

No. 2759

**SYRIA
and
JORDAN**

**Judicial Convention. Signed at Damascus, on 23 December
1953**

Official text: Arabic.

Registered by Syria on 16 February 1955.

**SYRIE
et
JORDANIE**

Convention judiciaire. Signée à Damas, le 23 décembre 1953

Texte officiel arabe.

Enregistrée par la Syrie le 16 février 1955.

[TRANSLATION — TRADUCTION]

No. 2759. JUDICIAL CONVENTION¹ BETWEEN THE SYRIAN REPUBLIC AND THE HASHEMITE KINGDOM OF THE JORDAN. SIGNED AT DAMASCUS, ON 23 DECEMBER 1953

The Government of the Hashemite Kingdom of the Jordan and the Government of the Syrian Republic,

Desiring to assist each other in the prosecution of offenders and the execution of judgments and in facilitating service of documents and letters of request, and to achieve the purposes set out in article 2 of the Pact of the League of Arab States,²

Have agreed as follows :

CHAPTER I

EXTRADITION OF OFFENDERS

Article 1

The extradition of offenders between the Hashemite Kingdom of the Jordan and the Syrian Republic shall be effected in accordance with the provisions of this Convention.

Article 2

Extradition shall be mandatory if the requisition satisfies the two following conditions :

1. The offence, as stated by the competent judge in the applicant State according to the law of that State, is a crime or a correctional offence punishable with at least one year's imprisonment, or a sentence of at least three months' imprisonment has been awarded for the offence ;

2. The offence was committed in the territory of the applicant State, or was committed outside the territory of both States and is punishable under the law of each State even if committed outside its territory.

Article 3

The State to which application for extradition is made may refuse the application :

¹ Came into force on 3 June 1954 in accordance with Article 55, one month after the exchange of the instruments of ratification, which took place on 3 May 1954.

² United Nations, *Treaty Series*, Vol. 70, p. 237.

1. If the person claimed was a national of that State at the time the offence was committed and proceedings are instituted against him in the courts of that State and in accordance with its law in virtue of a file prepared by the judicial authorities of the applicant State. The State to which application is made shall notify the applicant State of the results of the proceedings, and the competent judicial authority in the applicant State shall order final cessation of the prosecution or, if judgment has already been given in the case, suspension of execution of the judgment ;

2. If the offence was committed in the territory of the applicant State, if the person claimed is not a national of that State, and if the acts with which he is charged are not punishable under the law of the State to which application is made ;

3. If the offence was committed outside the territory of both States, if an offence committed outside the territory of the State to which application is made is not punishable under its law, and if the person claimed is not a national of the applicant State ;

4. If at the time the requisition is received exemption from prosecution or punishment in respect of the offence would have been acquired by lapse of time under the law of the State to which application is made if the offence had been committed in its territory, and if the person claimed is not a national of the applicant State.

Article 4

Extradition shall not be granted :

1. For a political offence.

The following shall not be regarded as political offences :

(a) Murder, brigandage, and robbery with violence, whether committed by one or by several persons against individuals or local authorities or railways or other means of transport and communication ;

(b) Any offence against the person of the Heads of the two Contracting States ;

(c) Military offences ;

(d) Attempts to commit the offences referred to in the preceding subparagraphs (a), (b) and (c), if such attempts are punishable under the law of both States.

2. If the offence was committed in the territory of the State to which application is made ;

3. If the person claimed is a government official on official duty abroad and if the offence for which he is claimed was committed in or by reason of the performance of his duty ;

4. If the person claimed is a member of the diplomatic corps protected by diplomatic immunity, or any other person protected by diplomatic immunity under international law or under any other treaty or convention ;

5. If the person claimed has been tried, or if an investigation or proceedings have been instituted against him, in respect of the offence for which he is claimed, whether in the State to which application is made or in the State, other than the applicant State, in which the offence was committed ;

6. If exemption from prosecution or punishment in respect of the offence has been acquired by lapse of time under the law of the applicant State or of the State in whose territory the offence was committed.

