

No. 25475

**GREECE
and
LEBANON**

Convention on reciprocal legal assistance in civil, commercial and criminal matters, the execution of judgements and arbitral awards and extradition. Signed at Beirut on 5 April 1975

Authentic text: French.

Registered by Greece on 16 November 1987.

**GRÈCE
et
LIBAN**

Convention relative à l'aide mutuelle judiciaire en matière civile, commerciale et pénale, à l'exécution des jugements et sentences arbitrales et à l'extradition. Signée à Beyrouth le 5 avril 1975

Texte authentique : français.

Enregistrée par la Grèce le 16 novembre 1987.

[TRANSLATION — TRADUCTION]

**CONVENTION¹ BETWEEN THE HELLENIC REPUBLIC AND THE
LEBANESE REPUBLIC ON RECIPROCAL LEGAL ASSISTANCE
IN CIVIL, COMMERCIAL AND CRIMINAL MATTERS, THE EXE-
CUTION OF JUDGEMENTS AND ARBITRAL AWARDS AND
EXTRADITION**

The President of the Hellenic Republic and
The President of the Lebanese Republic,

Desiring to maintain and strengthen the ties between the two countries and, in particular, to regulate relations between them in the area of judicial co-operation, have agreed to conclude a Convention and to that end have designated as their plenipotentiaries:

The President of the Hellenic Republic: Mr. Dimitri Bitsios, Minister for Foreign Affairs;

The President of the Lebanese Republic: Mr. Philippe Takla, Minister for Foreign Affairs.

The plenipotentiaries, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

PART I. PRELIMINARY PROVISIONS**FREE ACCESS TO THE COURTS**

Article 1. Nationals of each High Contracting Party shall, in the territory of the other Party, enjoy the same treatment in judicial matters as nationals. To this end, they shall have free and unimpeded access to the courts and may bring suit on the same conditions and in the same manner as nationals.

Article 2. No security or deposit of any kind shall be imposed, by reason of their status as aliens or their lack of domicile or residence in the country, on nationals of either High Contracting Party.

The preceding paragraph shall also apply to bodies corporate which have been established or whose activity is authorized under the laws or customs of either High Contracting Party.

**PART II. RECIPROCAL LEGAL ASSISTANCE IN CIVIL AND
COMMERCIAL MATTERS****RECOGNITION AND EXECUTION OF JUDGEMENTS AND ARBITRAL AWARDS*****Chapter I. RECOGNITION OF JUDGEMENTS***

Article 3. In civil and commercial matters, with the exception of bankruptcy and composition, judgements issued by the courts in Greece or Lebanon shall have

¹ Came into force on 4 August 1986, i.e., two months after the exchange of the instruments of ratification, which took place at Athens on 4 June 1986, in accordance with article 47.

the force of *res judicata* in the territory of the other country, provided that they satisfy the following conditions:

(a) The decision was issued by a court which is competent under article 4 of this Convention, in the absence of a waiver of its competence by the parties concerned to the extent that such a waiver is allowed;

(b) The party against whom judgement was given appeared or was duly summoned. However, if the party against whom judgement was given is not in the territory of the State in which the decision was issued, the time-limit for appearance in court may not be less than 90 days;

(c) The decision has the force of *res judicata* under the law of the State in which it was issued;

(d) The decision contains nothing contrary to the public policy of the country in which its execution is requested; it must also not conflict with a judicial decision issued in that country and having the force of *res judicata*;

(e) No court in the petitioned State was seized of proceedings between the same parties on the same subject prior to submission of the request to the court which issued the decision whose execution is requested.

