

(f) The execution of a Letter of Request which complies with the preceding provisions of this Article can only be refused—

- (1) If the authenticity of the Letter of Request is not established;
- (2) If, in the country of execution, the execution of the Letter of Request in question does not fall within the functions of the judiciary;
- (3) If the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will at once inform the Consular Officer by whom it was transmitted, stating the grounds on which the execution of the Letter of Request has been refused, or the competent authority to whom it has been forwarded.

(h) When a Letter of Request has been executed, the competent authority to whom it was transmitted or forwarded shall send to the Consular Officer by whom it was transmitted the necessary documents establishing its execution.

Article 9.

(a) The evidence may also be taken, without the intervention of the authorities of the country of execution, by a Consular Officer acting for the country of origin.

(b) The Consular Officer may request individuals named by the court of the country of origin to appear before him to give evidence. The attendance and giving of evidence before him shall be entirely voluntary and no measures of compulsion shall be employed.

(c) Requests to appear issued by a Consular Officer shall, unless the recipient is a subject of the High Contracting Party for whose judicial authority the evidence is required, be drawn up in the language of the country of execution or be accompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure recognized by the law of the country of origin, and the parties will have the right to be present in person or to be represented by barristers or solicitors of that country or by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

Article 10.

The fact that an attempt to take evidence by the method laid down in Article 9 failed owing to the refusal of any witness to appear or to give evidence does not preclude a request being subsequently made in accordance with Article 8.

Article 11.

(a) Where evidence is taken in the manner provided in Article 8 the High Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other High Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request in respect of any charges and expenses payable to witnesses, experts, interpreters, or translators, the costs of obtaining the attendance of witnesses who have not appeared voluntarily, and the charges and expenses payable to any person whom such authority may have deputed to act, in cases where the law of the country of execution permits this to be done, and any charges and expenses incurred by reason of a special procedure being requested and followed. These expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(b) The repayment of these expenses shall be claimed by the competent authority by whom a Letter of Request has been executed from the Consular Officer by whom it was transmitted when sending to him the documents establishing its execution as provided in Article 8 (h).

(c) Except as above provided, no fees of any description shall be payable by one High Contracting Party to the other in respect of the taking of evidence.

IV.—JUDICIAL ASSISTANCE FOR POOR PERSONS AND SECURITY FOR COSTS.

Article 12.

The subjects of one High Contracting Party resident in the territory of the other High Contracting Party shall not be compelled to give security for costs in any case where a subject or citizen of such other High Contracting Party would not be so compelled.

Article 13.

(1) The subjects of one High Contracting Party shall enjoy in the territory of the other High Contracting Party a perfect equality of treatment with subjects of the latter High Contracting Party as regards free legal assistance for poor persons.

(2) The provisions of this Article apply to criminal as well as to civil and commercial matters.

V.—GENERAL PROVISIONS.

Article 14.

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

Article 15.

The present Convention, of which the English and Arabic texts are equally authentic, shall be subject to ratification. Ratifications shall be exchanged in London. The Convention shall come into force one month after the date on which ratifications are exchanged, and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force until the expiration of six months from the date on which either of the High Contracting Parties shall have given notice to terminate it.

Article 16.

(a) This Convention shall not apply *ipso facto* to Scotland or Northern Ireland, the Channel Islands, or the Isle of Man, nor to any of the colonies, overseas territories, or protectorates of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the seas, Emperor of India, nor to any territories under his suzerainty, nor to any mandated territories in respect of which the mandate is exercised by his Government in the United Kingdom, but His Majesty may at any time while this Convention is in force, under Article 15, by a notification given through his Ambassador in Iraq, extend the operation of the Convention to any of the above-mentioned territories.

(b) Such notification shall state the authorities in the territory concerned to whom requests for service under Article 3 or Letters of Request under Article 8 are to be transmitted, and the language in which communications and translations are to be made. The date of the coming into force of any extension shall be one month from the date of such notification.

(c) Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the territories referred to in paragraph (a) of this Article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

(d) The termination of the Convention under Article 16 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso facto* terminate it in respect of any territories to which it has been extended under paragraph (a) of this Article.

Article 17.

(a) The High Contracting Parties agree that His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, may at any time, while the present Convention is in force, either under Article 15 or by virtue of any accession under this Article, by a notification given through the diplomatic channel, accede to the present Convention in respect of any other member of the British Commonwealth of Nations whose Government may desire that such accession should be effected, provided that no notification of accession may be given at any time when His Majesty the King of Iraq has given notice of termination in respect of all territories to which the Convention applies. The provisions of Article 16 (b) shall be applicable to such notification. Any such accession shall take effect one month after the date of its notification.

(b) After the expiry of three years from the date of the coming into force of any accession under paragraph (a) of this Article, either of the High Contracting Parties may, by giving six months' notice of termination through the diplomatic channel, terminate the application of the Convention to any country in respect of which a notification of accession has been given. The termination of the Convention under Article 15 shall not affect its application to any such country.

(c) Any notification of accession under paragraph (a) of this Article may include any dependency or mandated territory administered by the Government of the country in respect of which such notification of accession is given, and any notice of termination in respect of any such country under paragraph (b) shall apply to any dependency or mandated territory which was included in the notification or accession in respect of that country.

In witness whereof the undersigned have signed the present Convention, in English and Arabic texts, and have affixed thereto their seals.

Done in duplicate at Bagdad the 25th day of July, in the year 1935.

[L.S.] NOURY SAID.

[L.S.] ARCHIBALD CLARK KERB.