Article 5

1. If the State to which application is made has received applications from more than one State for the same person in respect of the same offence, extradition shall be granted in priority to the State whose interests have been injured by the offence or to the State in whose territory the offence was committed.

2. If the requisitions relate to different offences, priority shall be determined in accordance with the circumstances and the facts, including the seriousness of the offence, the place in which it was committed, the date of receipt of the requisitions, and an undertaking by any of the applicant States to return the extradited person.

Article 6

Where the person claimed is being proceeded against or has been convicted for a different offence in the State to which application is made, the latter State shall decide in respect of the requisition and his extradition shall be postponed until the proceedings have been discontinued or the case dismissed, or until he has been acquitted or declared not responsible, or until he has served his sentence or received a pardon or has been released because the grounds for his detention no longer exist.

He may however be sent temporarily to the applicant State to appear before its judicial authorities on an undertaking by those authorities to return him after his interrogation or after judgment has been given in the case in respect of which he was extradited and to restrict his liberty in accordance with the judgment given or order made concerning him by the authorities of the State which has surrendered him.

Article 7

1. Requisitions for extradition shall be made by the Minister of Justice of the applicant State to the Minister of Justice of the State to which application is made.

2. The requisition file shall contain :
 - (a) A detailed statement of identity and description of the person claimed, with his photograph if possible ;
 - (b) A warrant of arrest or summons issued by a competent authority, if the person claimed has not been tried ;
 - (c) A certified copy of the provisions of law under which the offence is punishable, and a detailed declaration by the judge seized of the case certifying that they apply to the offence, and the evidence establishing the liability of the person claimed ;
 - (d) If the person claimed has been convicted, a certified copy of the judgment, whether it has become *res judicata* or not ;
 - (e) A declaration by the judge seized of the case that the penalty has not been extinguished or ceased to be enforceable under the law of his State ;
 - (f) A statement that the requisition conforms to the provisions of this Convention.

Article 8

1. In each State the decision concerning a requisition for extradition shall be made by the authorities empowered to do so in virtue of the law in force at the time the requisition is made.

2. If it is decided to extradite the person claimed, the Minister of Justice in the State to which application is made shall forthwith notify the Minister of Justice in the applicant State accordingly and order the extradition to be carried out.

3. If it is decided to refuse the requisition, the Minister of Justice in the State to which application is made shall notify the Minister of Justice in the applicant State of the decision and the reasons therefor.

Article 9

1. Each Contracting State shall assist the other to search for offenders and shall remand in custody any persons wanted for trial or convicted of offences constituting grounds for extradition. In affording such assistance it shall communicate with the other officially by mail, telegraph, telephone or other means, specifying the charge and citing the provisions of law applying thereto. The applicant State may send an authorized agent to the State to which application is made to assist in the search for the person claimed.

2. The period of remand in custody in the State to which application is made may not exceed fifteen days, commencing on the date on which notice of

the arrest is telegraphed to the Minister of Justice of the applicant State. If the file relating to the requisition for extradition is not received during this period the prisoner shall be released on the expiry thereof by order of the competent authority, provided that the said period of fifteen days may be prolonged for a further like period if the applicant State so desires because the file cannot be prepared or if the file is received incomplete.

3. Remand in custody shall conform to the law of the State to which application is made. Members of the armed forces shall in all cases be detained in prisons and places of detention reserved for members of the armed forces of that State.

4. Where the prisoner admits that he is the person claimed and that he committed the offence charged, and the competent authorities in the two States find that the offence is one for which extradition may be granted under this Convention, and the person claimed consents to be extradited to the applicant State without a file relating to the requisition for extradition, those authorities shall order his extradition.

