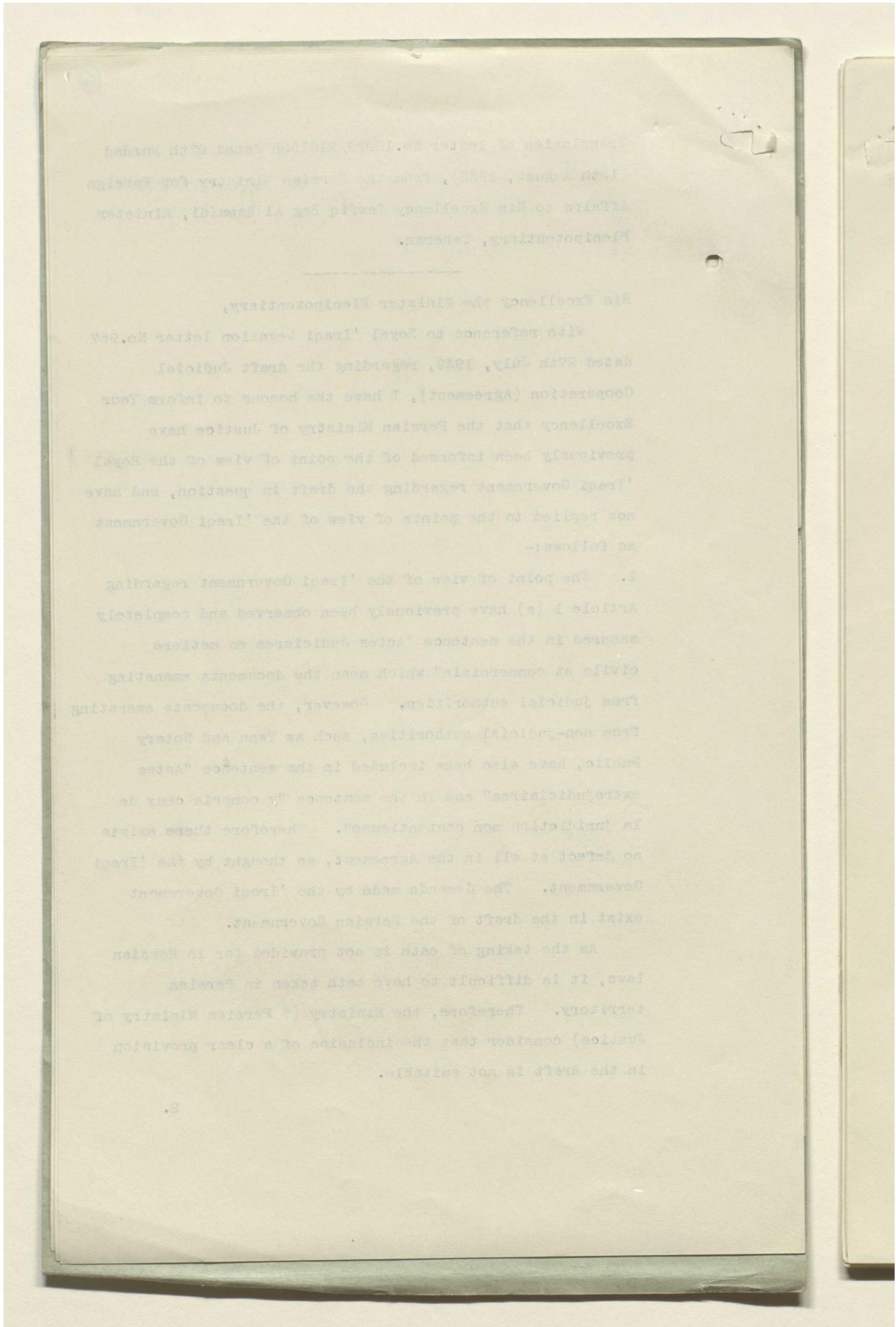
His Excellency the Minister Plenipotentiary,

With reference to Royal 'Iraqi Legation letter No.957 dated 27th July, 1932, regarding the draft Judicial Cooperation (Agreement), I have the honour to inform Your Excellency that the Persian Ministry of Justice have previously been informed of the point of view of the Royal 'Iraqi Government regarding the draft in question, and have now replied to the points of view of the 'Iraqi Government as follows:-

1. The point of view of the 'Iraqi Government regarding Article 1 (a) have previously been observed and completely assured in the sentence "Actes Judiciares en matiere civile et commerciale" which mean the documents emanating from judicial authorities. However, the documents emanating from non-judicial authorities, such as Tapu and Notary Public, have also been included in the sentence "Actes extrajudiciaires" and in the sentence "y compris ceux de la juridiction mon contentieuse". Therefore there exists no defect at all in the Agreement, as thought by the 'Iraqi Government. The demands made by the 'Iraqi Government exist in the draft of the Persian Government.

As the taking of oath is not provided for in Persian laws, it is difficult to have oath taken in Persian territory. Therefore, the Ministry (? Persian Ministry of Justice) consider that the inclusion of a clear provision in the draft is not suitable.

2.

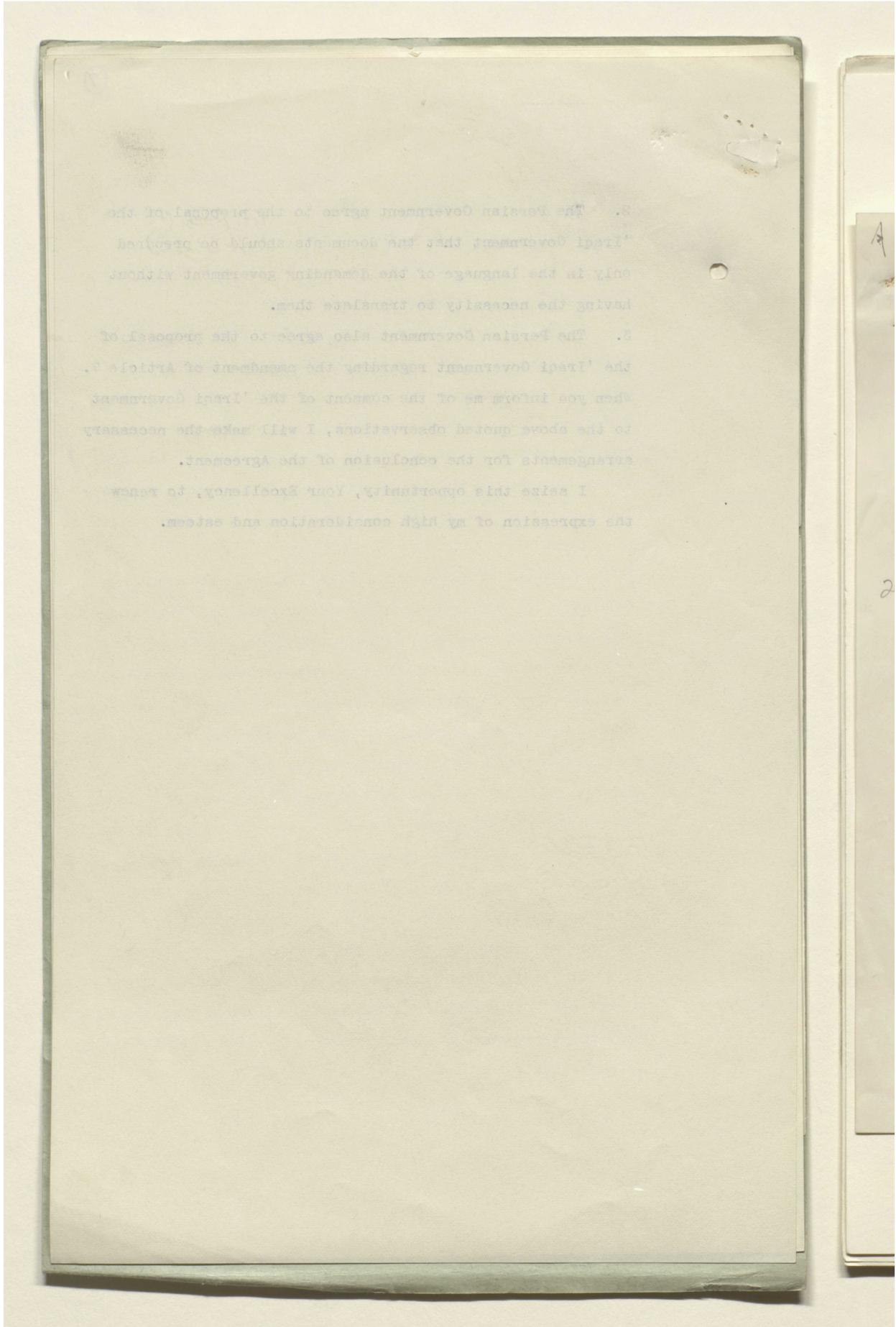


(7)

2. The Persian Government agree to the proposal of the 'Iraqi Government that the documents should be prepared only in the language of the demanding government without having the necessity to translate them.

3. The Persian Government also agree to the proposal of the 'Iraqi Government regarding the amendment of Article 7. When you inform me of the comment of the 'Iraqi Government to the above quoted observations, I will make the necessary arrangements for the conclusion of the Agreement.

I seize this opportunity, Your Excellency, to renew the expression of my high consideration and esteem.



Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [8r] (15/72)

A INDEXED

In any further communication on this subject, please quote
No. T9586/86/371.
and address—not to any person by name, but to—
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

P. Z.
5041
1932

India
mt
TWC
⑧

THE Under-Secretary of State for Foreign Affairs presents his
compliments to the Under Secretary of State for
India, and, by direction of the Secretary of State,
transmits herewith copies of the under-mentioned paper.

Foreign Office,
August. 19th 1932.

pp 2011 - Coll 17/6
Put 3
MC 27/8

Reference to previous correspondence:
2011 Foreign Office letter, no. T3360/86/371, of March 30th 32

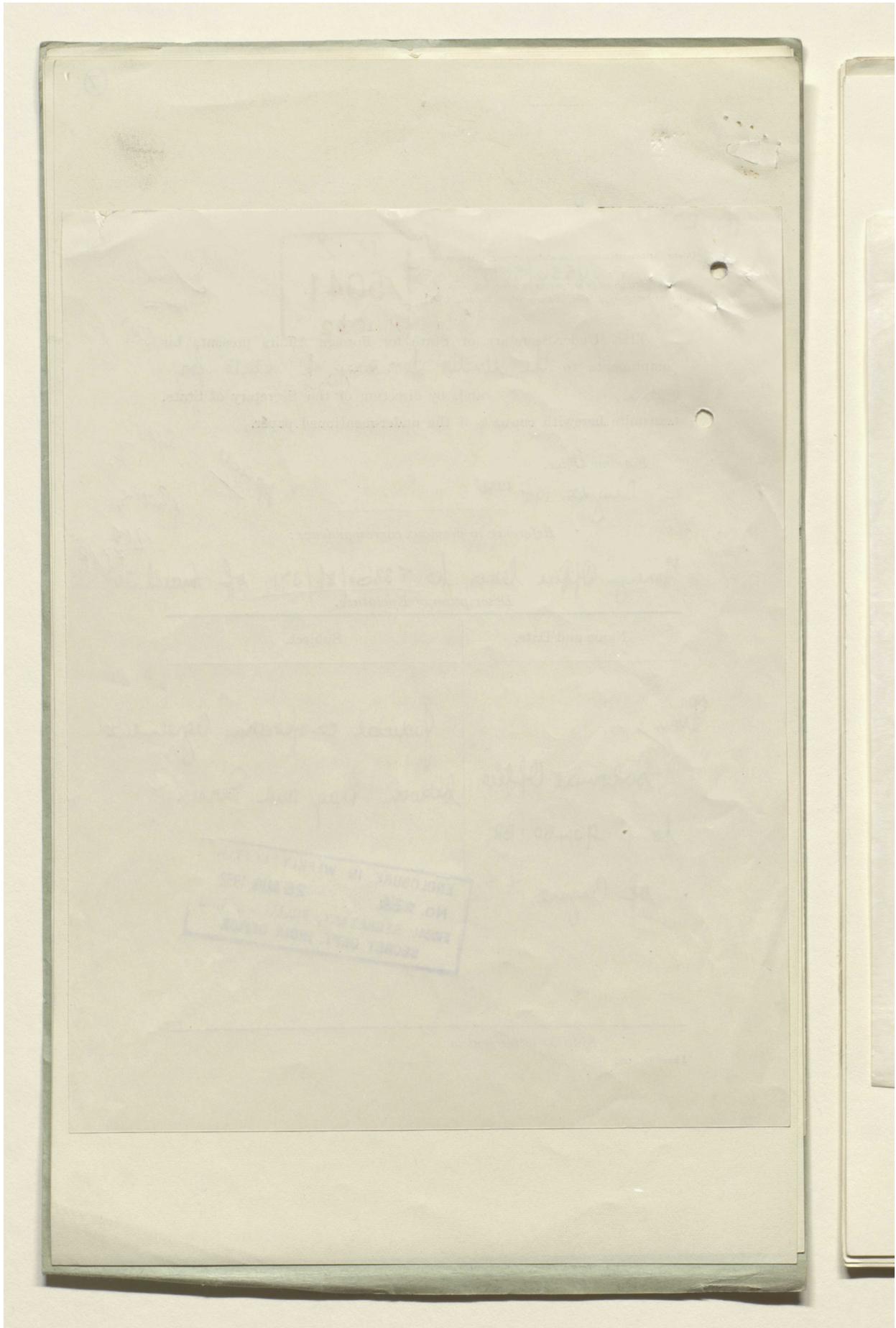
Description of Enclosure.

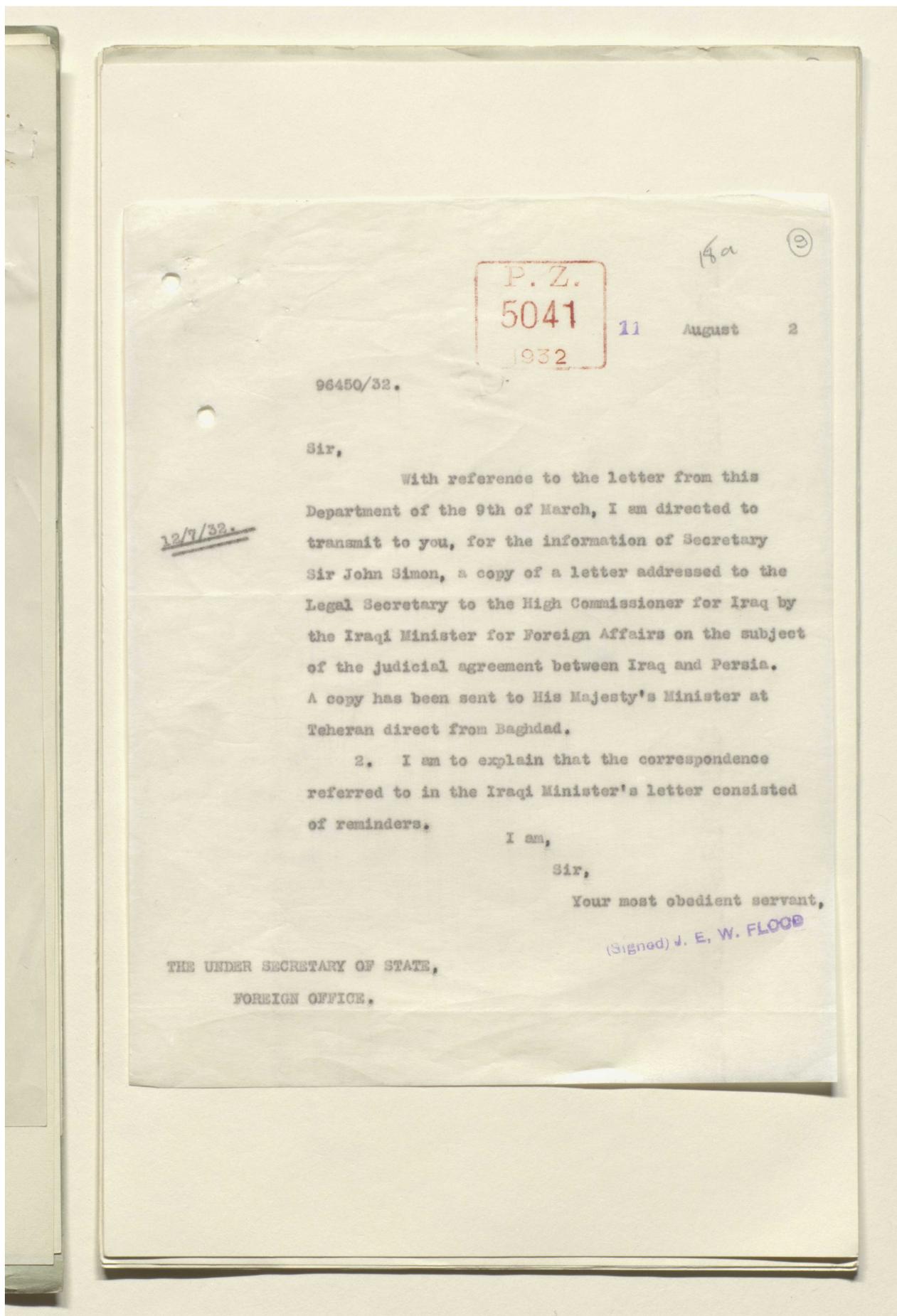
Name and Date.	Subject.
From: Colonial Office, no. 96450/32, of August. 17 th '32	Judicial co-operation Agreement between Iraq and Persia.

ENCLOSURE IN WEEKLY LETTER
NO. 236 **25 AUG. 1932**
FROM: SECRETARY, POLITICAL AND
SECRET DEPT. INDIA OFFICE

Similar letter sent to

14-6130 6353 (2)





96450/32.

Sir,

12/7/32.

With reference to the letter from this Department of the 9th of March, I am directed to transmit to you, for the information of Secretary Sir John Simon, a copy of a letter addressed to the Legal Secretary to the High Commissioner for Iraq by the Iraqi Minister for Foreign Affairs on the subject of the judicial agreement between Iraq and Persia. A copy has been sent to His Majesty's Minister at Teheran direct from Baghdad.

