

**No. 23625**

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**BELGIUM  
and  
ALGERIA**

**Convention on mutual legal assistance in civil and commercial matters. Signed at Brussels on 12 June 1970**

*Authentic text: French.*

*Registered by Belgium on 19 November 1985.*

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**BELGIQUE  
et  
ALGÉRIE**

**Convention relative à l'aide mutuelle judiciaire en matière civile et commerciale. Signée à Bruxelles le 12 juin 1970**

*Texte authentique : français.*

*Enregistrée par la Belgique le 19 novembre 1985.*

## [TRANSLATION — TRADUCTION]

**CONVENTION<sup>1</sup> ON MUTUAL LEGAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS BETWEEN THE KINGDOM OF BELGIUM AND THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA**

The Government of the Kingdom of Belgium and the Government of the People's Democratic Republic of Algeria,

Eager to establish fruitful co-operation in the legal sphere,

Desiring to maintain and strengthen the links between their two countries and, in particular, to regulate, by mutual agreement, questions relating to mutual legal assistance in civil and commercial matters,

Have agreed as follows:

## TITLE I

## A. ACCESS TO THE COURTS

*Article 1.* The nationals of each of the two States shall have free access to the courts of the other State for the pursuit and defence of their rights.

B. SECURITY FOR COSTS AND PENALTIES BY FOREIGN PLAINTIFFS  
("CAUTIO JUDICATUM SOLVI")

*Article 2.* No security or deposit of any kind may be imposed, by reason of their status as foreigners or of the absence of domicile or residence in the country, upon nationals, including legal entities, of one of the Contracting States who are plaintiffs or third parties before the courts of the other, provided that they are domiciled in one of the two countries.

*Article 3.* (1) Orders to pay the costs and damages arising from a lawsuit, when pronounced in one of the two States against a plaintiff or third party who is exempted from security, deposit, or payment, by virtue either of article 2, or of the law of the country where proceedings are instituted, shall, upon request, be rendered enforceable without charge by the competent authority of the other State.

(2) A request for an exequatur shall either be transmitted from one Ministry of Justice to the other Ministry of Justice, or be made directly by the interested party to the competent judicial authority. The request must be accompanied by a detailed statement of the costs and expenses claimed.

*Article 4.* (1) Decisions relating to the costs and damages arising from a lawsuit shall be declared enforceable without hearing the parties, subject to subsequent appeal by the losing party, in accordance with the legislation of the country where enforcement is sought.

<sup>1</sup> Came into force on 20 February 1981, i.e., 30 days after the exchange of the instruments of ratification, which took place at Algiers on 20 January 1981, in accordance with article 22 (2).

(2) The authority competent to deal with the request for an exequatur shall limit itself to examining:

- (a) Whether, under the law of the country where judgement has been pronounced, the transcript of the decision fulfils the conditions required for its authenticity;
- (b) Whether, under the same law, the decision has acquired the force of *res judicata*.

(3) In order to fulfil the conditions prescribed in paragraph 2, subparagraph (b), decisions shall be accompanied by:

- (a) A document showing that the decision has been served on the party against whom enforcement is sought;
- (b) An attestation establishing that the decision is no longer the subject of an ordinary appeal;
- (c) A certificate issued by the Ministry of Justice of the State of origin, concerning the time limits for ordinary appeals.

### C. LEGAL AID

*Article 5.* The nationals of one State shall be entitled to legal aid before the courts of the other State on the same basis as nationals of the latter State, upon conforming with the law of the country in which legal aid is requested.

*Article 6.* Documents furnishing proof of insufficient means shall be issued to the applicant by the authorities of the country in which he normally resides. If the person concerned resides in a third country, such documents may be issued by the diplomatic or consular representative of the State of which he is a national.

*Article 7.* The authorities of a Contracting State, empowered to issue documents furnishing proof of insufficient means or to rule on a request for legal aid, may obtain further information on the financial situation of the applicant.

*Article 8.* Requests for legal aid may be transmitted either between the Ministries of Justice, or to the competent *parquet* by the diplomatic or consular representative of the State of which the applicant is a national.