Article 10

1. Articles of which the person claimed has obtained possession through the commission of the offence in respect of which his extradition is applied for or which have been seized on him, the instruments which were used for committing the offence and any other articles likely to be of assistance in the investigation thereof shall, subject to the rights of third parties and in accordance with the decision of the competent authority, be handed over to the applicant State.

2. Such articles shall be handed over to the applicant State if an order is made granting the extradition of the offender, whether the extradition is carried out or is not carried out because the offender has died or escaped or cannot be apprehended.

3. All articles hidden or deposited by the person claimed in the State ordering extradition and discovered after the extradition has been carried out shall also be handed over.

4. The State to which application is made may retain the articles seized if to do so appears necessary for the purpose of the criminal investigation, or may reserve the right to recall them for that purpose subject to an undertaking to return them as soon as possible.

Article 11

The applicant State shall take delivery of the person claimed within thirty days after the date of despatch of the telegram notifying the decision to grant extradition, failing which the State to which application is made may release him and he may not be claimed a second time for the same offence.

Articles 12

1. The person claimed may be tried or punished only for the offence in respect of which he has been extradited or for offences connected therewith discovered after his extradition.

2. If he is sentenced, any time he has spent on remand in custody in the State to which application was made shall be deducted from the term of the sentence.

3. If the case against him is dismissed or he is acquitted or declared not responsible, the State which has claimed him shall return him at its own expense to the place where he was when extradited.

Article 13

The person claimed may not be detained, tried or punished for another offence unless :

- (a) He consents thereto, in which case his consent shall be recorded in a report to be signed by him or his agent and sent to the State which extradited him ;
- (b) The State extraditing him consents thereto ; and such consent shall be applied for by the same procedure as extradition ;
- (c) He has had an opportunity to leave the territory of the State to which he has been extradited but has not done so within one month ;
- (d) He has committed the offence after his extradition in the State to which he has been extradited.

Article 14

If an extradited person escapes and re-enters the territory of the State which extradited him, he shall be apprehended and re-extradited on a direct application by the State to which he was originally extradited, without further procedure.

Article 15

If an offender is extradited between one Contracting State and a third State, the other Contracting State shall authorize the passage through its territory of the offender and of an adequate escort together with the articles referred to in article 10, or one of the two States shall undertake to transfer or escort him on presentation to the competent police authority of a copy of the extradition order.

Article 16

Subject to reciprocity, each State shall defray all the costs of extraditing the person claimed.

CHAPTER II

EXECUTION OF PENAL SENTENCES

Article 17

1. Each of the two States shall enforce in its territory sentences which have become *res judicata* pronounced by criminal courts of the other State and ordering imprisonment for less than three months or a fine or payment of fees or costs.

2. Each of the two States shall likewise enforce security measures and orders for limitation or deprivation of civil rights conforming to the law of both States.

3. On application by the State in which judgment was given, a sentence of more than three months' imprisonment may be executed in the other State with its consent.

Article 18

Judgments given in criminal cases by judges of one Contracting State with respect to acts constituting crimes or correctional offences under the law of the other Contracting State shall, so far as they are compatible with the law of the other State, have effect for the purpose of :

1. Enforcing measures resulting therefrom with regard to security, loss of capacity or deprivation of rights ;

2. Ordering security measures, loss of capacity or deprivation of rights or restitution, compensation or other civil consequences ;

3. Applying provisions of law relating to repetition of offences, habitual commission of offences, joinder of offences, stay of execution, suspension of sentence, or rehabilitation.

Article 19

1. Application for execution shall be made by the chief State counsel of the applicant State to the chief State counsel of the other State in whose territory the convicted person is present.

2. The application file shall include :

(a) A detailed statement of the identity and description of the convicted person, with his photograph if possible ;

(b) A certified copy of the judgment bearing a statement that the judgment has become *res judicata* and is enforceable.