2. I am to explain that the correspondence referred to in the Iraqi Minister's letter consisted of reminders.

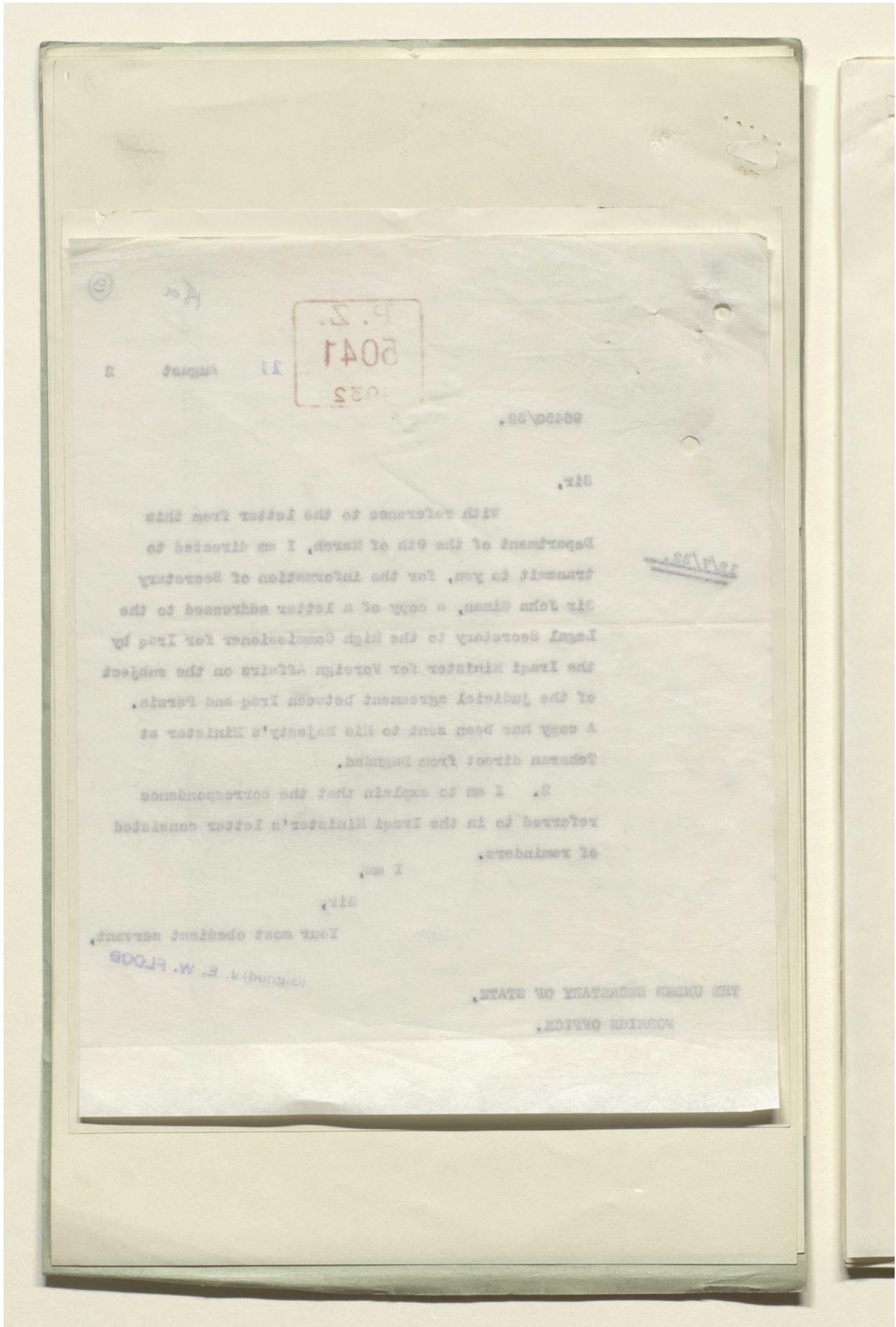
I am,

Sir,

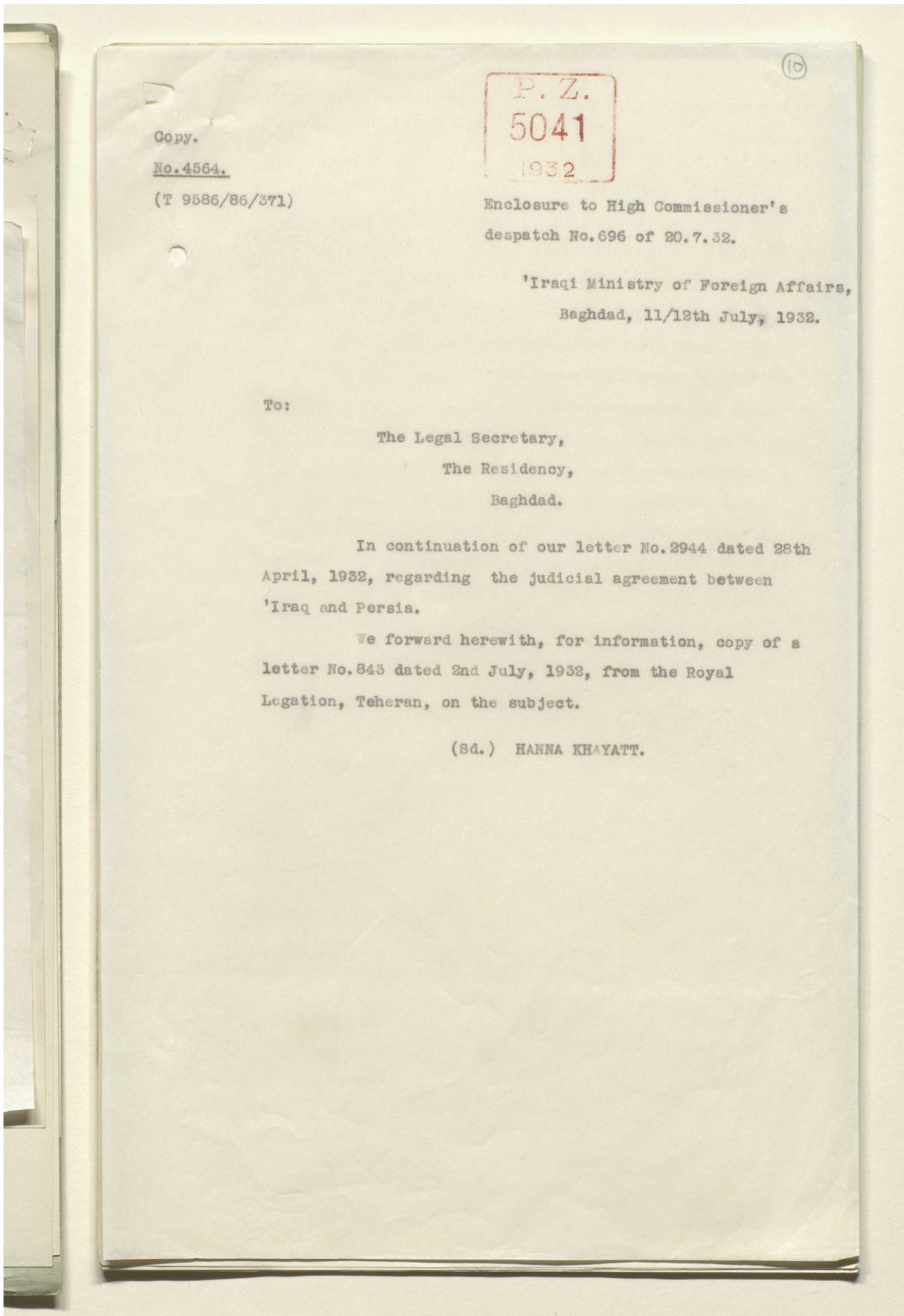
Your most obedient servant,

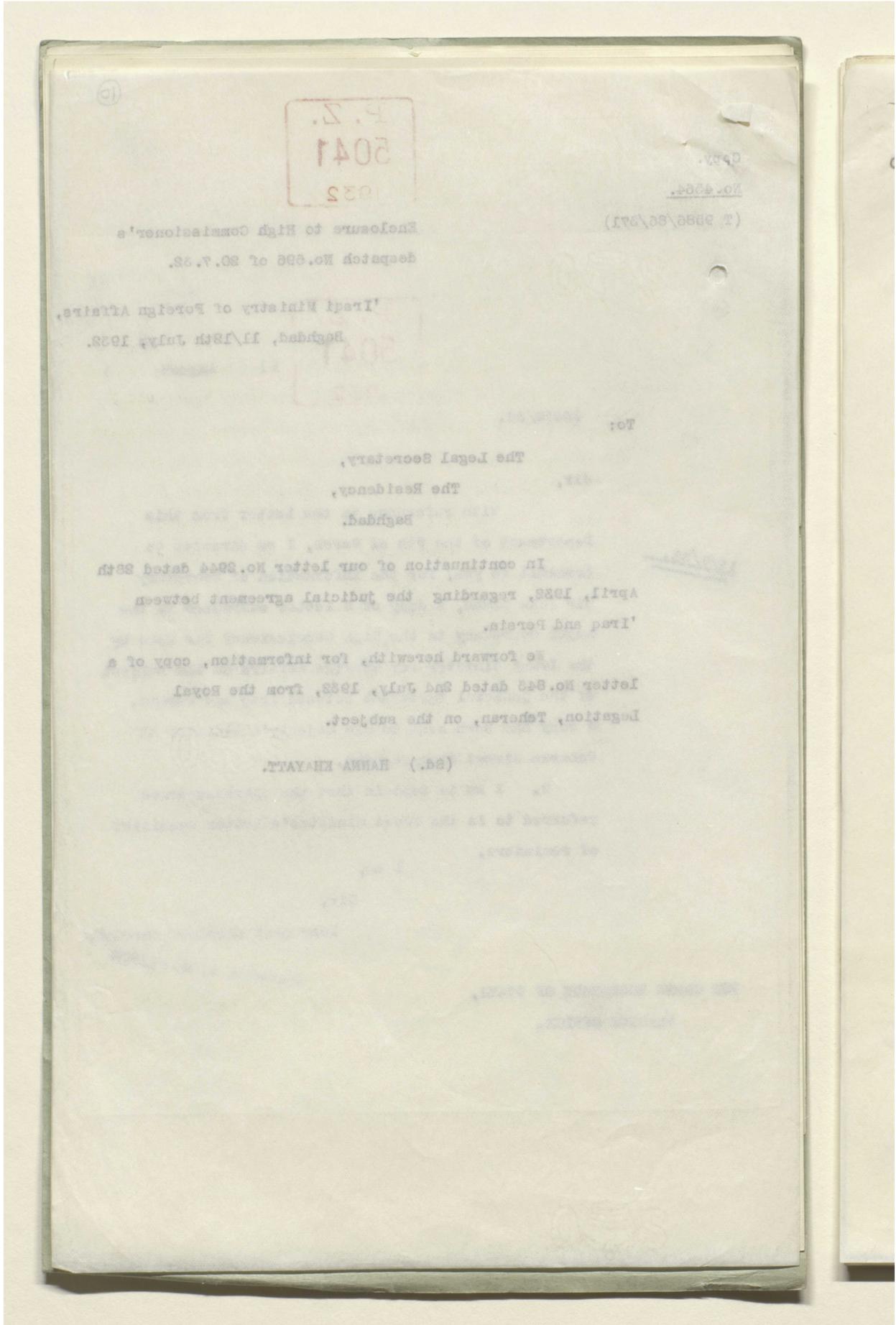
(Signed) J. E. W. FLOOD

THE UNDER SECRETARY OF STATE,
FOREIGN OFFICE,



Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [10r] (19/72)



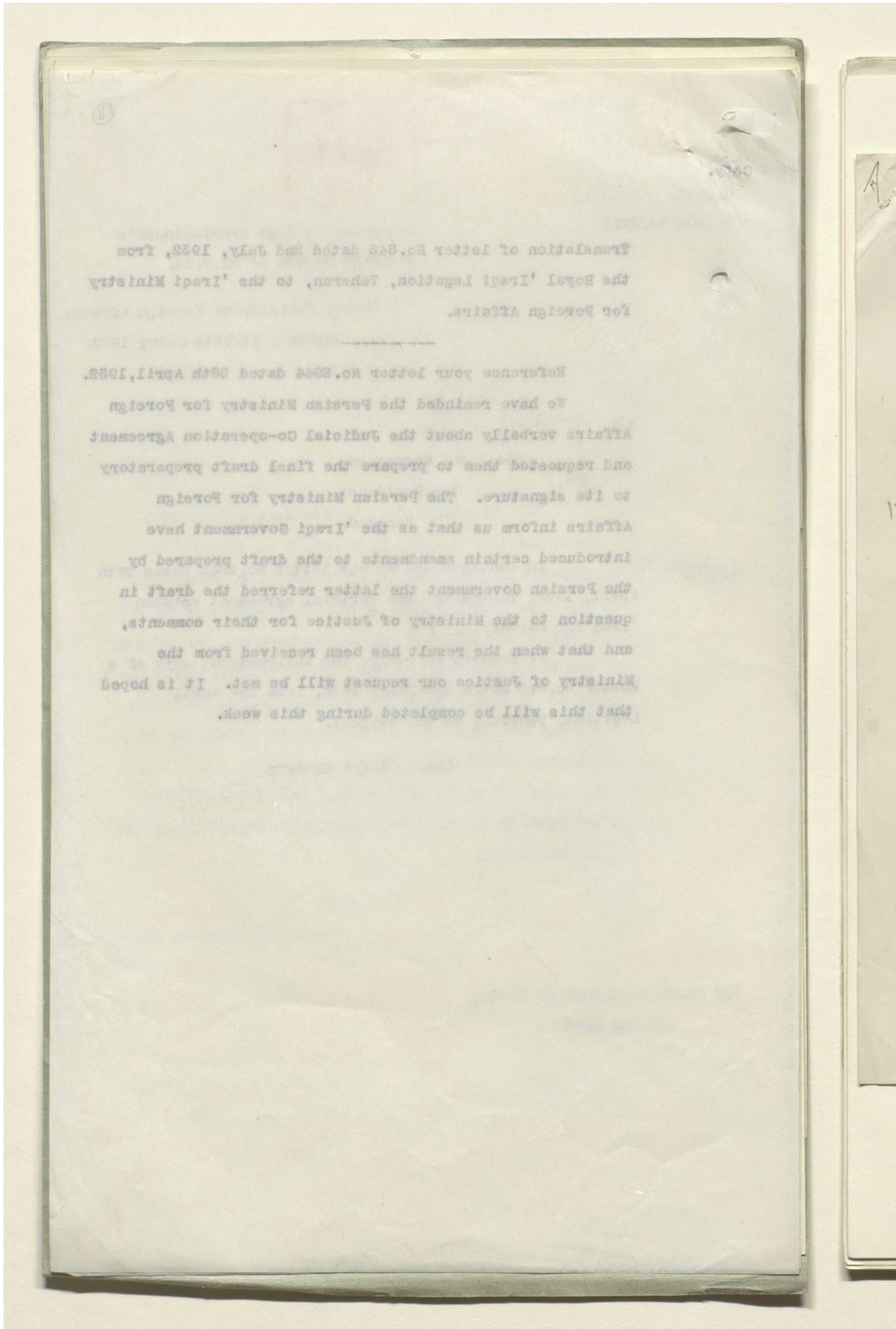


Copy.

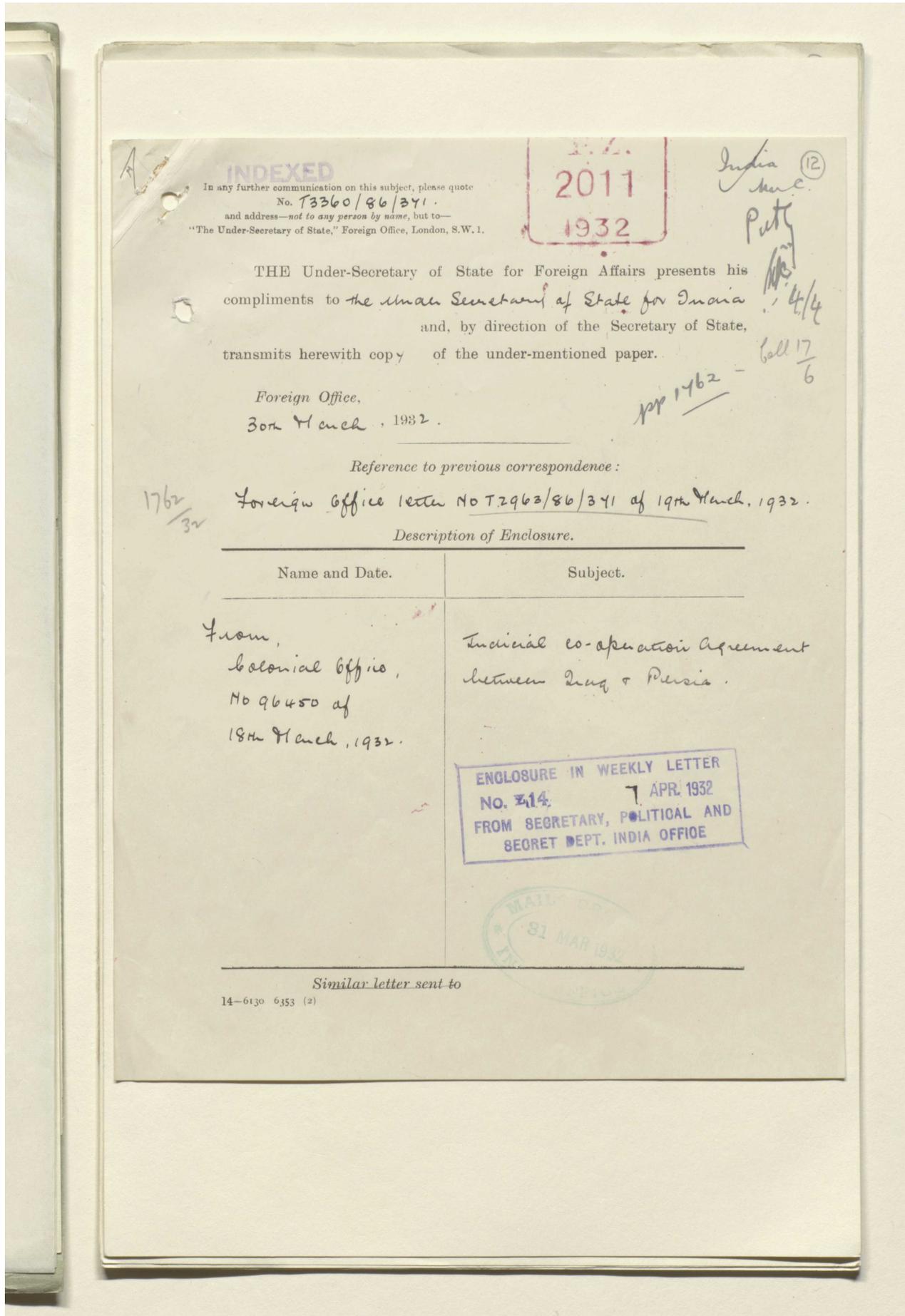
Translation of letter No.843 dated 2nd July, 1932, from
the Royal 'Iraqi Legation, Teheran, to the 'Iraqi Ministry
for Foreign Affairs.

Reference your letter No.2944 dated 28th April,1932.

We have reminded the Persian Ministry for Foreign
Affairs verbally about the Judicial Co-operation Agreement
and requested them to prepare the final draft preparatory
to its signature. The Persian Ministry for Foreign
Affairs inform us that as the 'Iraqi Government have
introduced certain amendments to the draft prepared by
the Persian Government the latter referred the draft in
question to the Ministry of Justice for their comments,
and that when the result has been received from the
Ministry of Justice our request will be met. It is hoped
that this will be completed during this week.



Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [12r] (23/72)



INDEXED

In any further communication on this subject, please quote
No. T3360/86/341.
and address—not to any person by name, but to—
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

2011
1932

India (12)
Part
4/4
Coll 17/6

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for India and, by direction of the Secretary of State, transmits herewith copy of the under-mentioned paper.

Foreign Office,
30th March, 1932.

pp 1762

Reference to previous correspondence:

Foreign Office letter No T2963/86/341 of 19th March, 1932.

Description of Enclosure.

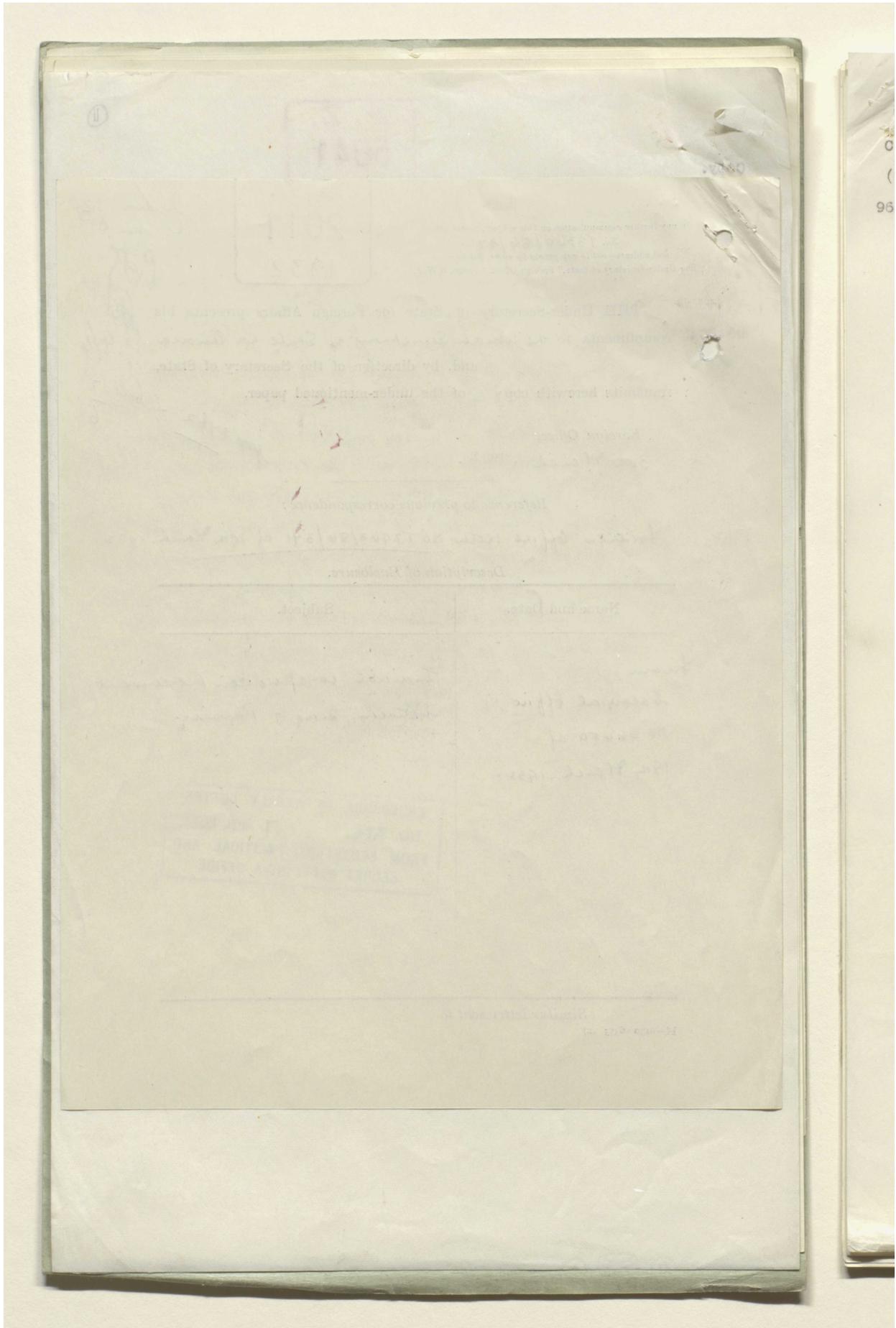
Name and Date.	Subject.
From, Colonial Office, No 96450 of 18th March, 1932.	Judicial co-operation Agreement between Iraq & Persia.

