

No. 11420

FRANCE
and
CHAD

Agreement concerning transitional legal arrangements. Signed at Paris on 12 July 1960

Exchange of letters constituting an agreement concerning the application of the above-mentioned Agreement. Fort Lamy, 7 December 1970

Authentic texts: French.

Registered by France on 7 December 1971.

FRANCE
et
TCHAD

Accord relatif aux dispositions transitoires en matière de justice. Signé à Paris le 12 juillet 1960

Échange de lettres constituant un accord concernant l'application de l'Accord susmentionné. Fort-Lamy, 7 décembre 1970

Textes authentiques: français.

Enregistrés par la France le 7 décembre 1971.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ CONCERNING TRANSITIONAL LEGAL
ARRANGEMENTS BETWEEN THE FRENCH REPUBLIC
AND THE REPUBLIC OF CHAD

The Government of the French Republic, on the one hand, and
The Government of the Republic of Chad, on the other hand,
Have agreed as follows :

Article 1

Until the inauguration by the Republic of Chad of courts competent to hear appeals against decisions rendered by the administrative and judicial courts of Chad, such appeals shall continue to be brought before the regular divisions of the Council of State and of the Court of Cassation in Paris, which shall also pronounce judgement on appeals lodged prior to the date of entry into force of this Agreement.

If the decision is quashed, the case shall be referred back to a court of the Republic of Chad. If the court to which the case is referred back is the one whose decision was quashed, its composition shall be changed. The court to which the case is referred back shall be bound, on the point of law adjudicated, by the cassation decision.

Article 2

Decisions rendered by the courts in the territory of the French Republic or in the territory of the Republic of Chad shall continue, until the end of the transition period provided for in article 1, to be executed in the territory of the other State in accordance with the procedure applied at the time of the entry into force of the Special Agreement transferring the powers of the Community to the Republic of Chad.²

Article 3

At the end of the transition period provided for in article 1, paragraph 1, an agreement between the French Republic and the Republic of Chad shall

¹ Came into force on 10 August 1960, the date of entry into force of the Special Agreement transferring the powers of the Community to the Republic of Chad (see note 2), in accordance with article 5.

² See p. 59 of this volume.

establish the conditions under which cases pending before the Council of State and the Court of Cassation will be dealt with.

Article 4

The transmittal and service of writs and extra-judicial documents, the transmittal and execution of letters rogatory, the appearance of witnesses in criminal matters, the formalities relating to entries in the judicial records and requests for extracts from the judicial records, entries and formalities relating to the civil register and exemptions from authentication shall, until the signature of an agreement between the Parties, be dealt with in accordance with the procedure in force before the transfer of the powers of the Community.

Article 5

This Agreement shall enter into force at the same time and under the same conditions as the Special Agreement transferring the powers of the Community to the Republic of Chad.

DONE at Paris on 12 July 1960.

For the Government
of the French Republic :

[Signed]

M. DEBRÉ

For the Government
of the Republic of Chad :

[Signed]

TOMBALBAYE

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ CONCERNING THE APPLICATION OF THE AGREEMENT OF 12 JULY 1960² BETWEEN FRANCE AND CHAD CONCERNING TRANSITIONAL LEGAL ARRANGEMENTS

I

EMBASSY

OFFICE OF THE HIGH REPRESENTATIVE OF FRANCE IN CHAD

Fort Lamy, 7 December 1970

Sir,

During the negotiation of the Agreement on co-operation in legal matters between the French Republic and the Republic of Chad, it was agreed to deal separately with the question of appeals (*recours* and *pourvois*) against decisions of Chad courts which are pending before the Council of State and the Court of Cassation.

As Your Excellency is aware, the settlement of this question is provided for in the Agreement of 12 July 1960² between the French Republic and the Republic of Chad concerning transitional legal arrangements.

Article 1, paragraph 1, of that Agreement states that " Until the inauguration by the Republic of Chad of courts competent to hear appeals against decisions rendered by the administrative and judicial courts of Chad, such appeals shall continue to be brought before the regular divisions of the Council of State and of the Court of Cassation in Paris, which shall also pronounce judgement on appeals lodged prior to the date of entry into force of this Agreement ".

Furthermore, it is stated in article 3 of the same Agreement that, " At the end of the transition period provided for in article 1, paragraph 1, an agreement between the French Republic and the Republic of Chad shall establish the conditions under which cases pending before the Council of State and the Court of Cassation will be dealt with ".

On instructions from my Government, I have the honour to propose that this question be settled in the following way :

1. The Council of State and the Court of Cassation shall retain competence with regard to appeals (*recours* and *pourvois*) lodged before 1 June 1967 against decisions of Chad courts.

2. If the decision is quashed, the case shall be referred back to the Appeals Court (*Cour d'appel*) at Fort Lamy, whose composition shall be changed.

¹ Came into force on 7 December 1970 by the exchange of the said letters.

² See p. 65 of this volume.

3. The Council of State and the Court of Cassation shall no longer be competent with regard to appeals (*recours* and *pourvois*) lodged on or after 1 June 1967 against decisions of Chad courts.

4. The records of proceedings pending before the two above-mentioned bodies as a result of appeals (*recours* and *pourvois*) lodged on or after 1 June 1967 shall be transmitted to the Ministry of Justice of the Republic of Chad.

I have the honour to propose to Your Excellency that this letter, together with your reply, should constitute the Agreement between the Government of the Republic of Chad and the Government of the French Republic concerning the application of articles 1 and 3 of the above-mentioned instrument of 12 July 1960.

Accept, Sir, etc.

F. WIBAUX

His Excellency Mr. Joseph Brahim Seid
Minister of Justice of the Republic of Chad
Fort Lamy

II

*From the Minister of Justice to the Ambassador, High Representative of France
in Chad, Fort Lamy*

REPUBLIC OF CHAD
MINISTRY OF JUSTICE

Fort Lamy, 7 December 1970

Sir,

In your letter dated 7 December 1970, Your Excellency kindly informed me of the following :

[See letter I]

I have the honour to confirm that the Government of the Republic of Chad agrees to these proposals.

[Signed]

JOSEPH BRAHIM SEID