3. The chief State counsel shall decide concerning the application with all speed. He may ask the applicant chief State counsel for any particulars he considers necessary. If he decides to accept the application, he shall execute

it and notify the result to the chief State counsel of the other State. If he decides to reject the application, his decision shall be referred to the Minister of Justice, who shall make a final order for acceptance or rejection of the application.

4. Where the chief State counsel decides to reject an application for execution with respect to a prisoner, the prisoner may not be released until the Minister of Justice has made an order.

Article 20

Subject to reciprocity, each State shall defray the costs of execution in its own territory.

CHAPTER III

EXCHANGE OF INFORMATION IN PENAL MATTERS

Article 21

1. The judicial records offices of the two States shall exchange information concerning correctional offences and crimes for which sentences have been passed in one State upon nationals of the other.

2. Each of the two offices shall furnish the other free of charge on request with information derived from the judicial records.

CHAPTER IV

EXECUTION OF NON-PENAL JUDGMENTS

ENFORCEABLE JUDGMENTS

Article 22

A final judgment of a criminal court upholding civil or commercial rights or imposing civil obligations, or a final judgment of a legally-constituted judicial body in a matter of personal status, given in one of the Contracting States shall be enforceable in the other Contracting State in accordance with the terms of this Convention.

APPLICATION FOR EXECUTION

Article 23

Application shall be made to the judicial authority competent to enforce local judgments in the place where under the law of the State to which application is made the execution should be carried out, and it shall not be necessary to proceed by *exequatur*.

DOCUMENTS TO ACCOMPANY THE APPLICATION

Article 24

The applicant for execution shall attach to the application the judgment or order to be enforced, authenticated by the judicial authority which made it and bearing the certificate of that authority that it is enforceable.

CASES IN WHICH APPLICATIONS MAY BE REJECTED

Article 25

The competent judicial authority in the State to which application for execution is made may not inquire into the substance of the case, and may refuse to execute the judgment only if :

1. The judicial body that pronounced the judgment was not competent to deal with the case owing to lack of exclusive jurisdiction or under the rules governing international jurisdiction ;
2. The judgment was given without the issue of a summons to the person against whom execution is sought, or he was summoned but not properly represented ;
3. The judgment has not become enforceable under the law of the State in which it was given ;
4. The judgment or the grounds therefor are contrary to public policy or public decency in the State to which application for execution is made, or to a principle considered to possess general international application ;
5. A final judgment has been given by a court of the State to which application for execution is made on the substance of the same matter and between the same parties ; or proceedings relating to the same matter and between the same parties, instituted before the filing of the suit in which the judgment to be enforced was given, are pending in such a court ;
6. The judgment was pronounced against the Government of the State to which application for execution is made, or against one of its officials with respect to acts committed solely in the performance of his duty.

EXECUTION OF ARBITRAL AWARDS

Article 26

Subject to the provisions of the foregoing article, arbitral awards shall be enforced in accordance with this Convention after becoming enforceable in the State in which they were made.

EXECUTION OF OFFICIAL DOCUMENTS

Article 27

Official documents capable of execution in one of the two States shall be capable of execution in the other State unless they are contrary to public policy or public decency in the State to which application for execution is made and provided that they satisfy the conditions for recognition as official documents laid down by the law of the State in which they were prepared.

CHAPTER V

BANKRUPTCY ; DEEDS OF ARRANGEMENT ; WINDING-UP OF COMPANIES

EFFECT OF JUDGMENTS

Article 28

Judgments and orders declaring bankruptcy or approving deeds of arrangement, and orders to wind up a company or administer an estate, made by a court in one of the Contracting States shall have full effect in the other Contracting State in accordance with the rules laid down in this Convention.

JURISDICTION

Article 29

1. The court competent to make a declaration of bankruptcy, to approve a deed of arrangement or to order the winding up of a company shall be, in the case of an individual, that of the district in which he has his principal establishment, and in the case of a body corporate that of the district in which its head office is situated.