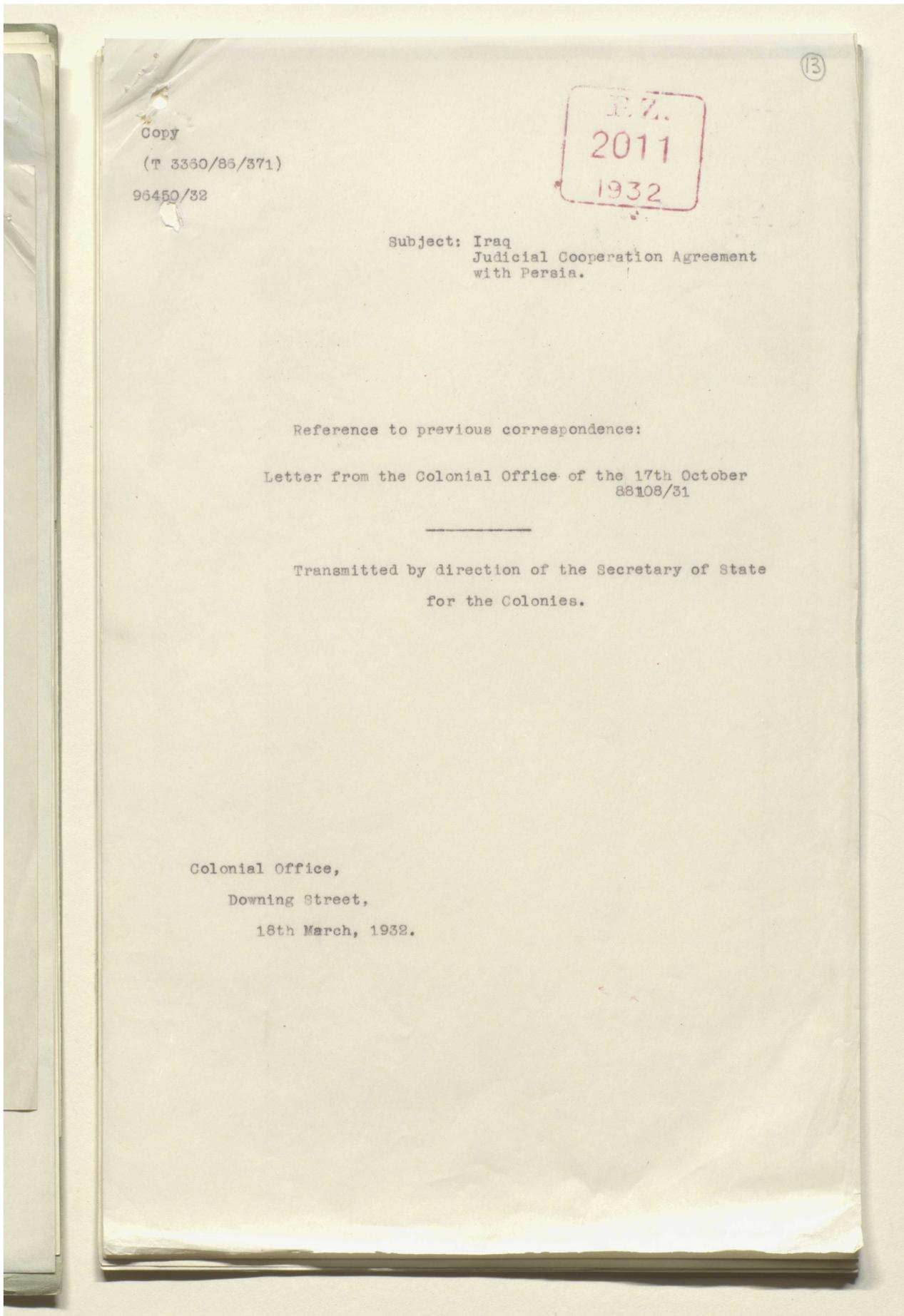
ENCLOSURE IN WEEKLY LETTER
No. 314 7 APR 1932
FROM SECRETARY, POLITICAL AND
SECRET DEPT. INDIA OFFICE

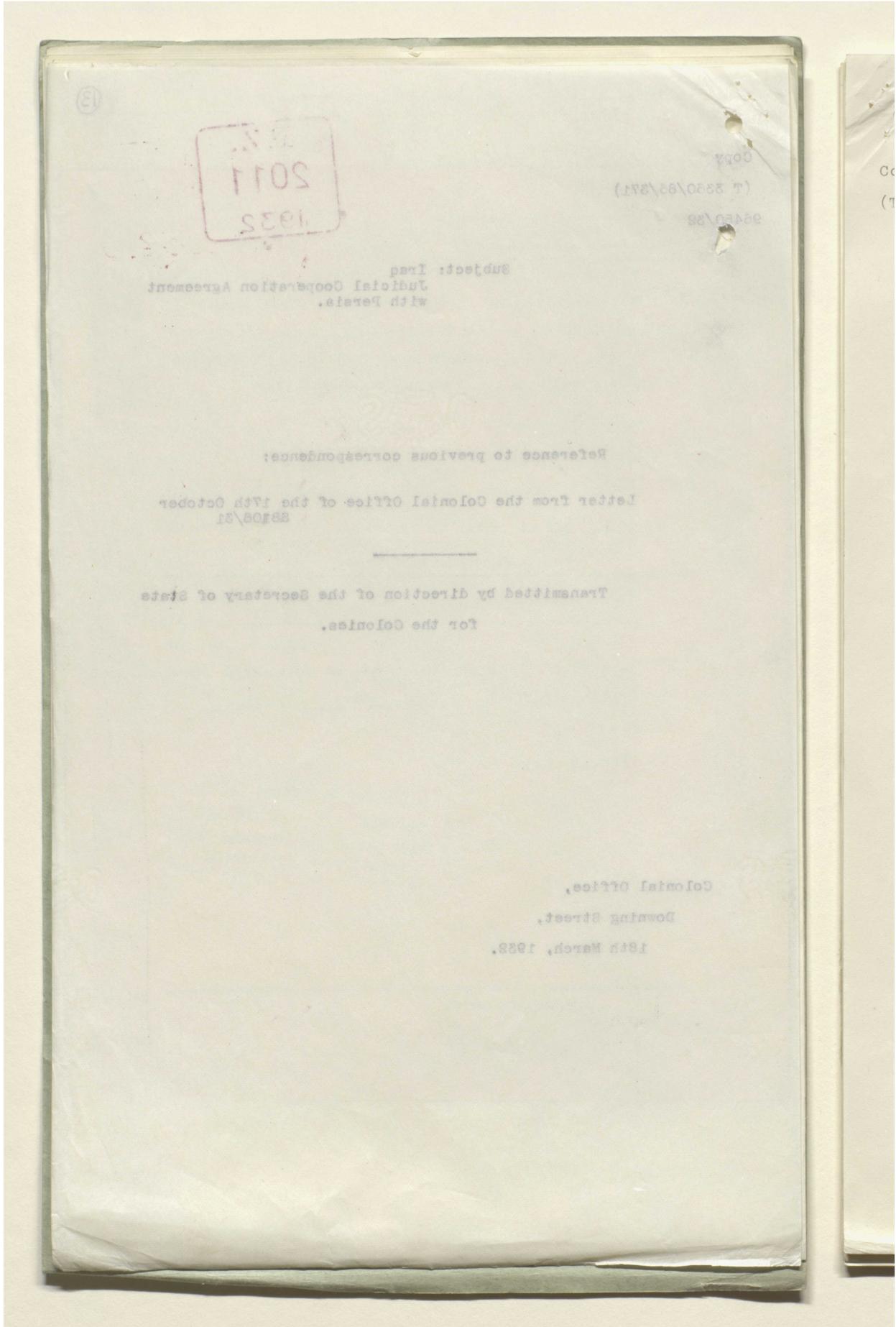
31 MAR 1932

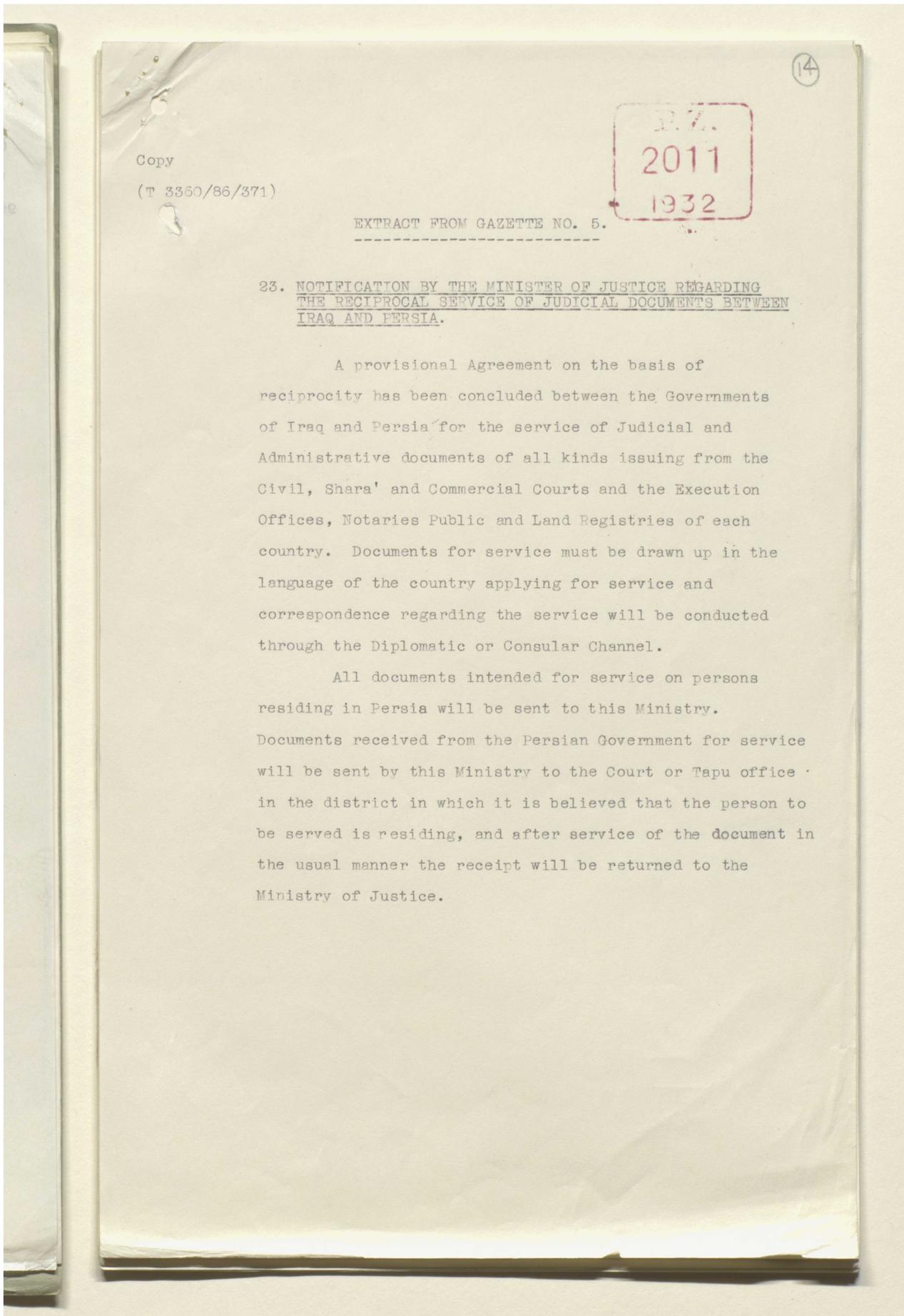
Similar letter sent to

14-6130 6353 (2)

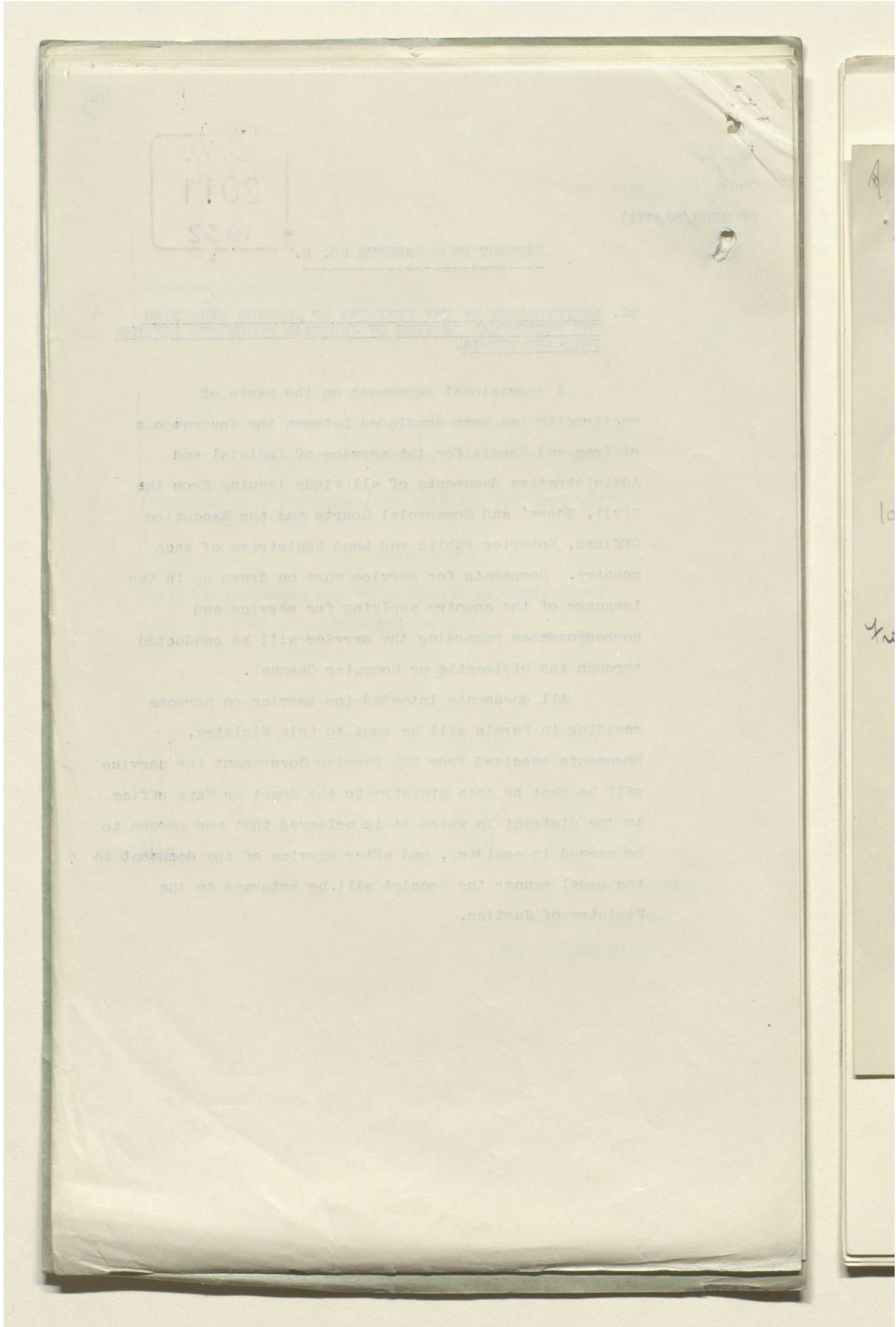








Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [14v] (28/72)



Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [15r] (29/72)

(15)

INDEXED

In any further communication on this subject, please quote
No. T 296386/341.
and address—not to any person by name, but to—
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

P.Z.
1762
1932

*India
mrc*

THE Under-Secretary of State for Foreign Affairs presents his
compliments to *the Under-Secretary of State for India*
and, by direction of the Secretary of State,
transmits herewith copies of the under-mentioned papers.

Foreign Office,
19th March, 1932.

*Publy
Ltr. 2/3
pp 1053
- all 12/6
Box 3*

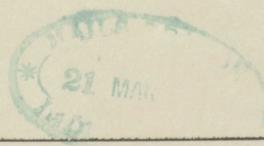
Reference to previous correspondence:

1053/32 Foreign Office letter No. T 1504/86/341 of 14th February, 1932.

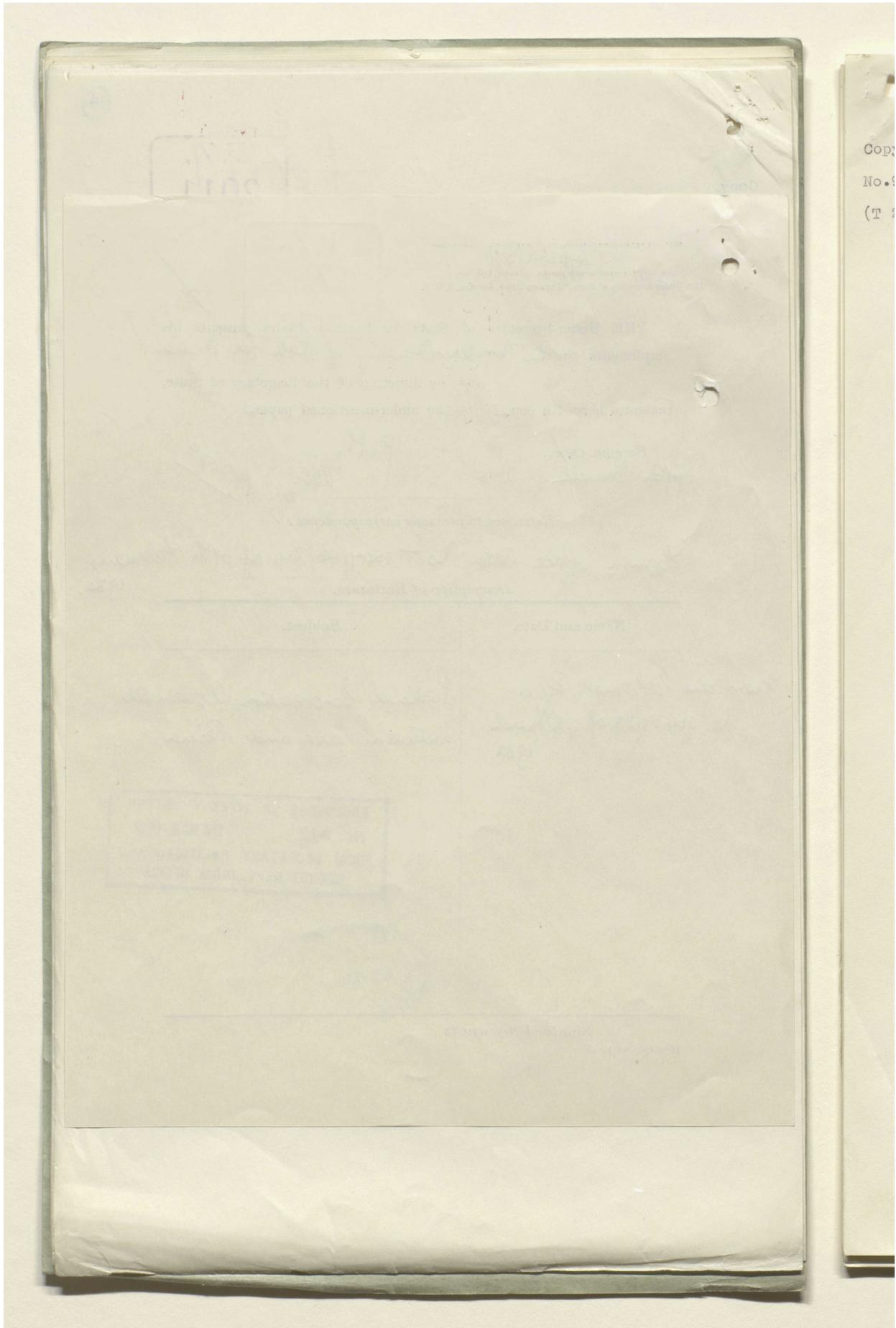
Description of Enclosure.

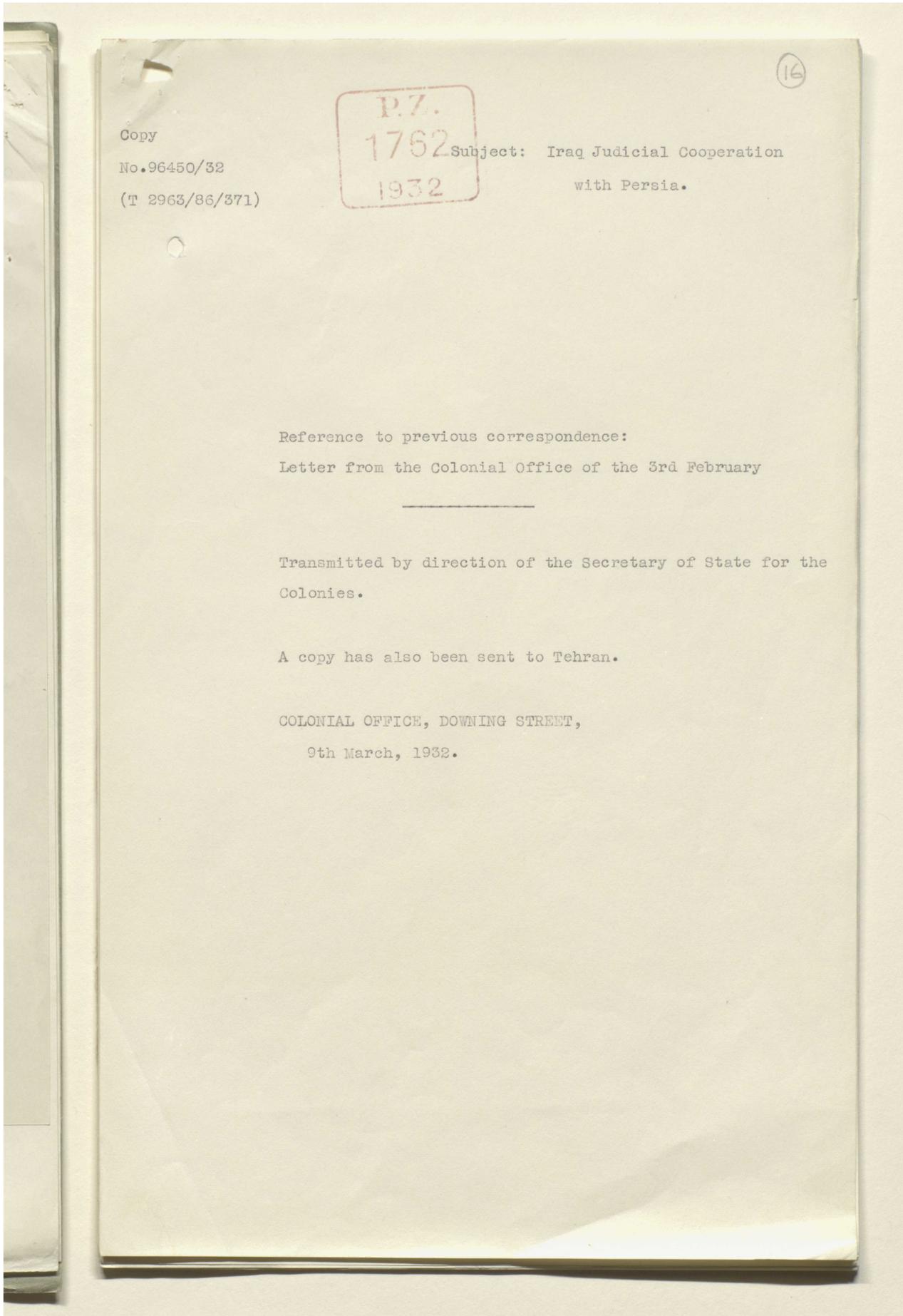
Name and Date.	Subject.
<i>From the Colonial Office No. 96450/32 of 9th March, 1932.</i>	<i>Judicial Co-operation Agreement between Iraq and Persia.</i>

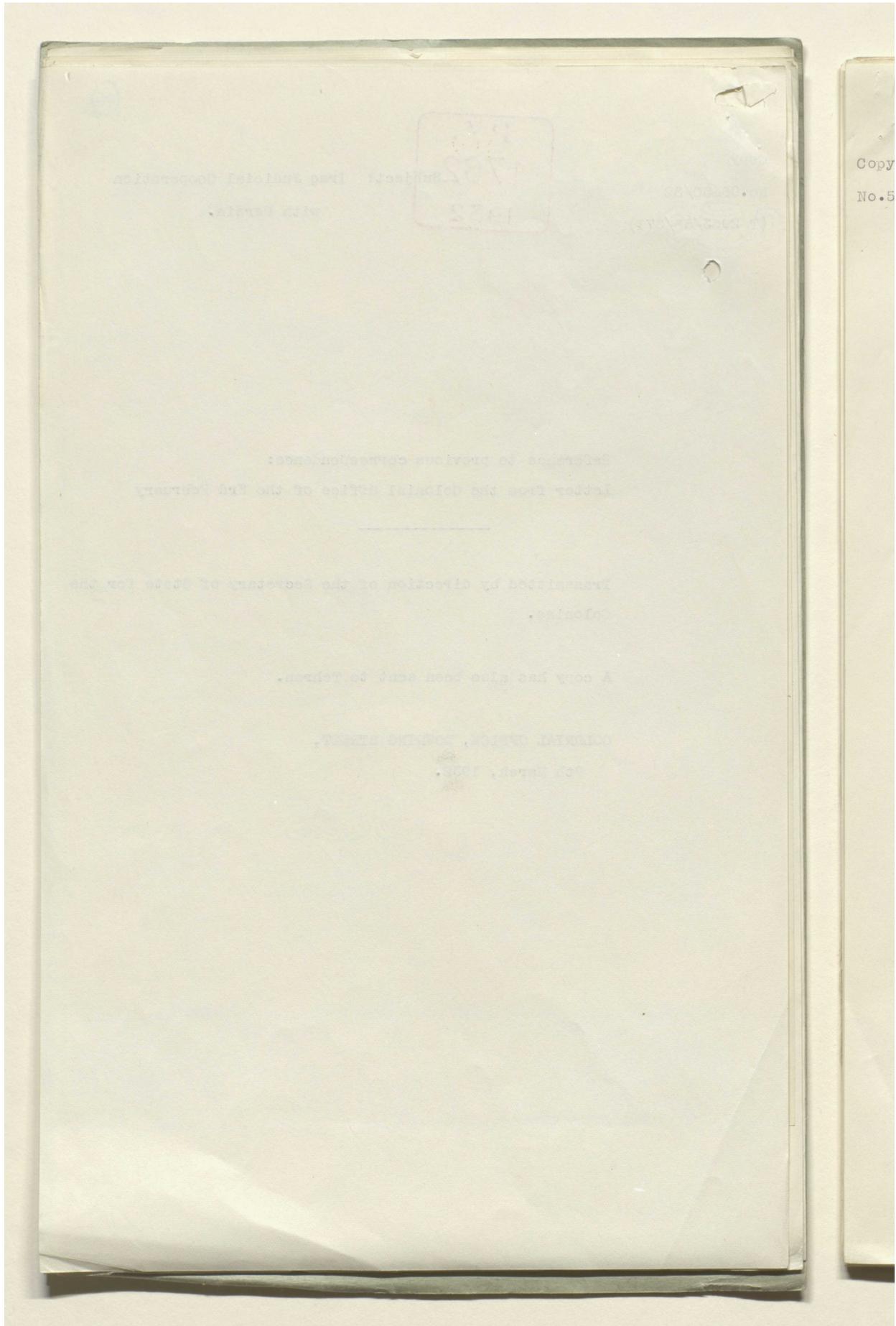
ENCLOSURE IN WEEKLY LETTER
No. Z12 24 MAR. 1932
FROM SECRETARY, POLITICAL AND
SECRET DEPT. INDIA OFFICE