Article 4. The judicial authority of the State in which the decision was issued shall be deemed competent for the purposes of the preceding article:

- (1) When, in the case of a personal or property action, the defendant, or one of the defendants in the case of a joint action, was domiciled or resident in that State when he received notice of the writ instituting proceedings.
- (2) When the defendant had a commercial or industrial establishment or subsidiary in the State in which the decision was issued and had been summoned to appear in that State in an action relating to the operation of that establishment or subsidiary.
- (3) In the case of a counter-claim related to the principal claim or to objections raised to the latter.
- (4) In the case of a dispute between nationals of the State in which the decision was issued concerning personal status, legal capacity or family relationships.
- (5) In the case of a dispute concerning inheritance of the property of a national of the State in which the decision was issued or inheritance of property in respect of which probate has been applied for in that State.
- (6) In the case of a dispute concerning movable or immovable property situated in the State in which the decision was issued.
- (7) In the case of a claim concerning obligations originating or to be fulfilled in the territory of the State in which the decision was issued.
- (8) In all other cases in which the jurisdiction of the court is provided for in another convention in force between the two Contracting States or is recognized under the rules on international legal jurisdiction recognized by the laws of the State in which the decision is invoked.

The provisions of this article shall not apply to decisions concerning disputes in respect of which the law of the petitioned State recognizes its own courts or those of a third State as having sole competence.

Chapter II. EXECUTION OF JUDGEMENTS

Article 5. None of the decisions referred to in the preceding article may be enforced by the authorities of the other country or be the subject of a formal procedure initiated by those authorities, such as the making of entries or corrections in the public records, until it has been declared enforceable in that country.

Decisions of the judicial authorities of one of the two States which are declared enforceable in the territory of the other State shall constitute grounds for either a judicial mortgage or a special lien in accordance with the domestic laws of that State.

Article 6. An enforcement order shall be granted by the competent authority under the laws of the country in which it is requested by any party concerned. The procedure for the request for enforcement shall be governed by the laws of the country in which execution is requested.

Article 7. The competent court shall confine itself to establishing whether the decision for which an enforcement order is requested satisfies the requirements laid down in the preceding articles for having the force of *res judicata*.

It shall conduct such a review automatically and shall record the outcome in its decision.

In granting an enforcement order, the competent court shall, if necessary, order the requisite measures to be taken to ensure that the decision issued in the other State is publicized in the same way as if it had been issued in the State in which it is declared enforceable. An enforcement order may be granted for a specific part of the decision of the other State.

Article 8. The enforcement order shall be binding on all the parties concerned and throughout the territory of the petitioned State.

It shall confer on the decision which has been rendered enforceable, as from the date on which the enforcement order is obtained, the power to produce, in so far as enforcement measures are concerned, the same effects as if it had been issued by the court which has granted enforcement.

Article 9. The party invoking the authority or requesting the enforcement of a judicial decision shall produce:

- (a) A copy of the decision satisfying the requirements for authentication and establishing its enforceability;
- (b) The original or a certified copy of the certificate of service of the decision;
- (c) A document certifying that the decision has the force of *res judicata*;
- (d) A certified copy of the summons duly served on the party who failed to appear in court;
- (e) A translation into the language of this Convention of all the above-mentioned documents, certified in accordance with the rules laid down in the laws of the petitioning State.

Chapter III. RECOGNITION AND EXECUTION OF ARBITRAL AWARDS AND JUDICIAL SETTLEMENTS

Article 10. Arbitral awards issued validly in either country shall be recognized, and may be declared enforceable, in the other country if they satisfy the re-

quirements of article 3, in so far as those requirements apply. Enforcement shall be granted in the manner laid down in the preceding articles.

Article 11. Settlements reached before judicial authorities which are competent under the terms of this Convention and originating in one of the two Contracting States shall be declared enforceable in the other, after verification that the settlement is enforceable in the State in which it originated and that it contains nothing contrary to public policy.

Chapter IV. LEGAL AID

Article 12. Nationals of each High Contracting Party shall, in the territory of the other, be entitled to legal aid on the same basis as nationals of that country, provided that they comply with the laws of the country in which the aid is requested.

Article 13. The certificate of need shall be issued to the applicant by the authorities of his customary place of residence, if he resides in the territory of either country. If he resides in a third country, the certificate shall be issued by the diplomatic or consular authority of his country competent for the territory concerned.

