

**No. 27601**

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**FRANCE  
and  
CÔTE D'IVOIRE**

**Agreement concerning cooperation in the field of justice.  
Signed at Paris on 24 April 1961**

**Exchange of letters constituting an agreement concerning the  
interpretation of the above-mentioned agreement. Paris,  
13 July 1989**

*Authentic text: French.*

*Registered by France on 30 October 1990.*

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**FRANCE  
et  
CÔTE D'IVOIRE**

**Accord de coopération en matière de justice. Signé à Paris le  
24 avril 1961**

**Échange de lettres constituant un accord relatif à l'inter-  
prétation de l'Accord susmentionné. Paris, 13 juillet  
1989**

*Texte authentique : français.*

*Enregistré par France le 30 octobre 1990.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE FRENCH REPUBLIC AND THE REPUBLIC OF THE IVORY COAST CONCERNING COOPERATION IN THE FIELD OF JUSTICE

The Government of the French Republic and  
The Government of the Republic of the Ivory Coast,  
Considering their desire to cooperate in the field of justice,  
Considering that the two States are imbued with the same ideal of justice and liberty,

Considering their common desire to maintain and strengthen the ties which link them in the legal and judicial fields,

Have agreed on the following provisions:

## TITLE I. GENERAL PROVISIONS

*Article 1*

The French Republic and the Republic of the Ivory Coast shall establish a regular exchange of information in the field of judicial organization, legislation and jurisprudence.

*Article 2*

The judicial documents in implementation of this Agreement shall be transmitted, except where provided otherwise, through the diplomatic channel.

In urgent cases, however, they may be transmitted directly between the Ministers of Justice of the two States.

## TITLE II. RECIPROCAL LEGAL ASSISTANCE

## CHAPTER I. TRANSMITTAL AND EXECUTION OF LETTERS ROGATORY

*Article 3*

Letters rogatory both in civil and commercial and in penal and administrative matters to be executed in the territory of one of the Contracting States shall be transmitted through the diplomatic channel for execution by the judicial authorities of the requested State.

*Article 4*

The requested State may refuse to execute a letter rogatory if the letter rogatory does not fall within its competence or is liable to impair the sovereignty, security or public policy of that State.

<sup>1</sup> Came into force on 4 September 1961, the date of entry into force of the Treaty on co-operation signed on the same date,\* in accordance with article 67.

\* United Nations, *Treaty Series*, vol. 747, p. 113.

*Article 5*

Persons whose testimony is requested shall be invited to appear by a regular administrative notice. If they refuse to comply with such notice, the requested authority shall use the means of coercion provided for in the legislation of the State where the person is to appear.

*Article 6*

The requested authority shall, at the express wish of the requesting authority, with all due dispatch:

1. Execute the letter rogatory by means of a special formality, if that formality does not conflict with the legislation of the State where the letter is to be executed;
2. Inform the requesting authority in good time of the date and place of execution of the letter rogatory, so that the interested parties may be present, in accordance with the legislation of the requested State.

*Article 7*

The execution of letters rogatory shall not give rise to the refunding of any costs save the fees of experts.

*Article 8*

The provisions of this chapter shall be without prejudice to the right of the Contracting States to cause letters rogatory concerning the hearing of their nationals to be executed direct by their representatives or deputies.

Where there is a conflict between the legislation of the two countries, the nationality of the person in respect of whom the hearing is requested shall be determined by the law of the State in which the letter rogatory is to be executed at the time it is issued.

## CHAPTER II. APPEARANCE OF WITNESSES IN CRIMINAL MATTERS

*Article 9*

If, in a criminal case, the personal appearance of a witness is necessary, the Government of the State in which he is resident shall call upon him to answer the summons. If he does, his travel expenses and subsistence allowance, which shall be calculated from his place of residence, shall be at least equal to those provided for under the scales and regulations in force in the State in which the hearing is to take place. At his request, he shall be advanced all or part of the travel expenses by the consular authorities of the requesting State.

*Article 10*

No witness who is summoned in one of the two States and voluntarily appears before the judicial authorities of the other State may be prosecuted or detained in the latter State for offences or convictions antedating his departure from the territory of the requested State. This immunity shall cease 15 days after the date on which the testimony has been completed and the return of the witness has become possible.