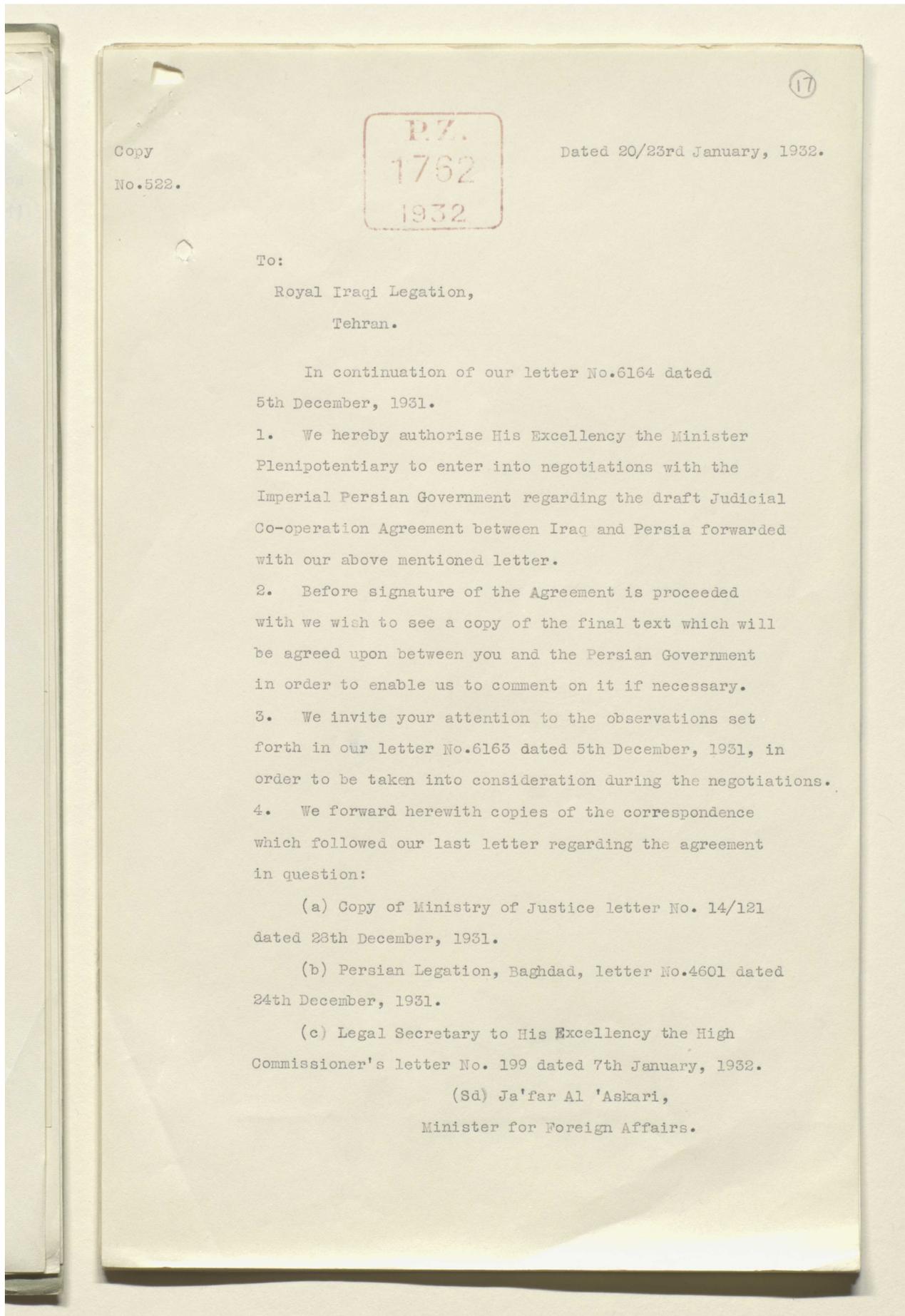
Similar letter sent to
14-6130 6353 (2)







Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [17r] (33/72)



Copy
No. 522.

P.Z.
1762
1932

Dated 20/23rd January, 1932.

To:
Royal Iraqi Legation,
Tehran.

In continuation of our letter No. 6164 dated
5th December, 1931.

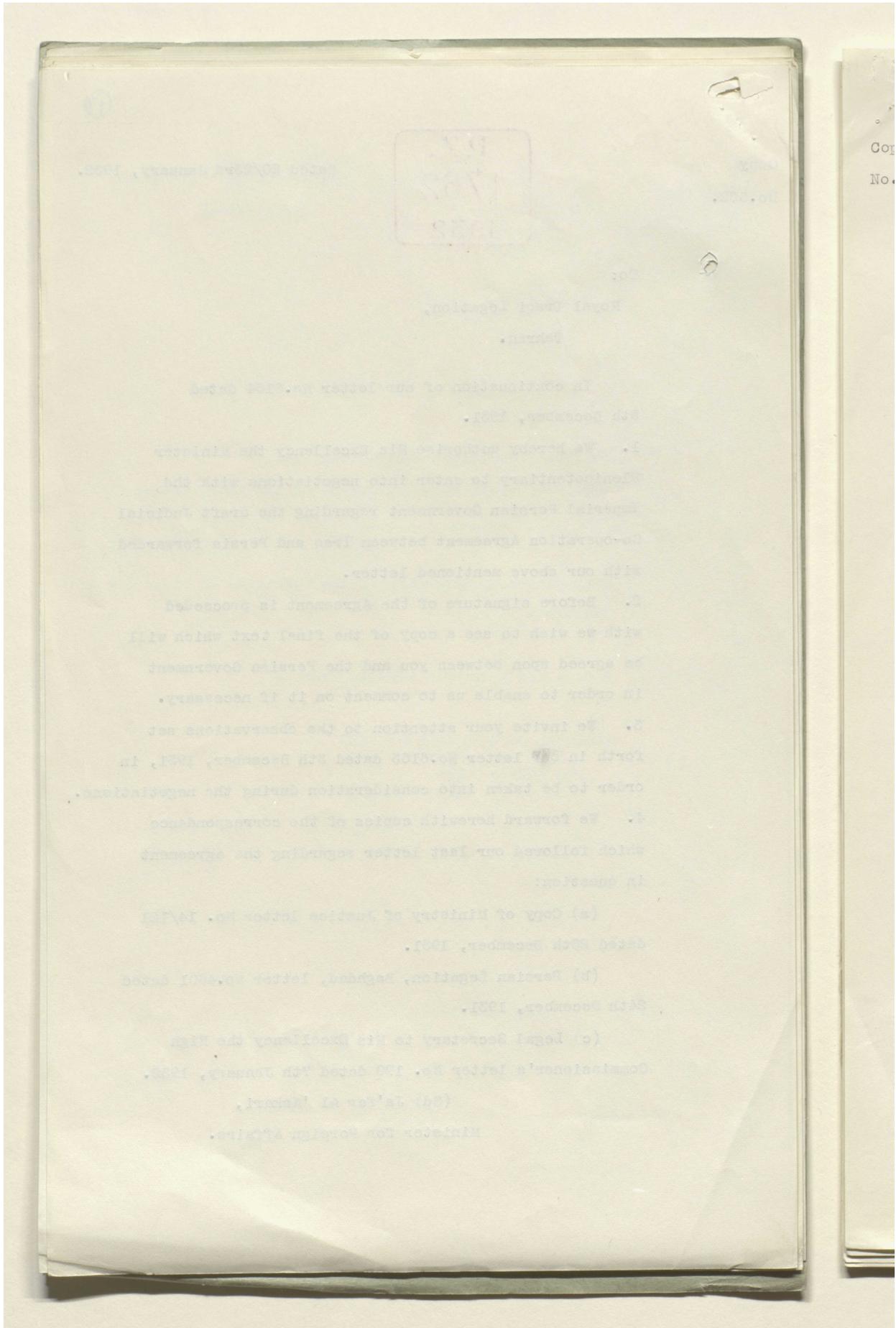
1. We hereby authorise His Excellency the Minister Plenipotentiary to enter into negotiations with the Imperial Persian Government regarding the draft Judicial Co-operation Agreement between Iraq and Persia forwarded with our above mentioned letter.
2. Before signature of the Agreement is proceeded with we wish to see a copy of the final text which will be agreed upon between you and the Persian Government in order to enable us to comment on it if necessary.
3. We invite your attention to the observations set forth in our letter No. 6163 dated 5th December, 1931, in order to be taken into consideration during the negotiations.
4. We forward herewith copies of the correspondence which followed our last letter regarding the agreement in question:

(a) Copy of Ministry of Justice letter No. 14/121 dated 23th December, 1931.

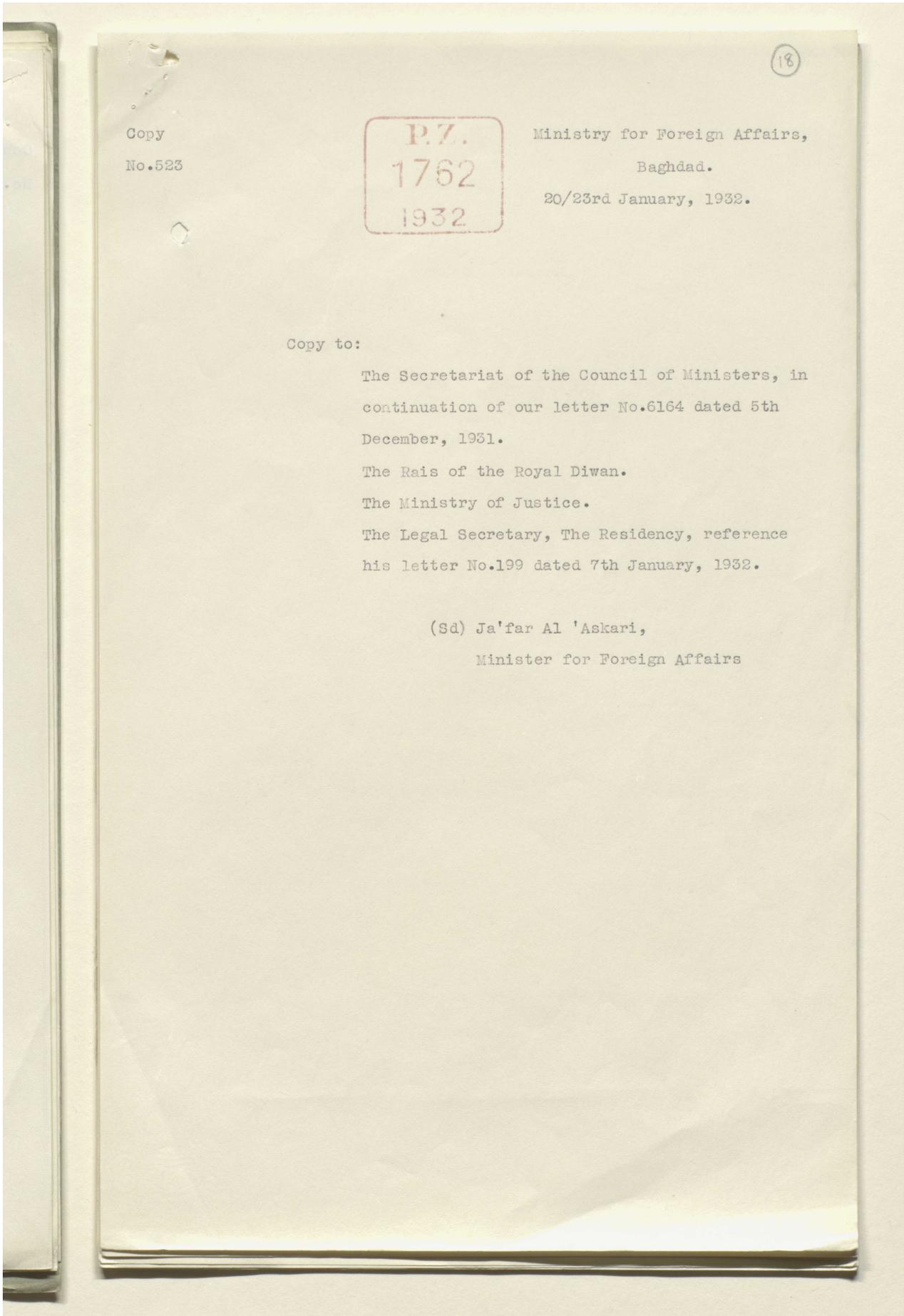
(b) Persian Legation, Baghdad, letter No. 4601 dated 24th December, 1931.

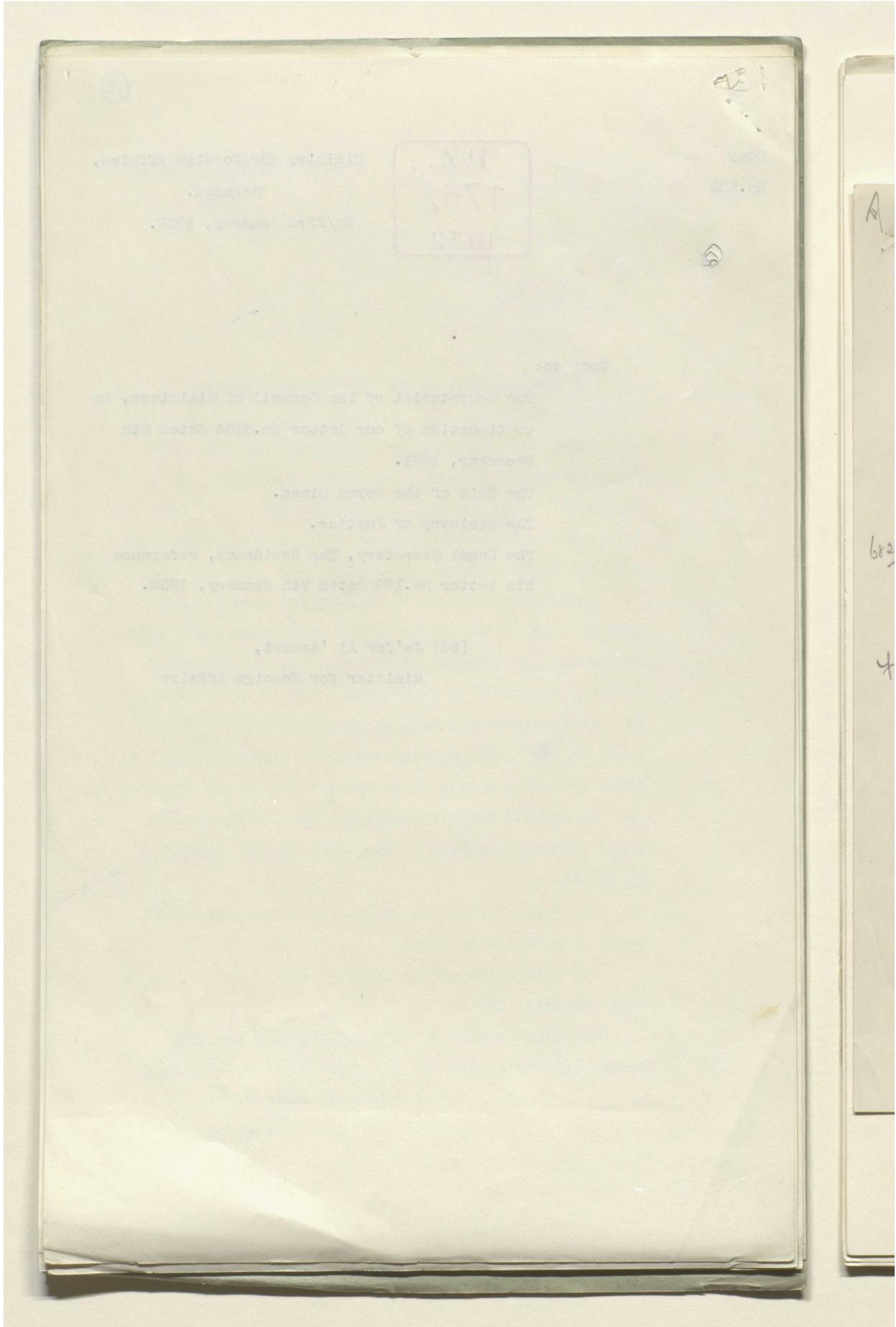
(c) Legal Secretary to His Excellency the High Commissioner's letter No. 199 dated 7th January, 1932.

(Sd) Ja'far Al 'Askari,
Minister for Foreign Affairs.



Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [18r] (35/72)





Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [19r] (37/72)

INDEXED

In any further communication on this subject, please quote
No. T 1507/36/371.
and address—not to any person by name, but to—
“The Under-Secretary of State,” Foreign Office, London, S.W. 1.

India. (13)
19/2

P.Z.
1053

THE Under-Secretary of State for Foreign Affairs presents his
compliments to the Under-Secretary of State for India
and, by direction of the Secretary of State,
transmits herewith copies of the under-mentioned papers.

Foreign Office,
17th February, 1932.

Put by
A.P.M.
19/2

Reference to previous correspondence :

6821/31 Foreign Office letter no. T 13060/3853/371 of 28th October 1931.
Description of Enclosure.

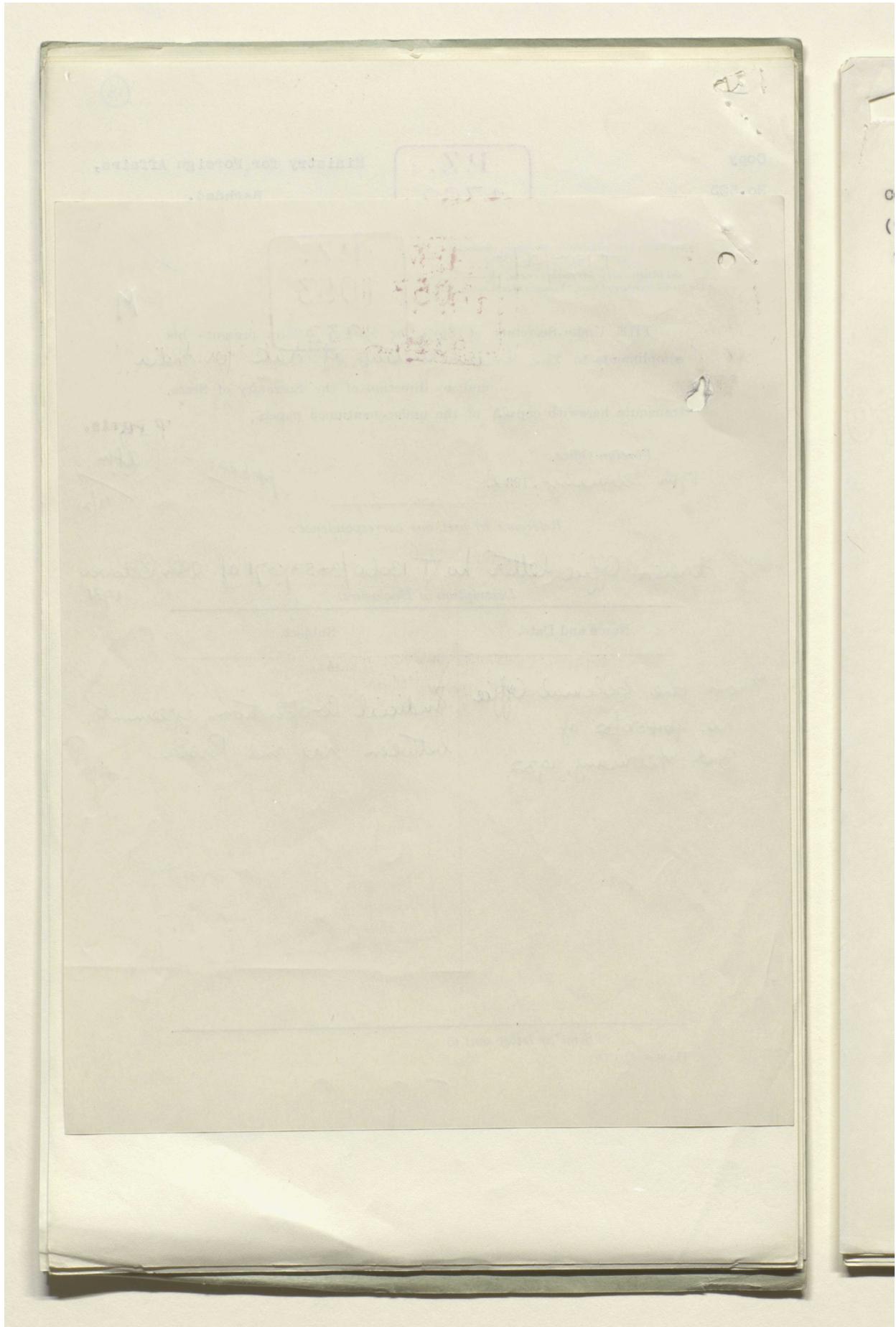
Name and Date.	Subject.
From the Colonial Office no. 96450/32 of 3rd February, 1932.	Judicial Co-operation Agreement between Iraq and Persia.

