

No. 8593

**UNITED STATES OF AMERICA
and
SIERRA LEONE**

**Exchange of notes constituting an agreement relating
to judicial procedure. Freetown, 31 March and
6 May 1966**

Official text: English.

Registered by the United States of America on 28 March 1967.

**ÉTATS-UNIS D'AMÉRIQUE
et
SIERRA LEONE**

**Échange de notes constituant un accord relatif à la
procédure judiciaire. Freetown, 31 mars et 6 mai 1966**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 28 mars 1967

No. 8593. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND SIERRA LEONE RELATING TO JUDICIAL PROCEDURE. FREETOWN, 31 MARCH AND 6 MAY 1966

I

The American Ambassador to the Sierra Leonean Acting Minister of External Affairs

No. 97

Freetown, March 31, 1966

Excellency

I have the honor to refer to recent conversations between representatives of our two Governments relating to a proposed Agreement between the Government of Sierra Leone and the Government of the United States to facilitate the conduct of litigation with international aspects in either country. I also have the honor to confirm the understandings reached as a result of these conversations:

1. The Government of the United States, acting through the Department of State as authorized by Act of Congress (Public Law 88-619, 88th Congress, H.R. 9435, October 3, 1964 ; 78 Stat. 996f ; 28 U.S.C. 1781), agrees to receive a letter rogatory issued, or request made, by a tribunal in Sierra Leone, to transmit it to the tribunal, officer, or agency in the United States to whom it is addressed, and to receive and return it after execution.

It is understood by the Parties to this Agreement that the aforesaid undertaking of the Government of the United States does not preclude the transmittal of a letter rogatory or request directly from a tribunal in Sierra Leone to the tribunal, officer, or agency in the United States to whom it is addressed and its return in the same manner. It is further understood that nothing in the aforesaid undertaking of the Government of the United States shall be construed as affecting the discretion of any court in the United States to issue an appropriate order, to impose conditions on the issuance of an order or to refuse an order.

¹ Came into force on 6 May 1966 by the exchange of the said notes

2. The Government of Sierra Leone agrees to receive a letter rogatory issued, or request made, by a tribunal in the United States, to transmit it to the tribunal, officer, or agency in Sierra Leone to whom it is addressed, and to receive and return it after execution.

It is understood by the Parties to this Agreement that the aforesaid undertaking of the Government of Sierra Leone does not preclude the transmittal of a letter rogatory or request directly from a tribunal in the United States to the tribunal, officer, or agency in Sierra Leone to whom it is addressed and its return in the same manner. It is further understood that nothing in the aforesaid undertaking of the Government of Sierra Leone shall be construed as affecting any discretion of the courts of Sierra Leone to issue an appropriate order, to impose conditions on the issuance of an order, or in proper cases to refuse to issue an order.

3. It is the intention of the Parties that nothing in the arrangement resulting from their mutual undertakings aforesaid shall be construed to deprive either Government of its right to except certain letters or requests from its undertaking for reasonable cause as determined by itself and communicated to the other Government. In the event of any such exceptions, the Parties agree to endeavor by negotiations to make other arrangements to dispose of the letters or requests involved.

4. It is further the intention of the Parties that, insofar as the taking of evidence on commission in the United States may be requested by litigants in the courts of Sierra Leone, this Agreement satisfy the requirement of Section 10 of the Evidence on Commission Act of Sierra Leone 1962 (No. 62 of 1962 as amended by No. 17 of 1963) that an arrangement exist for the taking of evidence on commission abroad.

5. It is understood that the person requesting a letter rogatory shall be responsible for any costs or expenses in connection with its execution.

6. In the event that legislation be enacted in either Sierra Leone or the United States affecting performance under this Agreement, this Agreement shall be deemed abrogated *pro tanto*.

7. I have the honor to propose that, if these understandings are acceptable to the Government of Sierra Leone, the present note and your reply note concurring therein shall constitute an Agreement between our two Governments which shall enter into force on the date of Your Excellency's

reply note and which shall remain in force until thirty days after the receipt by either Government of written notification of the intention of the other to terminate it.

Accept, Excellency, the renewed assurances of my highest consideration.

Andrew V. CORRY

His Excellency Mr. A. H. Kabia
Acting Minister of External Affairs
Tower Hill, Freetown

II

The Sierra Leonean Minister of External Affairs to the American Ambassador

Unity — Freedom — Justice
THE MINISTRY OF EXTERNAL AFFAIRS
FREETOWN SIERRA LEONE

No. 15455/339

6th May, 1966

Excellency,

I have the honour to acknowledge receipt of your Note No. 97 dated 31st March, 1966, concerning discussions between representatives of our two Governments relating to a proposed Agreement between the Government of the United States of America and the Government of Sierra Leone to facilitate the conduct of litigation with international aspects in either country. I also have the honour to confirm the understandings reached as a result of their discussions:

[See note I]

I have the honour to inform Your Excellency that these understandings are acceptable to the Government of Sierra Leone and in accordance with Your Excellency's proposal, this reply Note and your Note already referred to, shall constitute an Agreement between our two Governments which shall enter into force on the date of this reply Note and shall remain in force until thirty days after receipt by either Government of written notification of the intention of the other to terminate it.

Accept, Excellency, the renewed assurance of my highest consideration.

Maigore KALLON
Minister of External Affairs

His Excellency Mr. Andrew V. Corry
U.S. Ambassador
Freetown