

No. 11748

FRANCE
and
CONGO

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

Authentic text: French.

Registered by France on 19 April 1972.

FRANCE
et
CONGO

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

Texte authentique : français.

Enregistré par la France le 19 avril 1972.

[TRANSLATION — TRADUCTION]

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

The Government of the French Republic, on the one hand, and

The Government of the Republic of the Congo, on the other hand,

Have agreed as follows:

Article 1

Until the inauguration by the Republic of the Congo of courts competent to hear appeals against decisions rendered by the administrative and judicial courts of the Congo, such appeals shall continue to be brought before the special divisions of the Council of State and of the Court of Cassation.

If the decision is quashed, the case shall be referred back to a court of the Republic of the Congo. 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 the Congo 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 the Congo.²

¹ Came into force on 14 August 1960, on the same date and under the same conditions as the Special Agreement of 12 July 1960 transferring the powers of the Community to the Republic of the Congo (see footnote 2 below), in accordance with article 5.

² See p. 167 of this volume.

Article 3

At the end of the transition period provided for in article 1, the special divisions of the Council of State and of the Court of Cassation shall remain seized of cases which were the subject of appeal before that date. If the decision is quashed, the case shall be referred back for adjudication as provided for in article 1, second paragraph.

Article 4

The transmittal and service of writs, the transmittal and execution of letters rogatory, the appearance of witnesses in criminal matters, the formalities relating to entries in the judicial records and to 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 the Congo.

DONE at Paris on 12 July 1960.

For the Government
of the French Republic:

[Signed]
M. DEBRÉ

For the Government
of the Republic of the Congo:

[Signed]
ABBÉ FULBERT YOULOU