## TITLE II

### SERVICE OF WRITS AND EXTRAJUDICIAL DOCUMENTS

*Article 9.* Writs and extrajudicial documents in civil and commercial matters drawn up in one of the two States and addressed to persons residing in the territory of the other State, shall be transmitted directly from one Ministry of Justice to the other Ministry of Justice.

The foregoing provisions shall be without prejudice to the power of each State to initiate directly, without obstacle, through its diplomatic or consular representative, the service of documents addressed to its nationals. In cases of conflict of laws, the nationality of the addressee shall be determined in accordance with the law of the State in whose territory the document must be served.

*Article 10.* The request must indicate:

- (a) The name of the authority issuing the document transmitted;
- (b) The nature of the document;
- (c) The names and occupations of the parties;
- (d) The name and address of the addressee.

*Article 11.* (1) The requested authority shall ensure only that the document is served on the addressee, unless the requesting authority asks for the document to be served in a special manner and that manner does not conflict with the legislation of the requested State.

(2) Proof of service shall take the form either of a receipt dated and signed by the addressee, or of an attestation by the requested authority stating that the document has been served, and specifying the manner and the date of service, together with the identity of the person on whom the document was served. One or the other of these documents shall be transmitted directly and without delay to the requesting authority.

(3) If the addressee refuses to accept the document or if service cannot take place for some other reason, the requested authority shall return the document to the requesting authority without delay, indicating the reason why it could not be served.

(4) The requested authority may refuse a request for delivery or service of a document only if it considers such delivery or service to be contrary to the interests of public order.

*Article 12.* The service of writs and extrajudicial documents shall not give rise to any reimbursement of costs, other than those incurred through the use of a special form.

### TITLE III

#### LETTERS ROGATORY

*Article 13.* Letters rogatory in civil or commercial matters and the documents relating to their execution shall be transmitted directly from one Ministry of Justice to the other Ministry of Justice.

*Article 14.* (1) The judicial authority to which a letter rogatory is addressed shall comply therewith by employing the same means of coercion as if the letter had been issued by the authorities in its own country.

(2) The requesting authority shall, if it so requires, be informed of the date on which and the place where the measure requested is to be carried out, so that the party concerned or his representative may be present.

(3) The execution of a letter rogatory may be refused only if:

- (a) The authenticity of the document is not established;
- (b) In the requested State, execution of the letter rogatory does not fall within the powers of the Bench;
- (c) It is likely to be prejudicial to public order in the requested State.

*Article 15.* Should the requested authority have no jurisdiction in the matter, the letter rogatory shall be transmitted automatically to the competent judicial authority of the same State, in accordance with the rules laid down in its legislation.

*Article 16.* In all cases where a letter rogatory is not executed, the requesting authority shall be informed of the reasons why the execution has not taken place.

*Article 17.* The requested judicial authority shall execute the letter rogatory in accordance with the formalities prescribed by the legislation of its own country. Nevertheless, should the requesting authority request that a special formality be observed, this shall be done unless that formality conflicts with the legislation of the requested State.

*Article 18.* The execution of letters rogatory shall not give rise to reimbursement of any costs, except for the fees paid to experts and any costs incurred as a result of using a special formality requested by the requesting authority.

#### TITLE IV

##### JOINT PROVISIONS

*Article 19.* Documents to be transmitted or produced in accordance with this Convention shall be drafted in the language of the requesting authority. If, however, they are not drafted in French, they shall be accompanied by a translation into that language.

#### TITLE V

##### FINAL PROVISIONS

*Article 20.* Documents drawn up or transmitted in accordance with this Convention shall be exempt from legalization provisions or any other similar formality.

*Article 21.* Disputes relating to the interpretation and implementation of this Convention shall be settled through the diplomatic channel.

*Article 22.* (1) This Convention shall be ratified; the exchange of instruments of ratification shall take place at Algiers as soon as possible.

(2) It shall enter into force thirty days after the exchange of instruments of ratification.

(3) It shall cease to be in force one year after its denunciation by one of the Contracting Parties.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE at Brussels, on 12 June 1970, in two copies, in the French language.

For the Kingdom  
of Belgium:

PIERRE HARMEL

For the Algerian Republic:

BOUALEM BESSAIH