MAILS BRANCH
18 FEB 1932
INDIA OFFICE

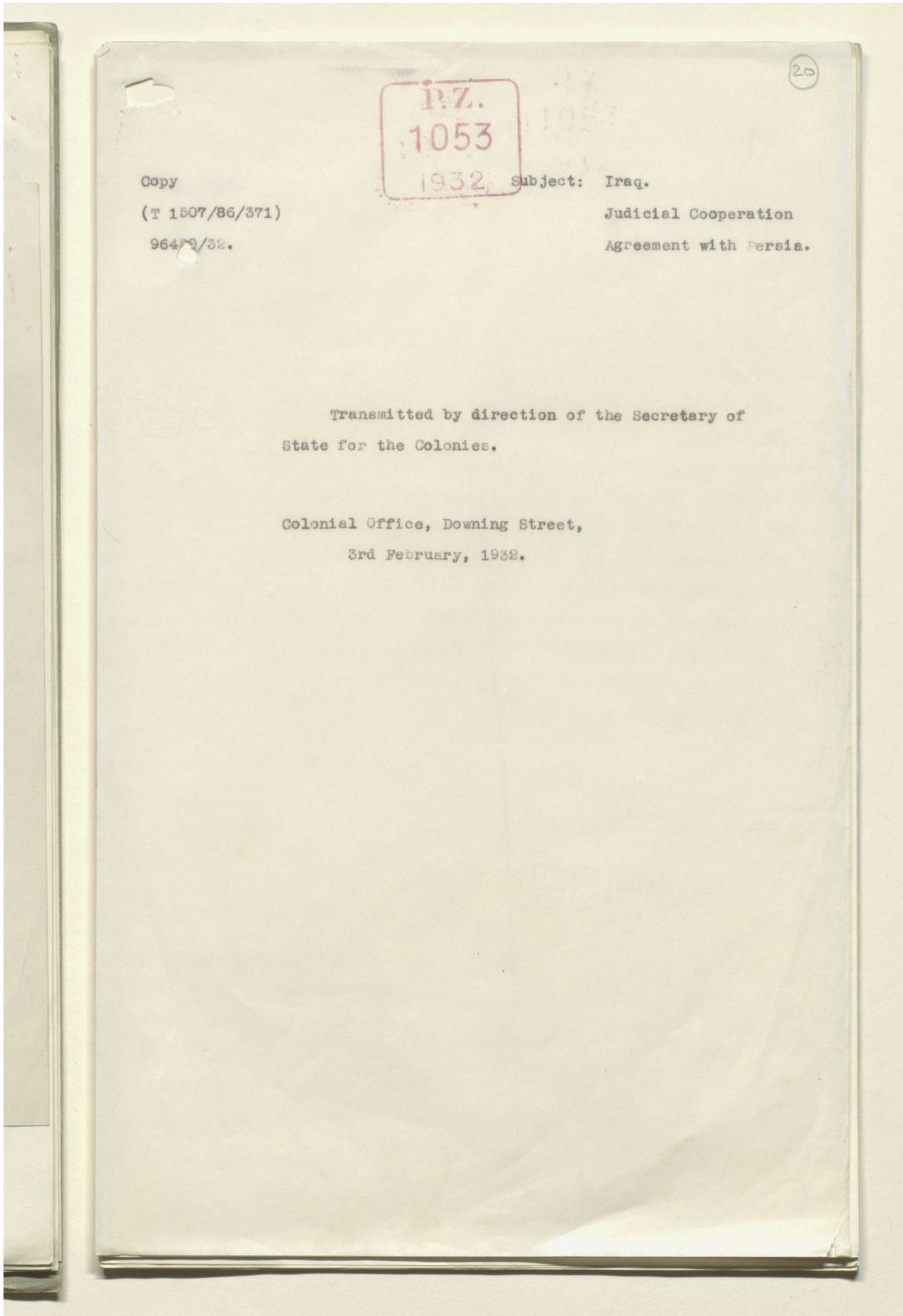
ENCLOSURE IN WEEKLY LETTER
No. 78 25 FEB. 1932
FROM SECRETARY, POLITICAL AND
SECRET DEPT. INDIA OFFICE

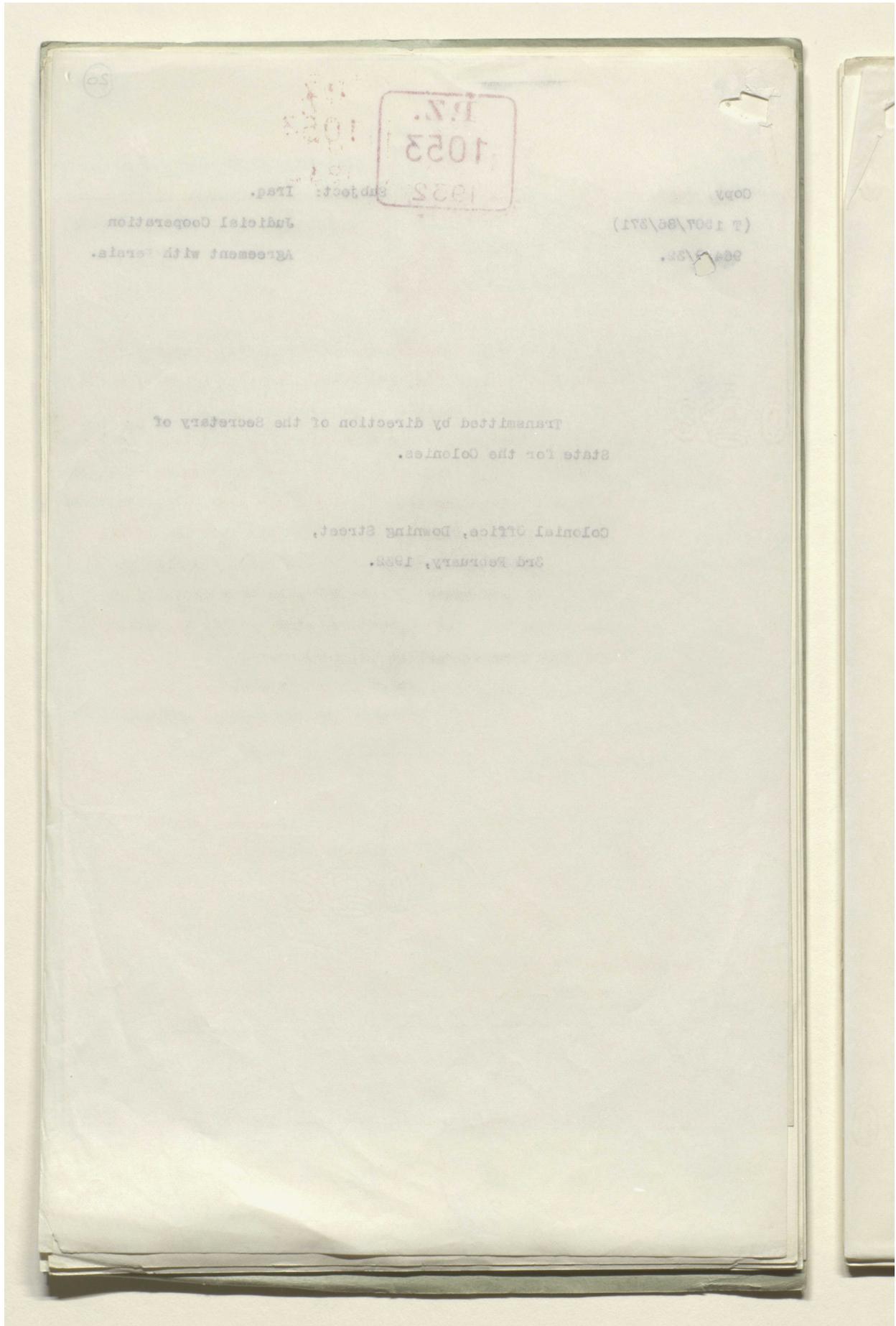
Similar letter sent to

14-6130 6353 (2)

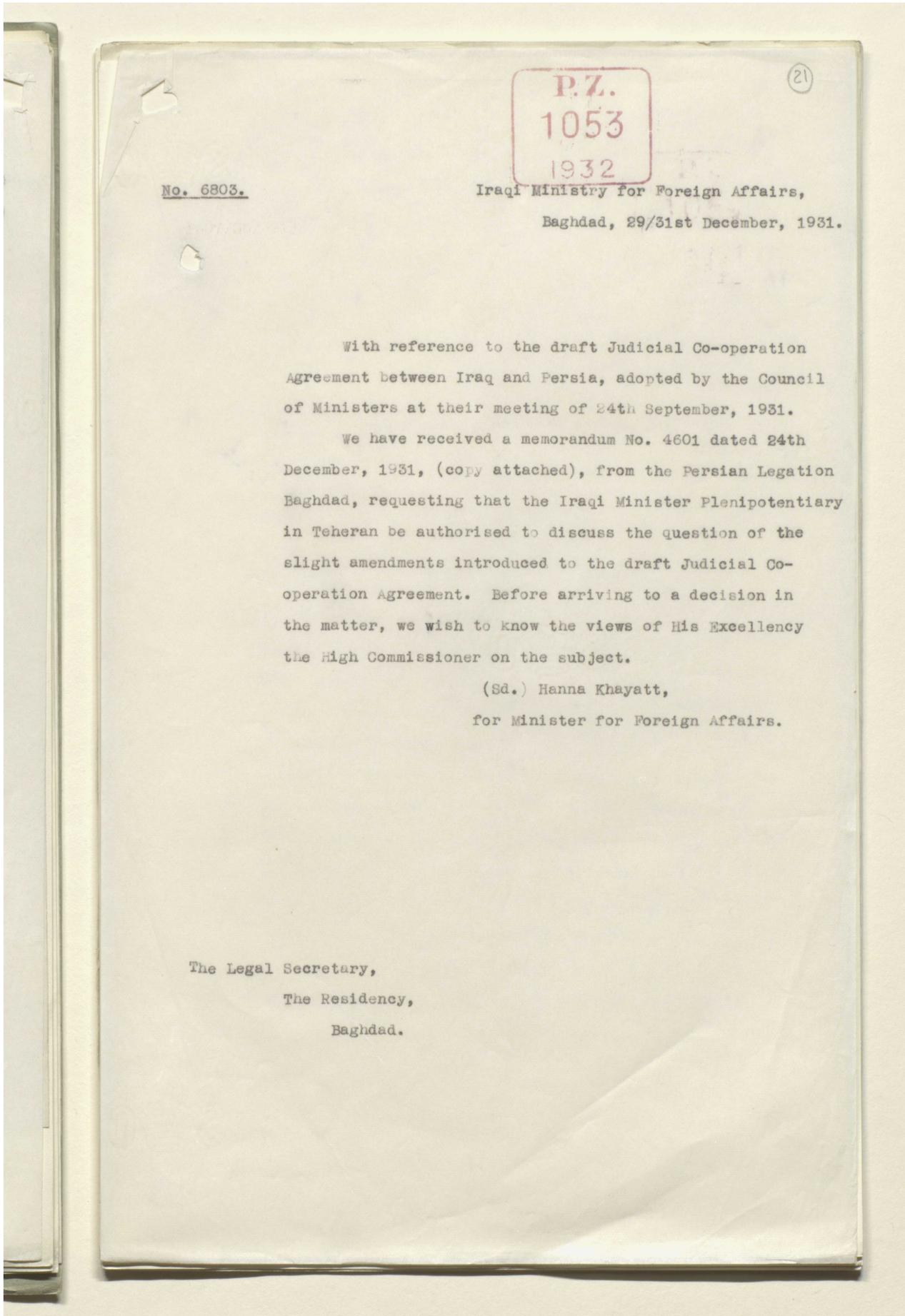


Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [20r] (39/72)





Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [21r] (41/72)



No. 6803.

P.Z.
1053
1932

(21)

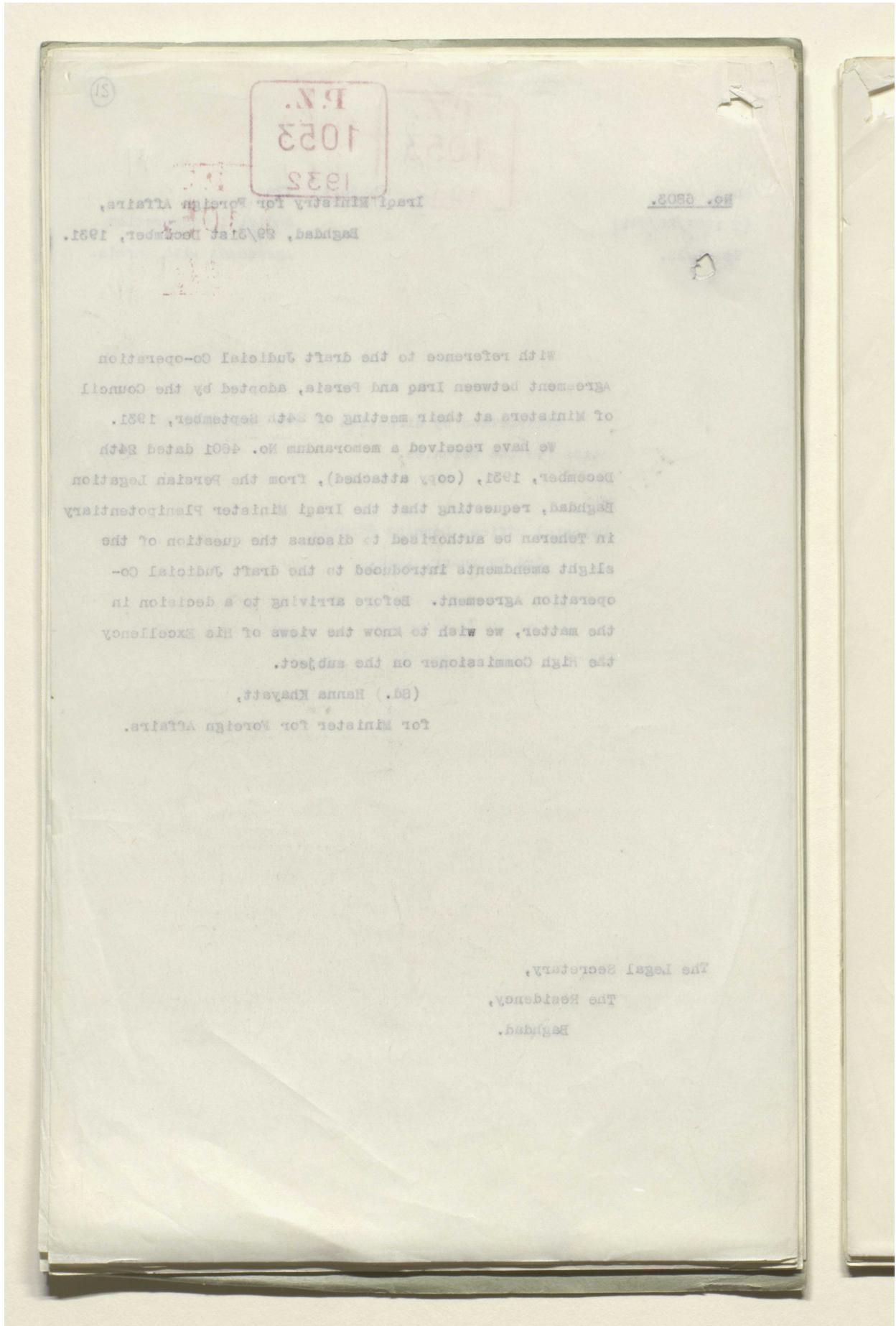
Iraqi Ministry for Foreign Affairs,
Baghdad, 29/31st December, 1931.

With reference to the draft Judicial Co-operation Agreement between Iraq and Persia, adopted by the Council of Ministers at their meeting of 24th September, 1931.

We have received a memorandum No. 4601 dated 24th December, 1931, (copy attached), from the Persian Legation Baghdad, requesting that the Iraqi Minister Plenipotentiary in Teheran be authorised to discuss the question of the slight amendments introduced to the draft Judicial Co-operation Agreement. Before arriving to a decision in the matter, we wish to know the views of His Excellency the High Commissioner on the subject.

(Sd.) Hanna Khayatt,
for Minister for Foreign Affairs.

The Legal Secretary,
The Residency,
Baghdad.



(22)

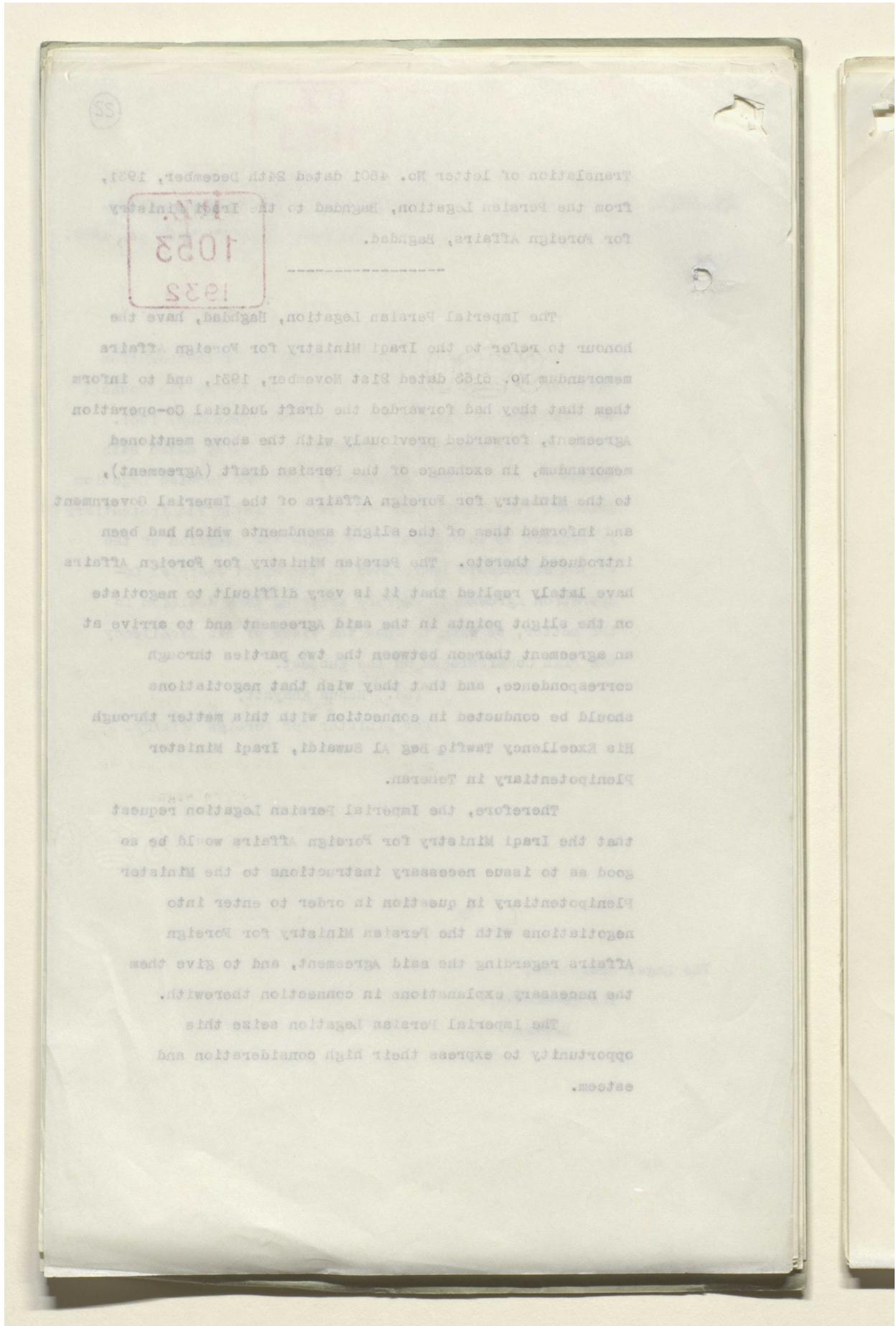
Translation of letter No. 4601 dated 24th December, 1931,
from the Persian Legation, Baghdad to the Iraqi Ministry
for Foreign Affairs, Baghdad.

1053
1932

The Imperial Persian Legation, Baghdad, have the honour to refer to the Iraqi Ministry for Foreign Affairs memorandum NO. 6163 dated 21st November, 1931, and to inform them that they had forwarded the draft Judicial Co-operation Agreement, forwarded previously with the above mentioned memorandum, in exchange of the Persian draft (Agreement), to the Ministry for Foreign Affairs of the Imperial Government and informed them of the slight amendments which had been introduced thereto. The Persian Ministry for Foreign Affairs have lately replied that it is very difficult to negotiate on the slight points in the said Agreement and to arrive at an agreement thereon between the two parties through correspondence, and that they wish that negotiations should be conducted in connection with this matter through His Excellency Tawfiq Beg Al Suwaidi, Iraqi Minister Plenipotentiary in Teheran.

Therefore, the Imperial Persian Legation request that the Iraqi Ministry for Foreign Affairs would be so good as to issue necessary instructions to the Minister Plenipotentiary in question in order to enter into negotiations with the Persian Ministry for Foreign Affairs regarding the said Agreement, and to give them the necessary explanations in connection therewith.

The Imperial Persian Legation seize this opportunity to express their high consideration and esteem.



(23)

No. 199.

Secretariat of His Excellency
the High Commissioner for Iraq.
Baghdad.
7th January, 1932.

Memorandum.