*Article 11*

Requests for the sending of witnesses who are in custody shall be transmitted through the diplomatic channel.

Such requests shall be complied with, unless there are special objections, on the understanding that the said persons in custody are returned promptly.

### CHAPTER III. JUDICIAL RECORDS

#### *Article 12*

The Contracting States shall report to each other all convictions entered in the judicial records pronounced by their respective courts against nationals and persons born in the territory of the other State.

#### *Article 13*

In proceedings before a court of one of the Contracting States, the *parquet* of that court may obtain direct from the competent authorities of the other State an extract from the judicial records relating to the person against whom the proceedings are being taken.

#### *Article 14*

Where, other than in the case of proceedings, the judicial or administrative authorities of one of the Contracting States wish to receive an extract from the judicial records of the other Party, they may obtain it direct from the competent authorities in the instances and within the limits prescribed in the legislation of that Party.

### CHAPTER IV. CIVIL REGISTER AND AUTHENTICATION

#### *Article 15*

The French Republic shall, at the times specified below, transmit to the Republic of the Ivory Coast, copies of certificates of recognition of natural children, marriage certificates, death certificates and certificates of legitimation issued in France, as well as extracts of judgements and decisions rendered in the territory of the French Republic in matters of divorce, separation, filiation, civil registration and deprivation of legal capacity which concern persons born in the territory of the Republic of the Ivory Coast.

Extracts of judgements and decisions rendered in matters of divorce and separation shall also be transmitted to the Republic of the Ivory Coast when they concern persons who were married in that State.

Each quarter, copies and extracts of such documents, certificates, judgements and decisions issued or rendered during the preceding quarter shall be transmitted by the French Republic to the Republic of the Ivory Coast.

The Republic of the Ivory Coast shall enter in the civil register appropriate particulars from such copies and extracts in the margin of the birth or marriage certificates of the persons concerned. In the absence of a grant of execution, particulars of judgements and decisions shall be included merely for information purposes.

#### *Article 16*

The Republic of the Ivory Coast shall, at the times specified below, transmit to the French Republic copies of certificates of recognition of natural children, marriage certificates, death certificates and certificates of legitimation issued in the ter-

ritory of the Republic of the Ivory Coast, as well as extracts of judgements and decisions rendered in the Ivory Coast in matters of divorce, separation, filiation, civil registration and deprivation of legal capacity which concern persons born in the territory of the French Republic.

Extracts of judgements and decisions rendered in matters of divorce and separation shall also be transmitted to the French Republic when they concern persons who were married in that State.

Each quarter, copies and extracts of such documents, certificates, judgements and decisions, issued or rendered during the preceding quarter shall be transmitted by the Republic of the Ivory Coast to the French Republic.

The French Republic shall enter in the civil register appropriate particulars from such copies and extracts in the margin of the birth or marriage certificates of the persons concerned. In the absence of a grant of execution, particulars of judgements and decisions shall be included merely for information purposes.

#### *Article 17*

Each quarter, the French Republic shall transmit to the Republic of the Ivory Coast an original or a copy of birth certificates concerning nationals of that State issued in French territory during the preceding quarter.

Each quarter, the Republic of the Ivory Coast shall transmit to the French Republic an original or a copy of birth certificates concerning French nationals issued in the territory of the Ivory Coast during the preceding quarter.

#### *Article 18*

The French Republic and the Republic of the Ivory Coast shall issue free of charge copies of extracts from the civil register made out in their respective territories, when so requested, for a duly specified administrative reason or for needy citizens.

They shall also issue free of charge copies of extracts from the civil register made out in the respective territories of the two States, where such extracts relate to aliens who are nationals of a third country and are requested for a duly specified administrative reason.

Extracts from the civil register made out or transcribed in diplomatic and consular posts shall be equated with extracts from the civil register made out in the respective territories of the two States.

Issue of copies of extracts from the civil register shall in no way prejudice the question of the nationality of the person concerned so far as the two States are concerned.

#### *Article 19*

Requests made by the French Republic or by the Republic of the Ivory Coast shall be transmitted to the Ivory Coast local authorities and the French local authorities by the representatives of the Contracting States.

Requests shall state briefly the grounds on which they are made.