

N° 2807.

---

GRANDE-BRETAGNE  
ET IRLANDE DU NORD  
ET IRAK

Accord judiciaire. Signé à Bagdad, le  
4 mars 1931.

---

GREAT BRITAIN  
AND NORTHERN IRELAND  
AND IRAQ

Judicial Agreement. Signed at Bagh-  
dad, March 4, 1931.

No. 2807. — JUDICIAL AGREEMENT<sup>1</sup> BETWEEN GREAT BRITAIN AND 'IRAQ. SIGNED AT BAGHDAD ON MARCH 4, 1931.

*Textes officiels anglais et arabe communiqués par le secrétaire d'État aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cet accord a eu lieu le 9 septembre 1931,*

*English and Arabic official texts communicated by His Majesty's Secretary of State in Great-Britain. The registration of this Agreement took place September 9, 1931.*

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and HIS MAJESTY THE KING OF 'IRAQ ;

Whereas a Treaty of Alliance<sup>2</sup> between His Britannic Majesty and His Majesty the King of 'Iraq was signed at Baghdad on the 10th day of October, 1922, of the Christian Era corresponding to the 19th day of Safar, 1341, Hijrah ; and

Whereas by Article 9 of the said Treaty His Majesty the King of, Iraq undertook that he would accept and give effect to such reasonable provisions as His Britannic Majesty might consider necessary in judicial matters to safeguard the interests of foreigners in consequence of the non-application of the immunities and privileges enjoyed by them under capitulation or usage ; and

Whereas an Agreement to this end, hereinafter called the Judicial Agreement,<sup>3</sup> was signed at Baghdad on the 25th day of March, 1924, of the Christian Era corresponding to the 19th day of Sha'ban, 1342, Hijrah ; and

Whereas it is recognised that the provisions of the said Judicial Agreement are incompatible with the standard of justice now administered in the Courts of 'Iraq and that special measures to safeguard the interests of foreigners are no longer required :

Have agreed to conclude a new Agreement on terms of equality and have appointed as their plenipotentiaries :

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA,

For Great Britain and Northern Ireland :

Lieutenant-Colonel Sir Francis Henry HUMPHRYS, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Eminent Order of the Indian Empire, High Commissioner of His Britannic Majesty in 'Iraq ; and

HIS MAJESTY THE KING OF 'IRAQ :

General NURI PASHA AS SA'ID, Order of the Nadha, Second Class, Order of the Istiqlal Second Class, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, Prime Minister of the 'Iraq Government ;

Who having communicated their full powers, found in due form, have agreed as follows :

<sup>1</sup> L'échange des ratifications a eu lieu à Bagdad, le 29 mai 1931.

<sup>2</sup> Vol. XXXV, page 13, de ce recueil.

<sup>3</sup> Vol. XXXV, page 131, de ce recueil.

<sup>1</sup> The exchange of ratifications took place at Baghdad, May 29, 1931.

<sup>2</sup> Vol. XXXV, page 13, of this Series.

<sup>3</sup> Vol. XXXV, page 131, of this Series.

Article 1.

The special judicial regime established in favour of certain foreigners under the Judicial Agreement shall be abolished forthwith and a uniform system of justice shall be applicable to all 'Iraqis and foreigners alike.

Article 2.

In order to facilitate the establishment and working of the new system it is agreed that it will be necessary to continue to employ a limited number of British legal experts in the Ministry of Justice and in the Courts of 'Iraq to be selected by His Majesty the King of 'Iraq with the concurrence of His Britannic Majesty and that these experts shall be granted judicial powers under the laws of 'Iraq. His Majesty the King of 'Iraq accordingly undertakes to employ, upon terms not less favourable than those set out in the British Officials Agreement<sup>1</sup> of the 25th March, 1924, and on contracts for a period of 10 years from the date of the entry into force of this Agreement, nine British legal experts. His Majesty undertakes that the following appointments shall normally be filled by British officers from the aforesaid legal experts :

- (1) A British Judicial Adviser.
- (2) A British President of the Court of Appeal and Cassation.
- (3) British Presidents of the Courts of First Instance and Sessions at the following places — Baghdad, Basrah, Mosul and such other places as may hereafter be agreed upon.

Article 3.

His Majesty the King of 'Iraq undertakes to provide :

(a) That the Consular Representative of a foreign State in 'Iraq shall at all reasonable times subject to usual police and prison regulations have free communication with and access to any national of that State who may be undergoing detention in 'Iraq ;

(b) That any person who being a party to criminal or civil proceedings is present at an enquiry, investigation or trial, and has not sufficient knowledge of the official language used to understand them shall have the right to claim that all such proceedings shall be translated where possible into his native tongue and where this is not possible into English or French ;

(c) That no house or other premises shall be entered save on a warrant signed by a Magistrate except where the Police are in the act of pursuing a person caught in *flagrante delicto* or whom they are authorised to arrest.

Article 4.

In matters relating to the personal status of foreigners or in other matters of a civil and commercial nature in which it is customary to apply the law of another country, the application of such law shall be in accordance with the rules of private International Law. Without prejudice to the provisions of any law relating to the jurisdiction of religious courts, or to such powers of Consuls in regard to the administration of estates of their nationals as may be recognised under agreements concluded by the Government of 'Iraq, cases relating to the personal status of foreigners will be dealt with by the Civil Court. In questions of marriage, divorce, maintenance, dowry, guardianship of infants and succession of movable property, the President of the Court hearing the case, or, in the case of appeal or revision, the President of the Court of Appeal and Cassation hearing

<sup>1</sup> Vol. XXXV, page 35, de ce recueil.

<sup>1</sup> Vol. XXXV, page 35, of this Series.

the case may invite the Consul or representative of the Consulate of the foreigner concerned, to attend as an expert for the purpose of advising upon the personal law concerned.

*Article 5*

The present Agreement shall replace the Judicial Agreement of the 25th day of March, 1924, of the Christian Era corresponding to the 19th day of Sha'ban, 1342, Hijrah, which shall cease to have effect as from the date of the entry into force of this Agreement. The present Agreement shall be ratified. The ratifications shall be exchanged at Baghdad as soon as practicable, and the present Agreement shall come into force on the date of the exchange of ratifications and shall remain in force until 'Iraq enters the League of Nations.

Done in duplicate, in English and Arabic, of which, in the case of divergence, the English text shall prevail, at Baghdad this 4th day of March, 1931, of the Christian Era, corresponding to the 14th day of Shawwal, 1349, Hijrah.

نوري السعيد

F. H. HUMPHRYS.