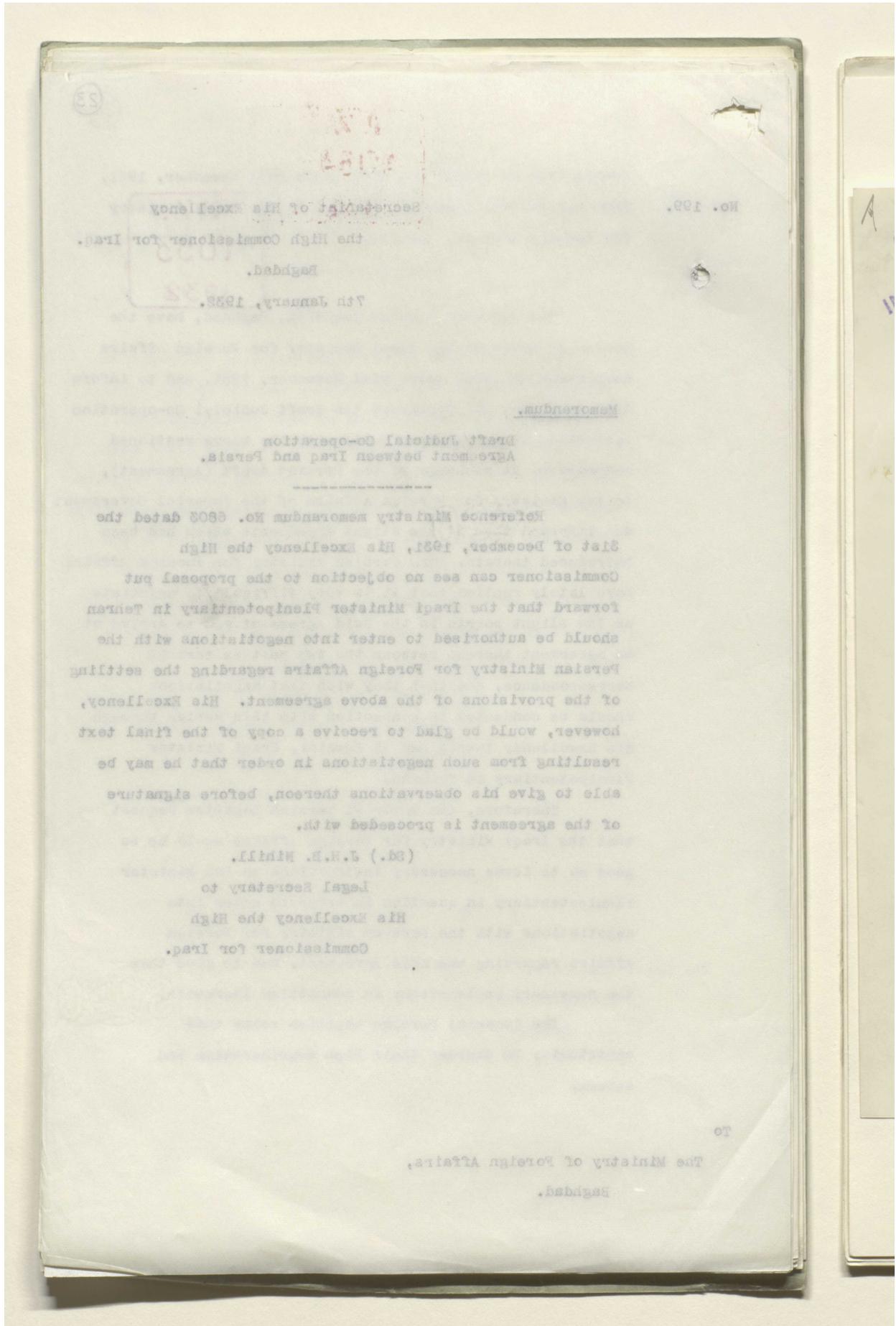
Draft Judicial Co-operation
Agreement between Iraq and Persia.

Reference Ministry memorandum No. 6803 dated the
31st of December, 1931, His Excellency the High
Commissioner can see no objection to the proposal put
forward that the Iraqi Minister Plenipotentiary in Tehran
should be authorised to enter into negotiations with the
Persian Ministry for Foreign Affairs regarding the settling
of the provisions of the above agreement. His Excellency,
however, would be glad to receive a copy of the final text
resulting from such negotiations in order that he may be
able to give his observations thereon, before signature
of the agreement is proceeded with.

(Sd.) J.H.B. Nihill.

Legal Secretary to
His Excellency the High
Commissioner for Iraq.

To
The Ministry of Foreign Affairs,
Baghdad.



Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [24r] (47/72)

(24)

In any further communication on this subject, please quote
No. **T 13060/3553/371**
and address—not to any person by name, but to—
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

INDEXED

P.Z. 6821 1931

*Put by
R.H.
31/10 "11*

THE Under-Secretary of State for Foreign Affairs presents his compliments to *the Under-Secretary of State for India* and, by direction of the Secretary of State, transmits herewith copy of the under-mentioned paper.

File Pp. 5899

Foreign Office,
28th October, 1931.

Reference to previous correspondence:

5899. Foreign Office letter no. T 11037/3553/371 *Sept. 15th*

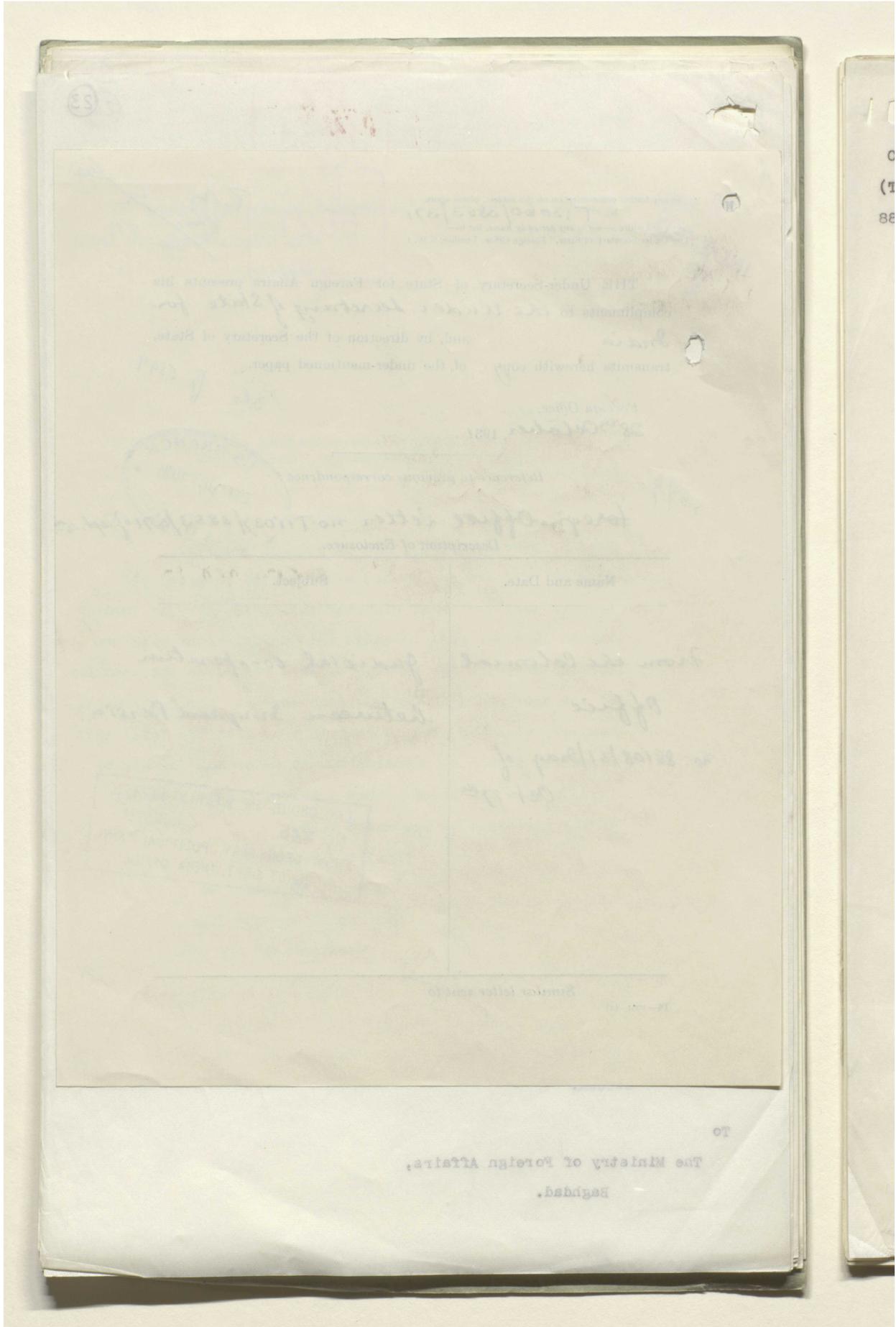
Description of Enclosure.

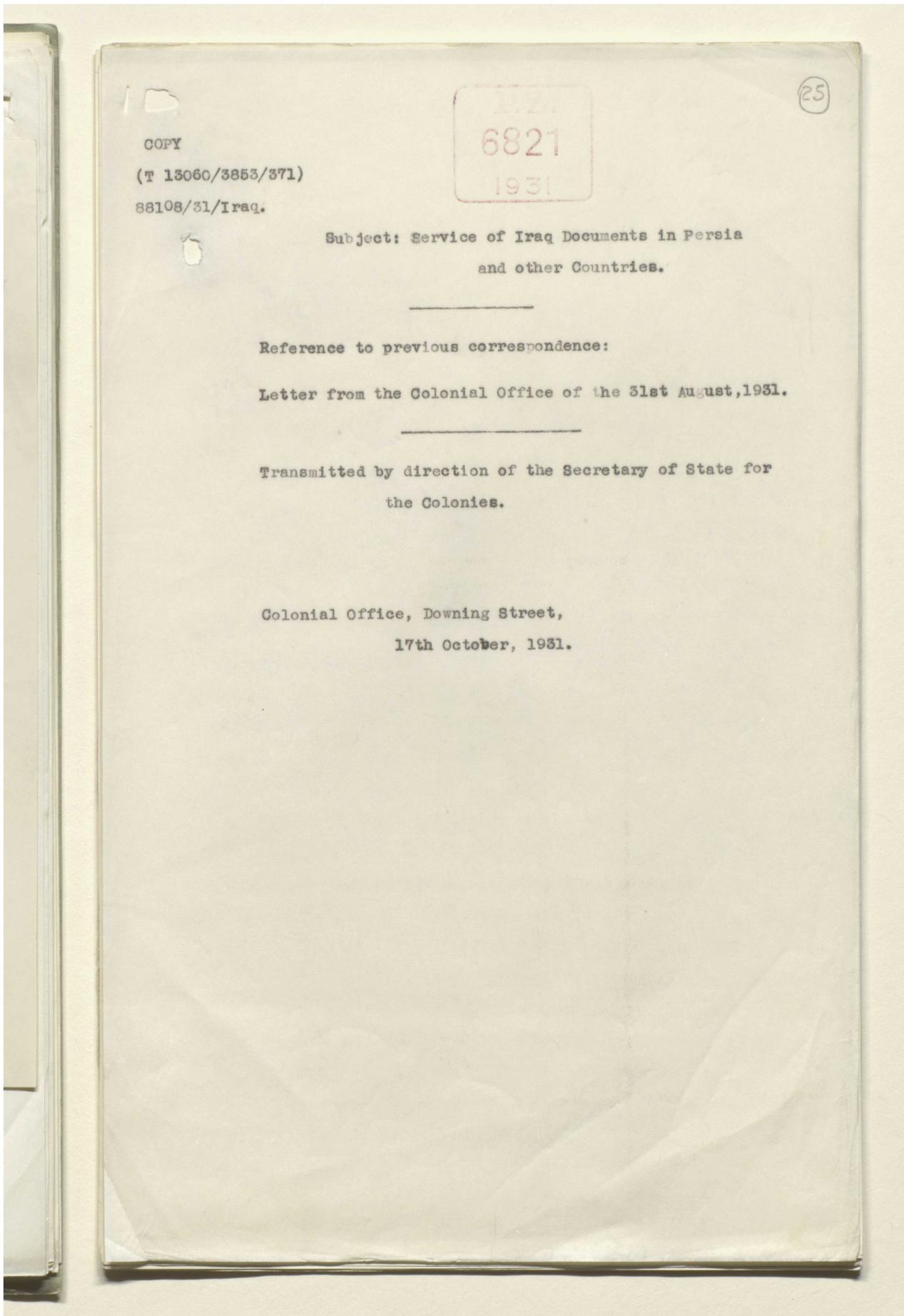
Name and Date.	Subject.
<p><i>From the Colonial Office.</i></p> <p><i>no. 88108/21/29ag of Oct-17th</i></p>	<p><i>Judicial co-operation between Iraq and Persia.</i></p>

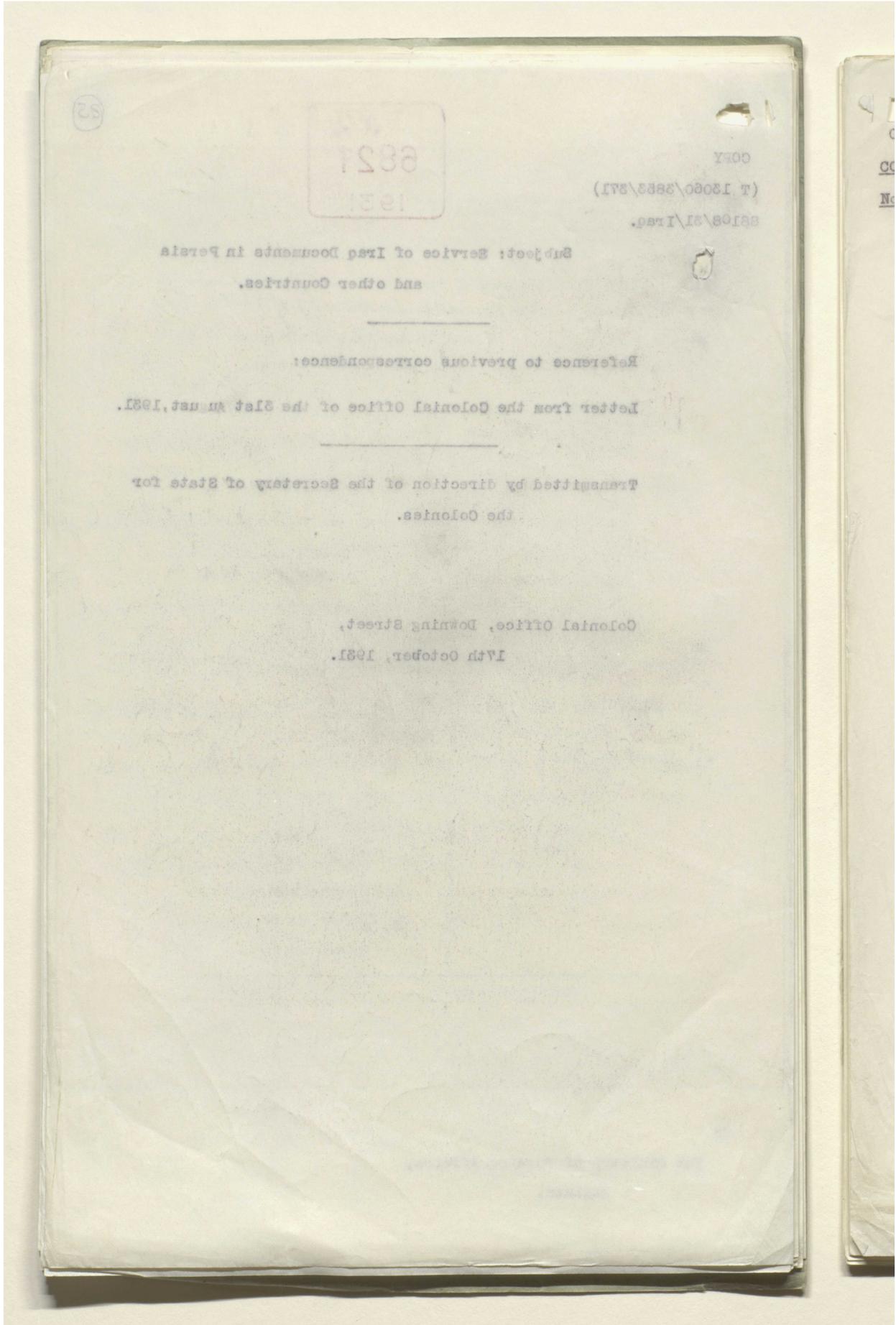
ENCLOSURE IN WEEKLY LETTER
No. Z45 5 NOV. 1931
FROM SECRETARY, POLITICAL AND
SECRET DEPT. INDIA OFFICE

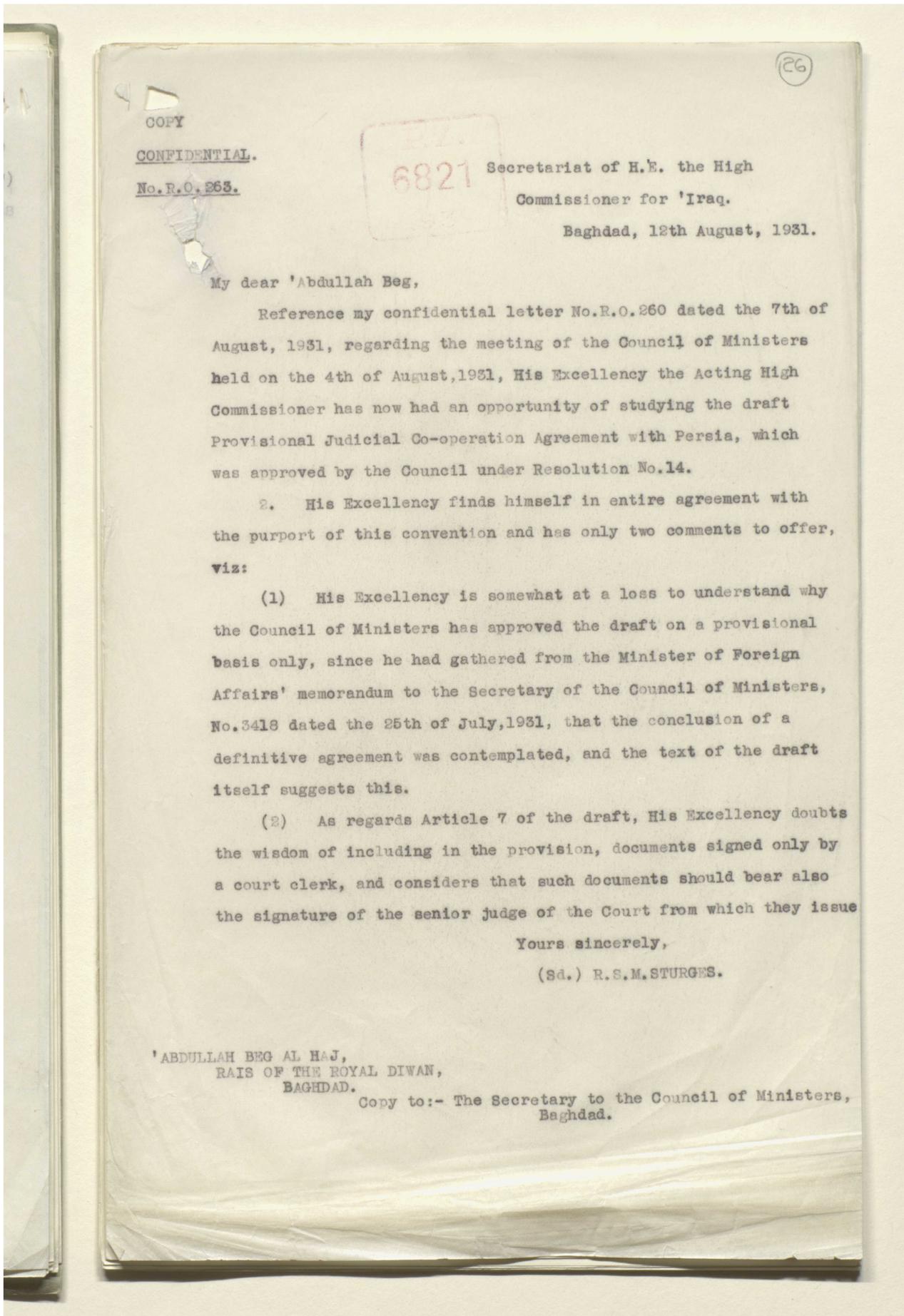
Similar letter sent to

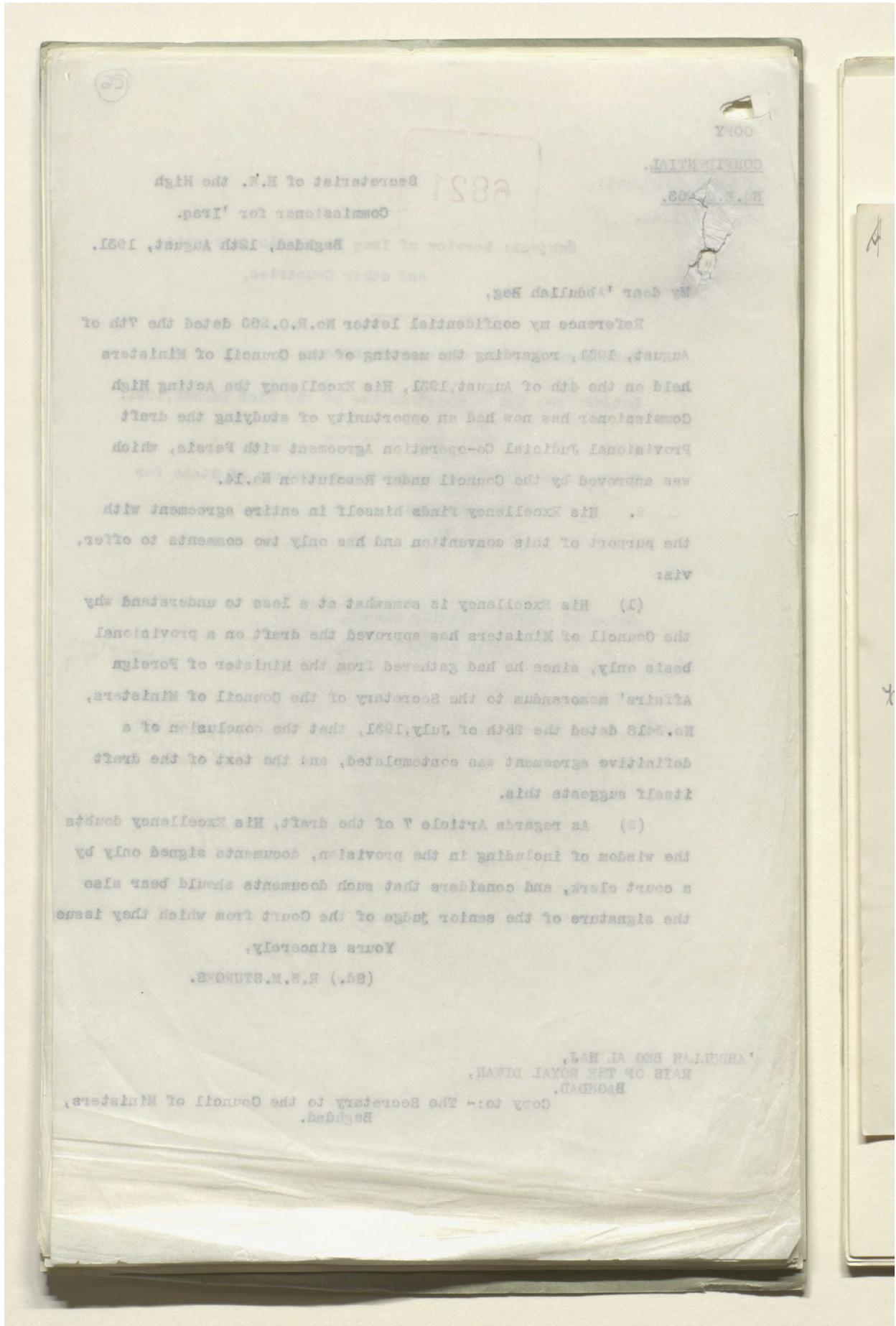
14-5901 (2)