2. Where the head office of a body corporate is situated outside the territory of the two Contracting States, jurisdiction shall vest in the court of that district in either of the two States in which the principal establishment of the body corporate is situated.

3. Where an individual or a body corporate has an establishment in each Contracting State and it is not known which is the principal establishment, jurisdiction shall vest in the court in which the suit was first filed.

4. In urgent cases the judicial authorities in each of the two States may take provisional or preventive legal measures to protect rights of an interested person.

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Article 30

Any order declaring bankruptcy or approving a deed of arrangement, and any order to wind up a company, made by a court in one of the Contracting States and affecting a branch or establishment in the territory of the other State shall be advertised by the trustee in bankruptcy or the receiver for the place where such branch or establishment is situated in accordance with the law of that place.

PROBATE JURISDICTION

Article 31

Jurisdiction with respect to applications for probate of wills and administration of estates shall vest in the court of the State within whose jurisdiction the deceased was last domiciled.

PROBATE AND ADMINISTRATION PROCEEDINGS

Article 32

Where probate and administration are granted by a court in one Contracting State in respect of property situated in the other Contracting State, the proceedings shall be conducted in that other State at the place in which the property is situated, in accordance with the law of that place, by the executor or administrator of the estate.

POWERS OF TRUSTEES IN BANKRUPTCY, ADMINISTRATORS AND EXECUTORS

Article 33

Trustees in bankruptcy and administrators and executors appointed by a court in one Contracting State shall enjoy in the territory of the other Contracting State, subject to its law, all rights facilitating the performance of their duties.

JURISDICTION IN DIFFERENT CASES

Article 34

1. The appointment of trustees in bankruptcy, the definition of their powers and the procedure for proof and admission of debts, preparation of schemes of

arrangement and distribution of the property of the bankrupt shall be governed by the law of the State in which the bankruptcy was declared.

2. The courts of the State in which the bankruptcy was declared shall rule on all matters relating thereto.

3. The sale of movable and immovable property shall be effected in accordance with the law of the State in which the property is situated.

4. Priorities in respect of movable or immovable property shall be governed by the law of the State in whose territory the property is situated.

5. Jurisdiction over claims concerning title, disposal of property or priorities shall vest in the courts of the State in which the property in dispute is situated.

ORDERS DECLARING BANKRUPTCY MADE BY COURTS OF A THIRD STATE

Article 35

An order declaring bankruptcy made by a court of one Contracting State shall not be enforceable in the territory of the other Contracting State if the debtor has already been declared bankrupt by a court of a third State in an order enforceable in the territory of that other Contracting State under an agreement concluded between that State and the third State, and the trustee in bankruptcy has already claimed the benefit of that agreement.

RIGHTS OF THE STATE AND OF PUBLIC ESTABLISHMENTS

Article 36

Where a person declared bankrupt by a court of either Contracting State is bound to the other Contracting State or one of its public establishments by a contract relating to a public service, nothing in this Convention shall prevent that State from adopting and applying all the measures and procedures prescribed by its law for the purpose of ensuring the continuity of that public service.

CHAPTER VI

SERVICE OF DOCUMENTS

Article 37

Service of all judicial instruments and documents between the two Contracting States shall be effected in the manner prescribed by this chapter.

Article 38

1. Service shall be effected directly between like courts and judicial services in the two Contracting States.

2. Service of a document issued by a court or judicial office which has no counterpart in the other State shall be effected through the court of first instance of the place in which the person to be served resides.

3. Where a document is sent in error to an authority not competent to serve it, that authority shall forward it directly to the authority competent to serve it in virtue of this Convention and of the local law, and the authority requesting service shall be notified accordingly.

Article 39

1. The request shall contain all the necessary particulars of the identity of the recipient : family name, first name, occupation and address. The document to be served shall be drawn up in duplicate, and one copy shall be served on the recipient and the other shall be returned bearing a declaration certifying that service has been effected.

2. Where service is not effected the competent officer shall indicate the reason for the failure and the documents shall be returned to the issuing authority.

