

No. 24625

**FRANCE
and
ALGERIA**

**Exchange of letters constituting an agreement on judicial co-
operation and assistance. Algiers, 18 September 1980**

Authentic text: French.

Registered by France on 20 February 1987.

**FRANCE
et
ALGÉRIE**

**Échange de lettres constituant un accord relatif à la coopéra-
tion et à l'entraide judiciaires. Alger, 18 septembre 1980**

Texte authentique : français.

Enregistré par la France le 20 février 1987.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND ALGERIA ON JUDICIAL CO-OPERATION AND ASSISTANCE

I

Algiers, 18 September 1980

Sir,

Further to the discussions between representatives of our two countries on certain legal questions, I have the honour, on behalf of the Government of the French Republic, to propose the following provisions:

I. JUDICIAL CO-OPERATION CONCERNING CUSTODY AND VISITATION RIGHTS

1. The Contracting Parties, desiring to ensure better physical protection of children, pending the conclusion of a specific agreement on the subject, have agreed to define and strengthen, within the framework of Franco-Algerian agreements, the co-operative relations which have been established in judicial matters between the two countries.

2. The Ministry of Justice in Algeria, represented by the Department of Civil Affairs, and the Ministry of Justice in France, represented by the Department of Civil Affairs and the Great Seal, shall fulfil the functions provided for in this exchange of letters.

3. The Ministries of Justice shall co-operate with each other and shall take action to promote co-operation between the competent authorities of their respective States. To this end, they shall communicate directly with each other.

4. The Ministries of Justice shall assist each other in seeking and locating children in their territories in cases where custody rights are contested or disregarded. They shall comply with requests for information relating to the material and mental condition of such children. They shall assist each other in obtaining the voluntary return of such children through a conciliation procedure.

5. The two Ministries of Justice shall assist each other in facilitating the execution of judicial decisions relating to custody or visitation rights.

Requests for judicial assistance shall be addressed directly to the competent public prosecutor's office, together with any decisions taken. Requests for further information may be submitted by one office to the other. When necessary, the Ministries of Justice shall take the necessary action to ensure that rulings are made as quickly as possible.

6. The Ministries of Justice shall ensure that the proceedings relating to custody and visitation rights are completed with the greatest possible dispatch. In case of delay, at the request of the Ministry of Justice filing the application, the other Ministry of Justice shall inform it of the status of the proceedings and of any decision reached.

The Ministries of Justice shall ensure the rapid execution of such relevant letters rogatory as may be used to assemble all the necessary information.

¹ Came into force by the exchange of letters, with effect from 1 October 1980, in accordance with the provisions of the said letters.

7. The two Parties note that in matters of custody and visitation rights, judicial assistance, on the Algerian side, shall be granted as a matter of course, and that under certain conditions, on the French side, requests for assistance may be directly referred to the judicial authority by the public prosecutor's office, either upon simple request or of its own motion.

II. JUDICIAL ASSISTANCE

The Ministries of Justice of the two States:

1. Shall attend to the administrative formalities regarding requests which they address to each other for the provision of copies of public documents, such as copies of judicial decisions, records of civil status or records relating to personal status;

2. Except where considerations of public order otherwise require, may address requests for information or investigation to each other with respect to civil or administrative proceedings or cases relating to personal status which are being heard by their judicial authorities;

3. Shall communicate to each other on request, information on the laws in force or the organization of the judicial system, and generally facilitate exchanges on judicial matter.

I should be grateful if you would inform me whether the provisions contained in this letter are acceptable to the Government of Algeria so that they may enter into force on 1 October 1980.

Accept, Sir, etc.

[JEAN-MARIE MERILLON]

His Excellency Mr. Mohamed Seddik Benyahia
Minister for Foreign Affairs of the People's Democratic
Republic of Algeria

II

PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA
MINISTRY OF FOREIGN AFFAIRS

Algiers, 18 September 1980

Sir,

I have the honour to acknowledge receipt of your letter of this date which reads as follows:

[*See letter I*]

I have the honour to inform you that the provisions contained in your letter are acceptable to the Algerian Government and that those provisions will enter into force on 1 October 1980.

Accept, Sir, etc.

For the Minister for Foreign Affairs:

[*Signed*]

YOUCEF KRAIBA

Director of Consular Affairs

His Excellency Mr. Jean-Marie Merillon
Ambassador Extraordinary and Plenipotentiary
Senior Representative of the French Republic
in Algeria