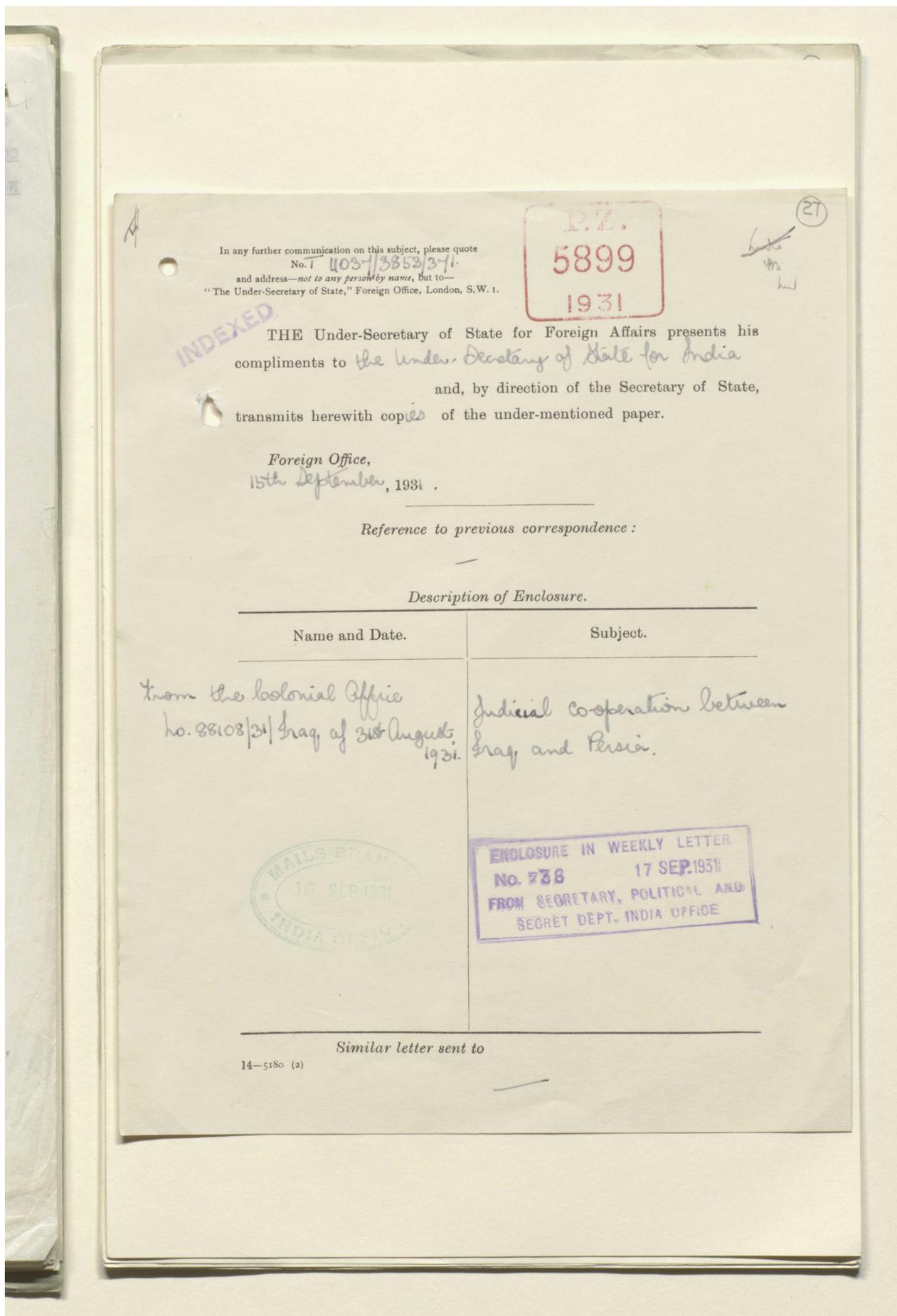


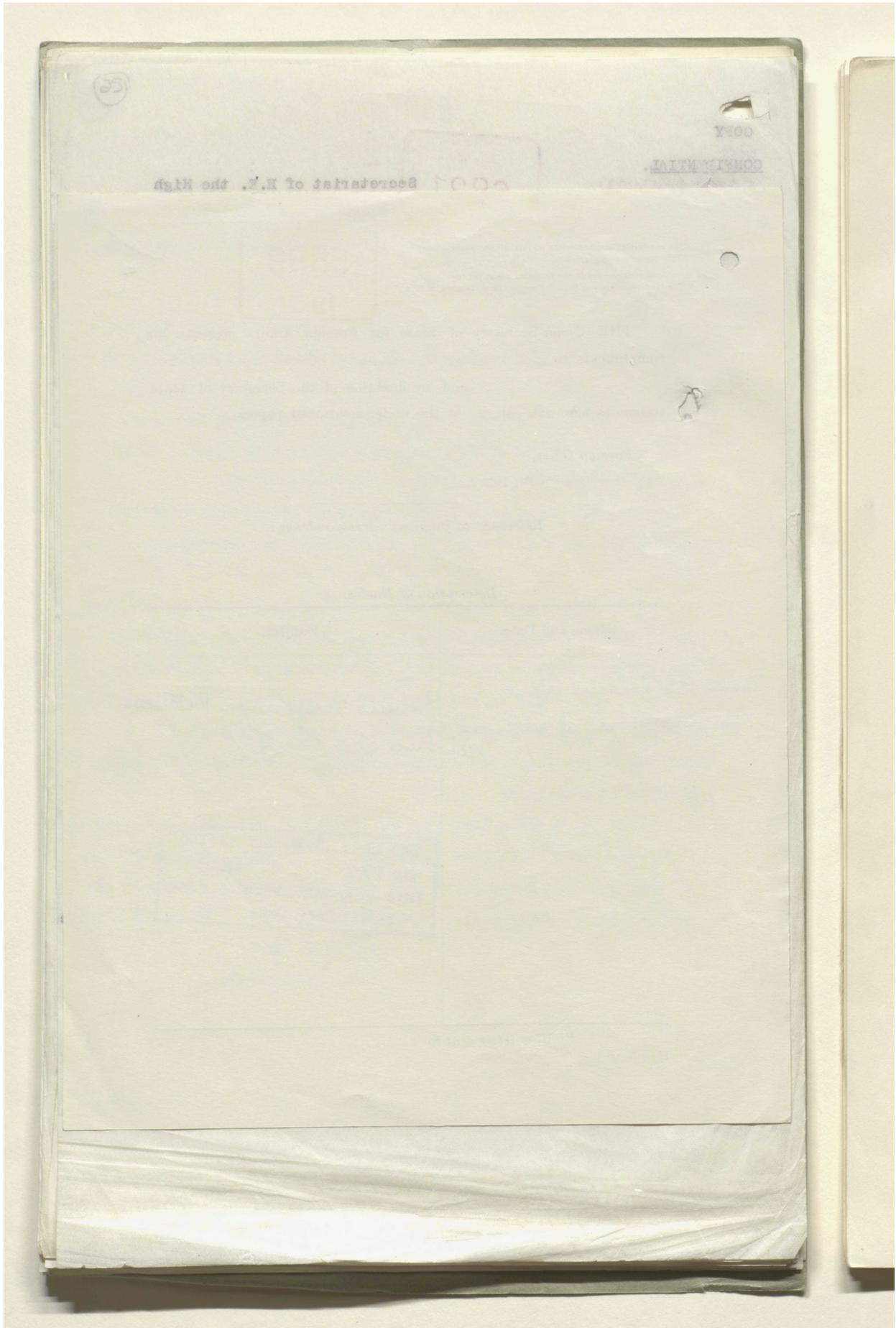


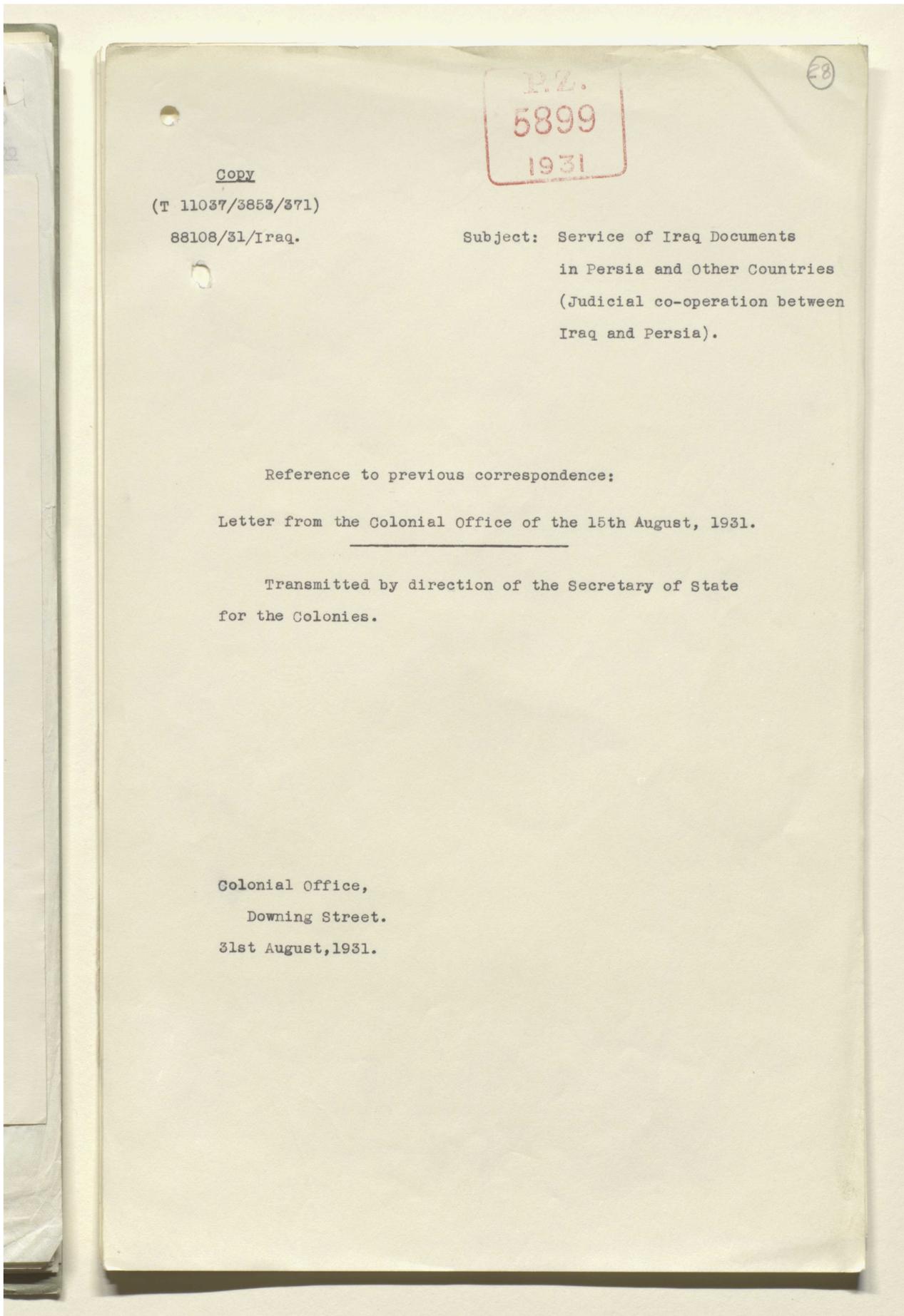




Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [27r] (53/72)







COPY

(T 11037/3853/371)

88108/31/Iraq.

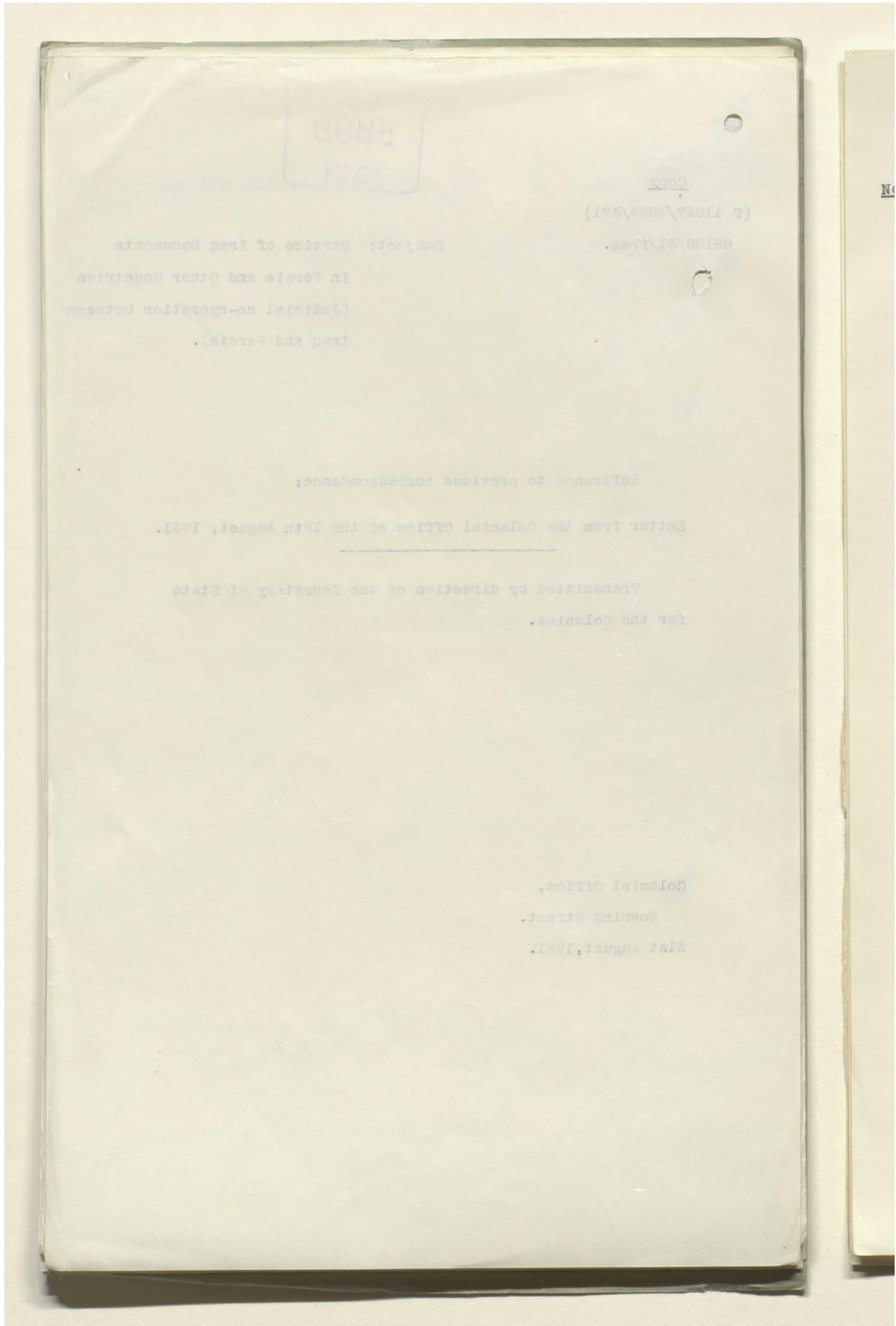
Subject: Service of Iraq Documents
in Persia and Other Countries
(Judicial co-operation between
Iraq and Persia).

Reference to previous correspondence:

Letter from the Colonial Office of the 15th August, 1931.

Transmitted by direction of the Secretary of State
for the Colonies.

Colonial Office,
Downing Street.
31st August, 1931.



Coll 17/6 'Iraq and Persia: judicial cooperation agreement' [29r] (57/72)

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Copy
No. 3418.

'Iraqi Ministry for Foreign Affairs,
Baghdad.

25th July, 1931.

To:

The Secretariat of the Council of Ministers.

At their meeting on 20th June, 1931, the Council of Ministers approved the text of a provisional agreement regarding judicial co-operation between 'Iraq and Persia.' The provisional agreement provided for the conclusion of a definite one between the two countries to replace it at the earliest possible opportunity.

I enclose copy of a draft agreement on the subject, requesting that it may be submitted to the Council of Ministers in order to approve it and authorise me to sign it on behalf of the 'Iraqi Government.

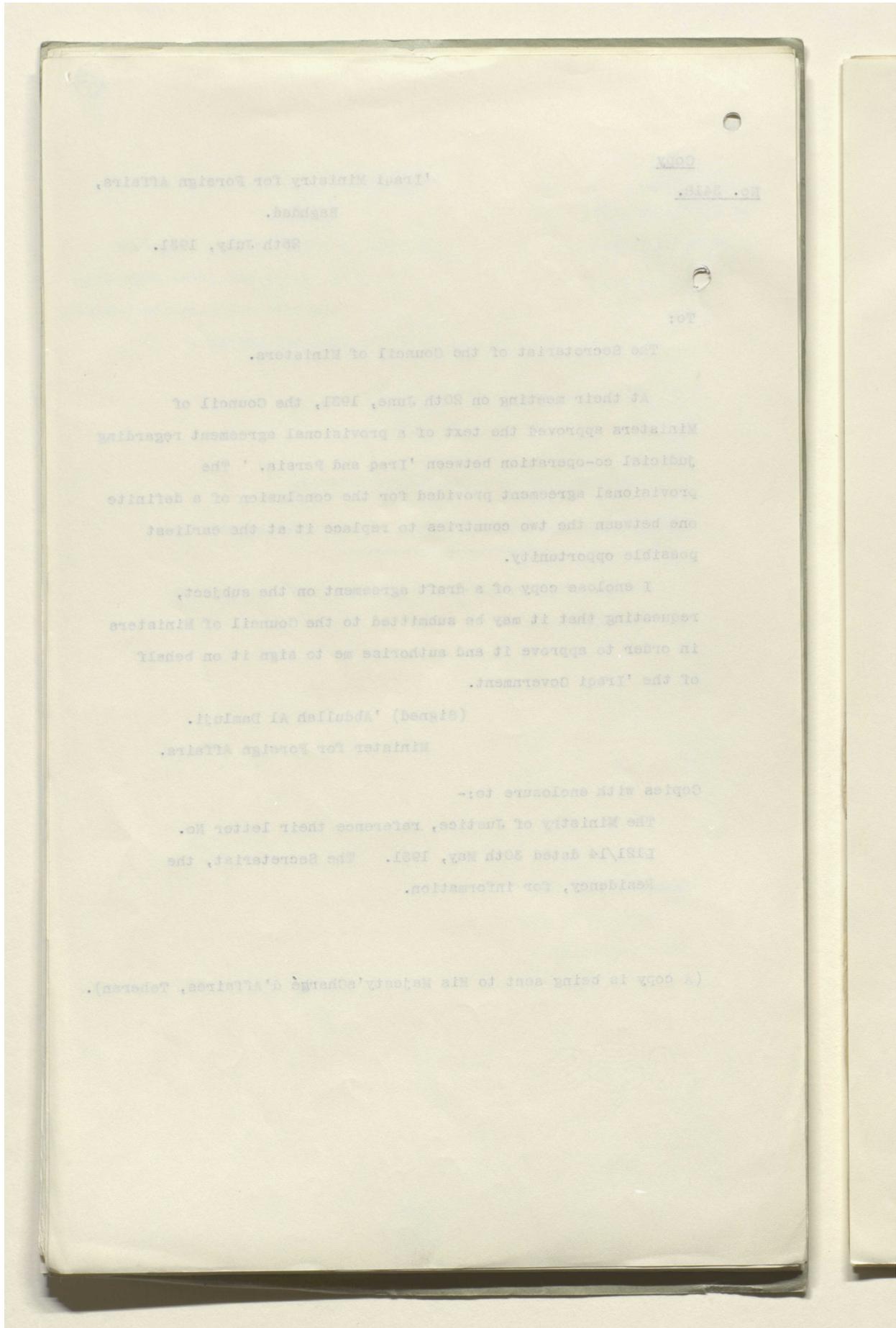
(Signed) 'Abdullah Al Damluji.

Minister for Foreign Affairs.

Copies with enclosure to:-

The Ministry of Justice, reference their letter No. L121/14 dated 30th May, 1931. The Secretariat, the Residency, for information.

(A copy is being sent to His Majesty's Chargé d'Affaires, Teheran).



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Copy

His Majesty the King of 'Iraq of the one part, and
His Imperial Majesty the Shah of Persia, of the second part
Desirous of serving (the interests of) justice and of the
reciprocal facilitation of legal (? judicial) relations in their
respective countries;

Have decided to conclude an agreement for this purpose to
ensure judicial co-operation in Civil matters, and have appointed
their plenipotentiaries:

His Majesty the King of 'Iraq:

.....

His Imperial Majesty the Shah of Persia:

.....

Who, having communicated their powers, found in good and
due order, have agreed as follows:-

Chapter I.

Service of Documents and Rogatory Commissions.

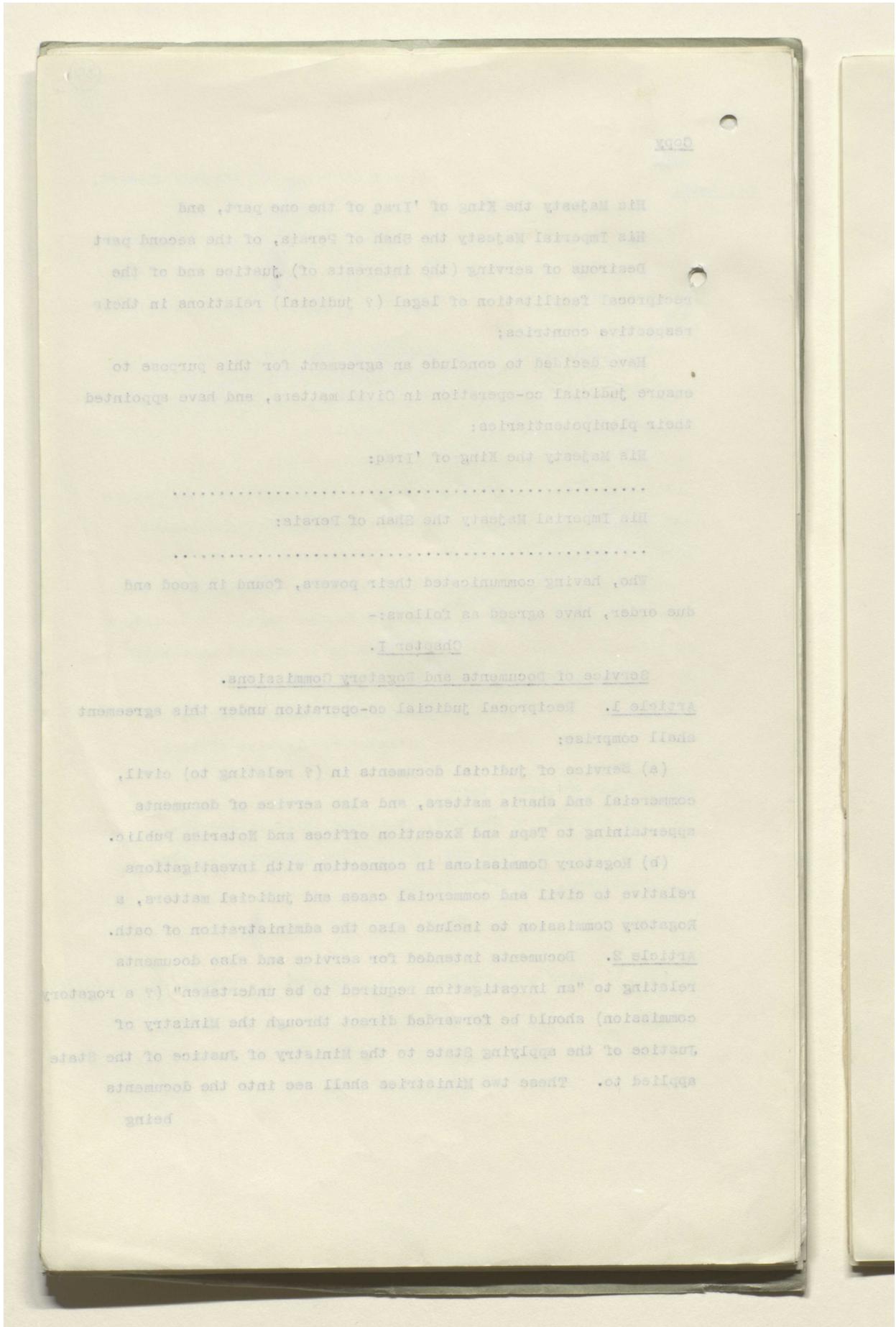
Article 1. Reciprocal judicial co-operation under this agreement
shall comprise:

(a) Service of judicial documents in (? relating to) civil,
commercial and sharia matters, and also service of documents
appertaining to Tapu and Execution offices and Notaries Public.