Article 40

1. Service shall be effected in accordance with the law of the State to which application is made.

2. A request by the applicant State for a particular form of service may be complied with if to do so is not contrary to public policy in the State in which service is to be made.

Article 41

Nothing in the foregoing articles shall preclude service by mail if this is lawful in the State of origin.

Article 42

The State to which application is made may not refuse service except of a document addressed to a person charged with an offence to which one of the cases specified in articles 3 and 4 of this Convention applies.

Article 43

Service effected in the manner prescribed in this chapter shall be deemed to have been carried out within the territory of the applicant State.

Article 44

1. Each Contracting State shall defray the costs of service effected in its territory.

2. Witnesses' and experts' fees shall be borne by the applicant State and the sums payable to witnesses or experts as travel and living allowances shall be indicated on the summonses to be served on them.

Article 45

1. A witness or expert who is summoned by one of the parties and appears before the court of that party may not, whatever his nationality, be prosecuted or arrested in connexion with a previous judgment or offence or on a charge of complicity in the acts at issue in the case in which he has appeared.

2. Such a person shall lose this immunity if he does not leave the territory of the applicant State, though able to do so, within eight days after the date on which his appearance before the judicial authorities is no longer necessary.

Article 46

1. Where a witness or expert applied for is under arrest in the territory of the State to which application is made, he shall be transferred under escort, provided that the applicant State undertakes to keep him under arrest and to return him under escort to the other State.

2. The State to which application is made may refuse the request for special reasons, including the refusal of the person applied for.

CHAPTER VII

LETTERS OF REQUEST

Article 47

Judicial proceedings connected with a claim and directed towards providing evidence in support of either party may be instituted directly in the territory of either Contracting State in virtue of a letter of request conforming to the provisions of this chapter.

Article 48

1. The judicial authority of one Contracting State shall apply by letter of request directly to the competent judicial authority of the other Contracting State to institute the required judicial proceedings.

2. The competent judicial authority shall execute the letter of request by the procedure which it is bound by law to follow, but shall comply with a wish of the applicant State for execution of the letter of request in any other manner permitted by the law of the State of execution.

3. The authority making application shall if it so requests be informed of the place and time of execution of the letter of request, in order that the interested party or his agent may be able to attend.

Article 49

If the letter of request relates to a matter or proceedings not lawful in the State to which application is made, or if it cannot be executed, the State to which application is made shall in either case so inform the applicant State and state its reasons.

Article 50

Where a letter of request is addressed to a judicial authority which is not competent, that authority shall transmit it directly to the authority which is competent according to the domestic law of the particular State, and the authority making application shall be notified to that effect.

Article 51

1. The State receiving a letter of request in a criminal matter shall defray all the costs of execution except experts' fees, which shall be paid by the applicant State.

2. In the case of a letter of request in a civil matter, the costs shall be borne by the person in whose interests the application is made, and he shall pay in advance a sum to be determined by the court of the applicant State.

3. The State to which a letter of request is addressed may in accordance with its law levy the prescribed fees in respect of documents submitted during the execution of the request.

Article 52

Judicial proceedings held in virtue of a letter of request shall have the same legal effect as if they had been held before the competent authority of the applicant State.

CHAPTER VIII

FINAL PROVISIONS

Article 53

1. Either Contracting State may denounce all or part of this Convention, which shall cease to have effect six months after notice of denunciation has been given.

2. The provisions of this Convention shall, however, continue to apply to applications for execution made in conformity with the provisions of chapter IV before the expiry of the said period of six months.

Article 54

This Convention shall be ratified in accordance with the constitutional provisions of each of the two Contracting States.

Article 55

This Convention shall come into force one month after the date of the exchange of the instruments of ratification between the two Contracting States. All previous agreements concluded between or on behalf of the two States and relating to the matters dealt with in this Convention shall cease to have effect.