(b) Rogatory Commissions in connection with investigations
relative to civil and commercial cases and judicial matters, a
Rogatory Commission to include also the administration of oath.

Article 2. Documents intended for service and also documents
relating to "an investigation required to be undertaken" (? a rogatory
commission) should be forwarded direct through the Ministry of
Justice of the applying State to the Ministry of Justice of the State
applied to. These two Ministries shall see into the documents

being



being expeditiously transmitted to the authorities concerned.
In case the authority to whom the application is "referred"
(? addressed) does not happen to possess full powers in that behalf
the Ministry to whom the application was made should inform the
Ministry of the applying State of the other competent authority
to whom the application was referred.

The Ministry applied to should return the documents whether
or not the application is executed (? service is effected or the
commission executed).

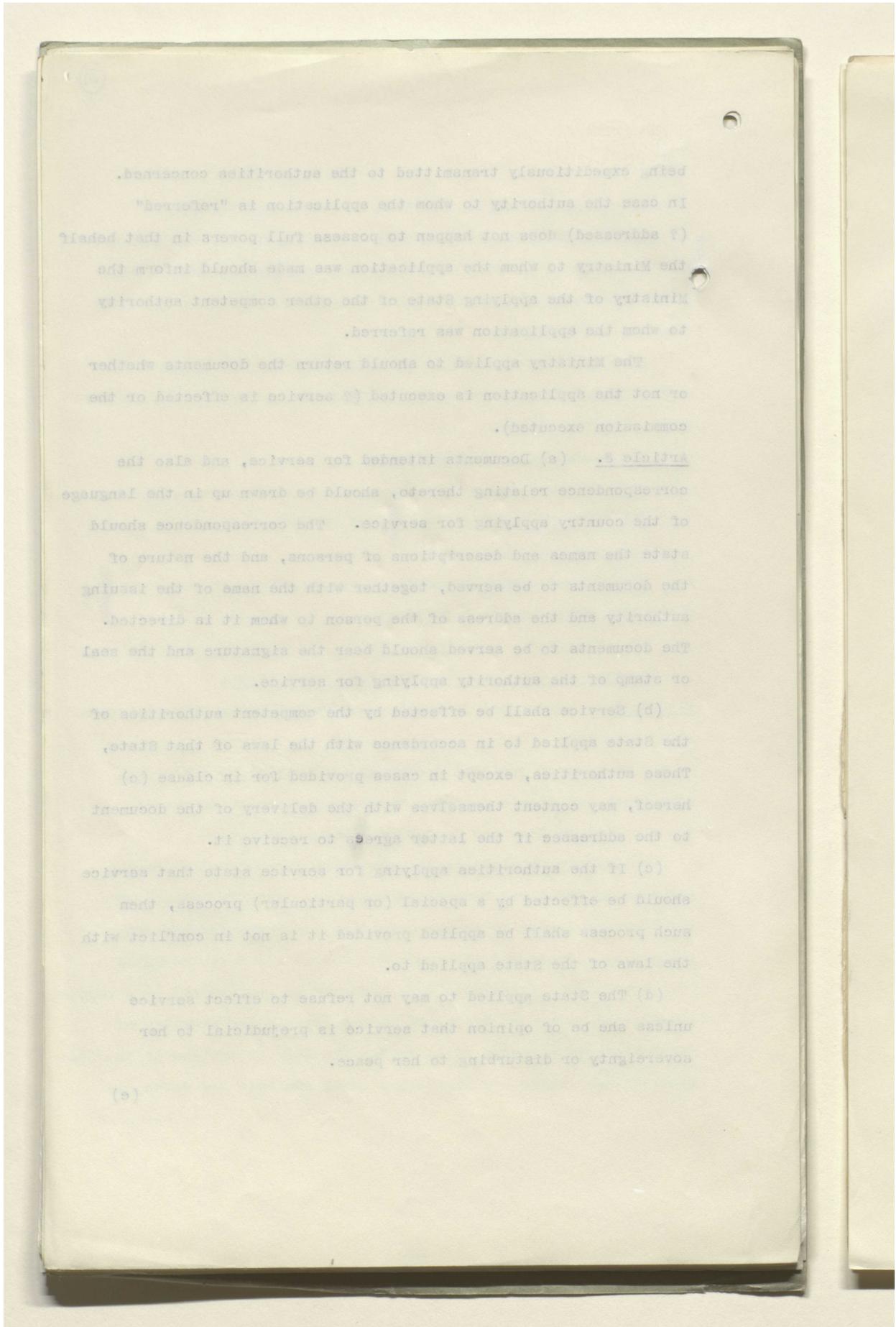
Article 3. (a) Documents intended for service, and also the
correspondence relating thereto, should be drawn up in the language
of the country applying for service. The correspondence should
state the names and descriptions of persons, and the nature of
the documents to be served, together with the name of the issuing
authority and the address of the person to whom it is directed.
The documents to be served should bear the signature and the seal
or stamp of the authority applying for service.

(b) Service shall be effected by the competent authorities of
the State applied to in accordance with the laws of that State,
These authorities, except in cases provided for in clause (c)
hereof, may content themselves with the delivery of the document
to the addressee if the latter agrees to receive it.

(c) If the authorities applying for service state that service
should be effected by a special (or particular) process, then
such process shall be applied provided it is not in conflict with
the laws of the State applied to.

(d) The State applied to may not refuse to effect service
unless she be of opinion that service is prejudicial to her
sovereignty or disturbing to her peace.

(e)



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(e) Proof of service having been effected shall be by receipt dated and signed by the addressee or by certificate from the State applied to declaring that service was effected and stating the manner and date of service.

If the document intended for service had been submitted in duplicate, the acknowledgment or certificate of receipt should be entered on, or affixed to, one of the two copies.

(f) When service is not effected the applying State should in "any case" (? every case - or invariably), be informed accordingly without delay, and the reasons stated.

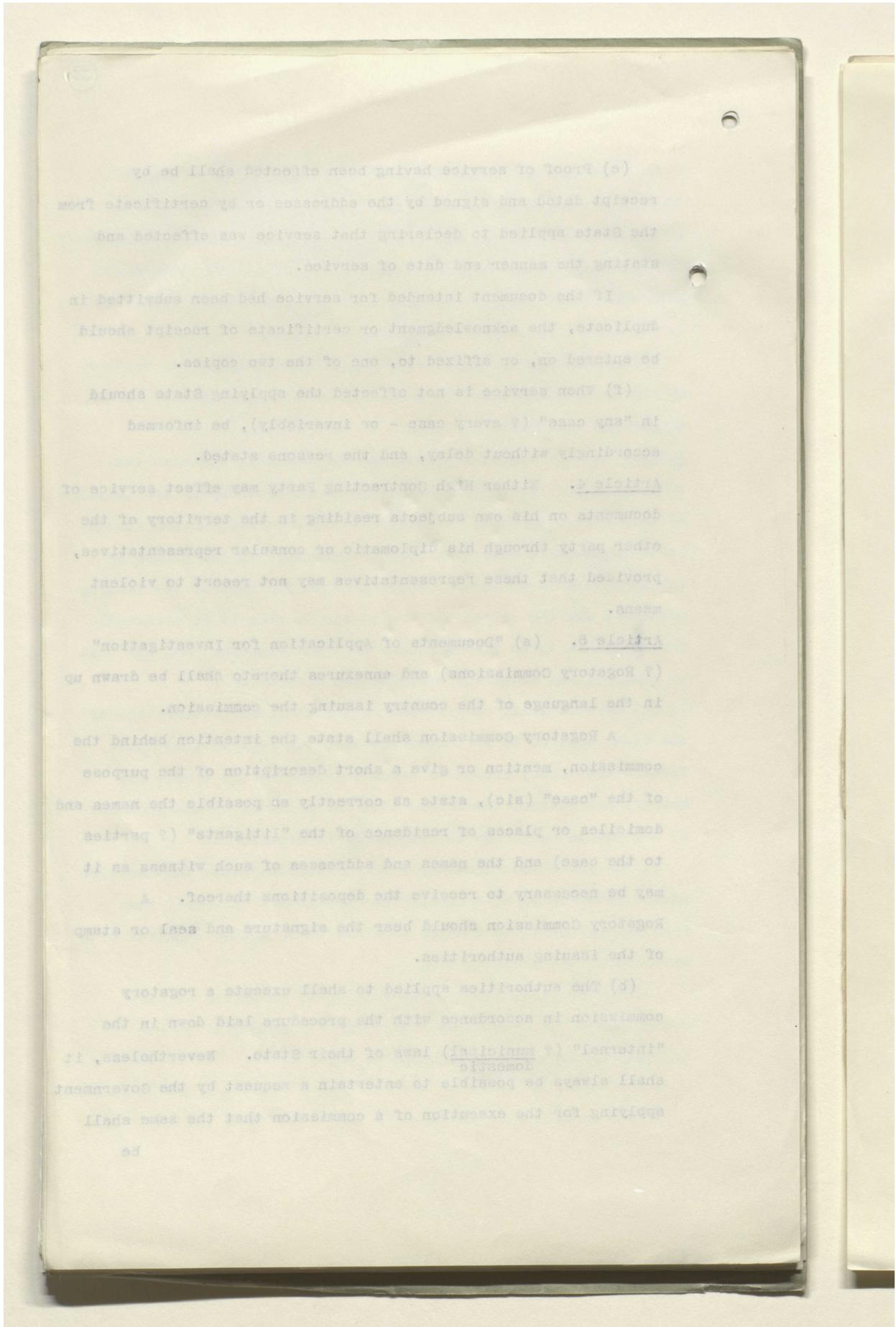
Article 4. Either High Contracting Party may effect service of documents on his own subjects residing in the territory of the other party through his diplomatic or consular representatives, provided that these representatives may not resort to violent means.

Article 5. (a) "Documents of Application for Investigation" (? Rogatory Commissions) and annexures thereto shall be drawn up in the language of the country issuing the commission.

A Rogatory Commission shall state the intention behind the commission, mention or give a short description of the purpose of the "case" (sic), state as correctly as possible the names and domiciles or places of residence of the "litigants" (? parties to the case) and the names and addresses of such witness as it may be necessary to receive the depositions thereof. A Rogatory Commission should bear the signature and seal or stamp of the issuing authorities.

(b) The authorities applied to shall execute a rogatory commission in accordance with the procedure laid down in the "internal" (? municipal ^{domestic}) laws of their State. Nevertheless, it shall always be possible to entertain a request by the Government applying for the execution of a commission that the same shall

be



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be executed in accordance with (or by) a special (or particular) process if such process is not in conflict with the laws of the State applied to.

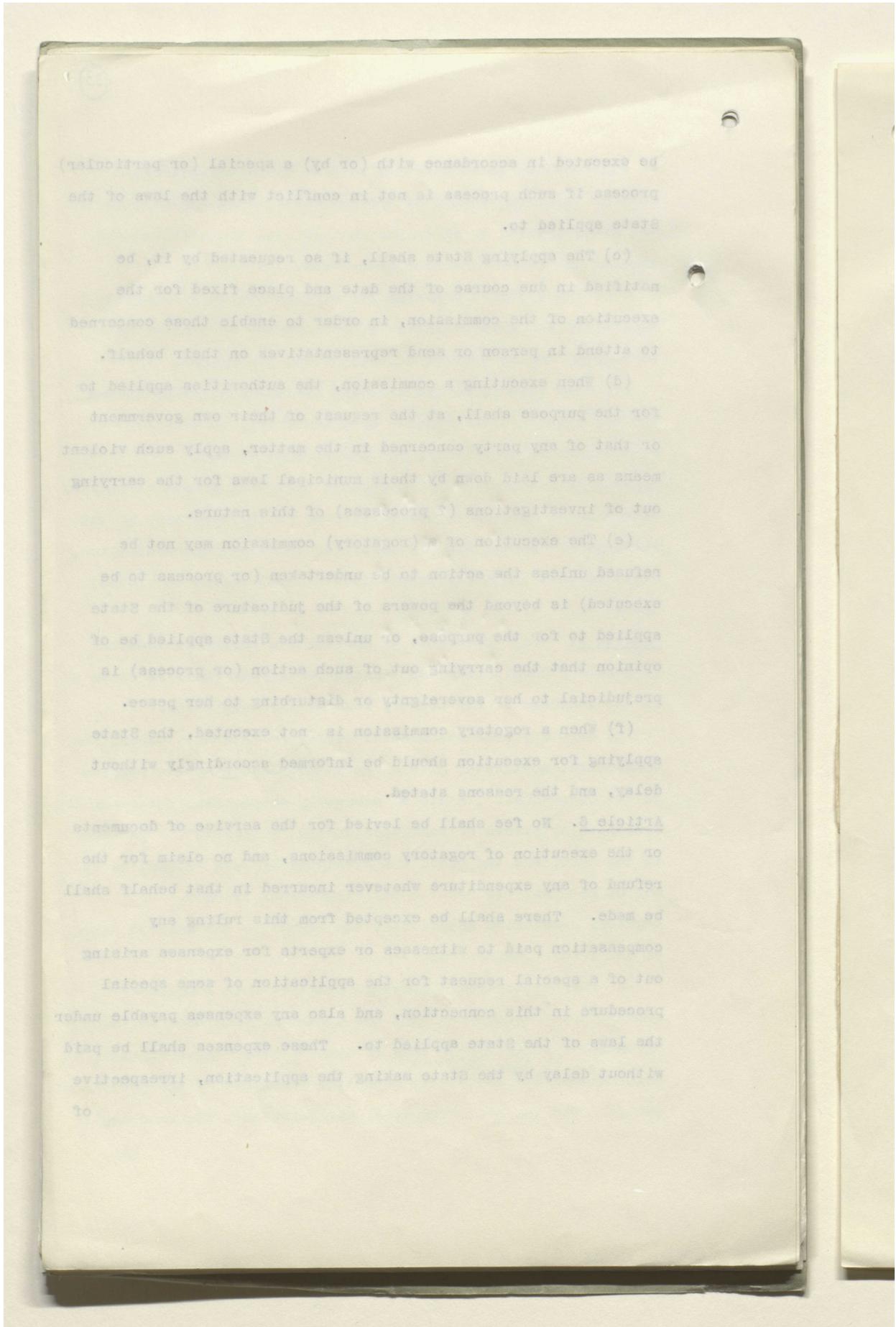
(c) The applying State shall, if so requested by it, be notified in due course of the date and place fixed for the execution of the commission, in order to enable those concerned to attend in person or send representatives on their behalf.

(d) When executing a commission, the authorities applied to for the purpose shall, at the request of their own government or that of any party concerned in the matter, apply such violent means as are laid down by their municipal laws for the carrying out of investigations (? processes) of this nature.

(e) The execution of a (rogatory) commission may not be refused unless the action to be undertaken (or process to be executed) is beyond the powers of the judicature of the State applied to for the purpose, or unless the State applied be of opinion that the carrying out of such action (or process) is prejudicial to her sovereignty or disturbing to her peace.

(f) When a rogatory commission is not executed, the State applying for execution should be informed accordingly without delay, and the reasons stated.

Article 6. No fee shall be levied for the service of documents or the execution of rogatory commissions, and no claim for the refund of any expenditure whatever incurred in that behalf shall be made. There shall be excepted from this ruling any compensation paid to witnesses or experts for expenses arising out of a special request for the application of some special procedure in this connection, and also any expenses payable under the laws of the State applied to. These expenses shall be paid without delay by the State making the application, irrespective of



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of whether or not such expenses have been collected from the parties concerned. The expenses of postage shall be borne by the forwarding authority.

Chapter II.

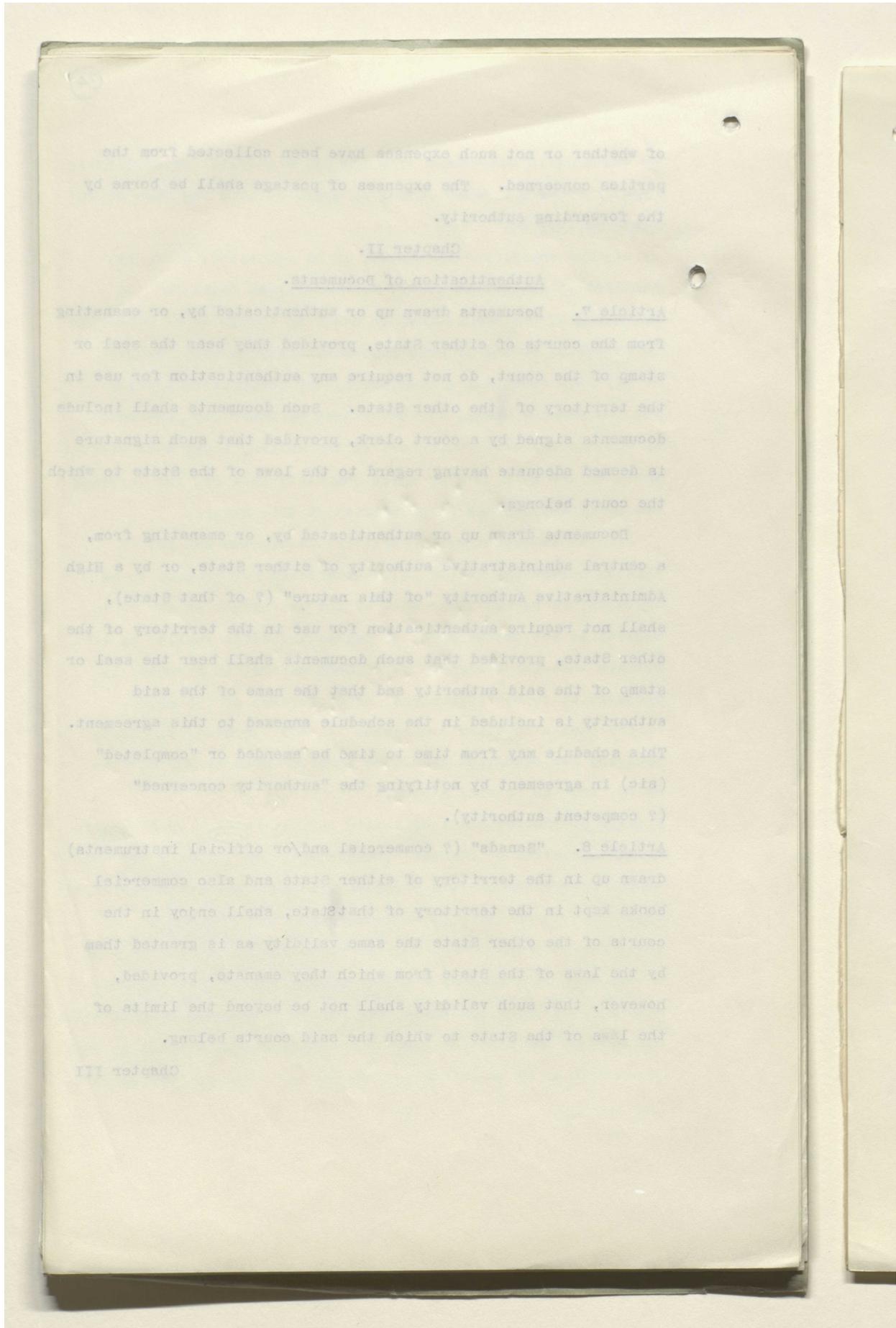
Authentication of Documents.

Article 7. Documents drawn up or authenticated by, or emanating from the courts of either State, provided they bear the seal or stamp of the court, do not require any authentication for use in the territory of the other State. Such documents shall include documents signed by a court clerk, provided that such signature is deemed adequate having regard to the laws of the State to which the court belongs.

Documents drawn up or authenticated by, or emanating from, a central administrative authority of either State, or by a High Administrative Authority "of this nature" (? of that State), shall not require authentication for use in the territory of the other State, provided that such documents shall bear the seal or stamp of the said authority and that the name of the said authority is included in the schedule annexed to this agreement. This schedule may from time to time be amended or "completed" (sic) in agreement by notifying the "authority concerned" (? competent authority).

Article 8. "Sanads" (? commercial and/or official instruments) drawn up in the territory of either State and also commercial books kept in the territory of that State, shall enjoy in the courts of the other State the same validity as is granted them by the laws of the State from which they emanate, provided, however, that such validity shall not be beyond the limits of the laws of the State to which the said courts belong.

Chapter III



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Chapter III

Exchange of Legal Information.

Article 9. On application, the Ministries of Justice of the two High Contracting Parties shall exchange information concerning laws in force in their respective countries. The application should state clearly the nature of the legislation on which information is sought.

Article 10.

Final Clauses.

This agreement shall be ratified by the two High Contracting Parties. Ratification shall be exchanged in Tehran as early as possible.

This agreement shall come into force after the lapse of one month from the date of exchange of ratifications, and shall remain in force until 3 months after "application" (? notification of desire) for its dissolution, which may be made at any time.

In witness of which the plenipotentiaries named herein above have signed this agreement and have affixed thereto their seals.

Done at Baghdad in duplicate in the French language this day of the month of of the year one thousand nine hundred and thirty one of the Christian Era.