When the person concerned resides in the country in which application is made, additional information may be sought from the authorities of the country of which he is a national.

PART III. RECIPROCAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Chapter I. EXTRADITION

Article 14. The High Contracting Parties undertake to hand over to each other, in accordance with the rules and subject to the conditions specified in the following articles and in the rules of procedure of their domestic legislation, any individuals in the territory of one State who are being prosecuted or have been convicted by the judicial authorities of the other State.

Article 15. The High Contracting Parties shall not extradite their respective nationals. Nationality shall be determined at the time extradition is requested.

However, the petitioned party undertakes to prosecute to the extent of its competence its own nationals who have committed, in the territory of the other State, offences punishable as crimes or misdemeanours in both States, when the other party addresses to it through the diplomatic channel a request for prosecution accompanied by any records, documents, articles or information in its possession. The petitioning party shall be kept informed of any action taken on its request.

Article 16. The following shall be subject to extradition:

- (1) Individuals prosecuted for crimes or misdemeanours which, under the laws of the Contracting Parties, are punishable by at least one year's imprisonment.
- (2) Individuals who, for crimes or misdemeanours punishable under the laws of the petitioned State, are sentenced by an adversary or default judgement of the courts of the petitioning State to at least six months' imprisonment.

Article 17. Extradition shall not be granted if the offence in respect of which it is requested is regarded by the petitioned party as a political offence or as an offence connected with a political offence.

For the application of this Convention, an attempt on the life of the Head of State of either country or on the life of a member of his family shall not be considered a political offence.

If the act in respect of which extradition is requested is a capital offence under the laws of the petitioning party but not under the laws of the petitioned party, extradition may be granted only on condition that the petitioning party gives assurances, deemed sufficient by the petitioned party, that capital punishment will not be carried out.

Article 18. Extradition may be denied if the offence for which it is requested consists solely of the violation of military obligations.

Article 19. In matters concerning taxes and charges, customs duties or foreign currency, extradition shall be granted only if it has been so decided by an exchange of letters for each specific offence or category of offences.

Article 20. Extradition shall be denied:

- (a) If the offences in respect of which it is requested were committed in the petitioned State;
- (b) If a final judgement on the offences has been issued in the petitioned State;
- (c) If prescription of the action or punishment has been obtained under the laws of the petitioning State or the petitioned State at the time when the request is received by the petitioned State;
- (d) If, in the case of offences committed outside the territory of the petitioning State by an individual who is not a national of that State, the laws of the petitioned country do not authorize the prosecution of the same offences committed outside its territory by an alien.

Extradition may be denied if the offences are being prosecuted in the petitioned State or if judgement has been passed on them in a third State.

Article 21. The request for extradition shall be made through the diplomatic channel. It shall be accompanied by the original or a certified copy of either an enforceable sentence or a warrant for arrest or any other document having the same force and prepared in the manner prescribed by the law of the petitioning State. The circumstances of the acts in respect of which extradition is requested, the time and place at which they were committed, the legal characterization of the acts and the references to the legal provisions applicable thereto shall be indicated as precisely as possible. A copy of the applicable legal provisions shall also be included, as well as, to the fullest extent possible, a description of the individual whose extradition is requested and any indication that may serve to establish his identity.

In the case of an accused person, the original or a certified copy shall also be enclosed of the depositions of witnesses and the statements of experts received, whether under oath or not, by a member of the judiciary or an officer of the judicial police.

In this case, extradition shall take place only if the authorities of the petitioned State decide that the evidence would have been sufficient to justify the prosecution of

the individual if the offence had been committed in the territory of the petitioned State.

The request for extradition, as well as any related records and documents, shall be accompanied by a translation into the language of this Convention.

Article 22. In urgent cases, at the request of the competent authorities of the petitioning State, a provisional arrest may be made pending the arrival of the request for extradition and of the documents referred to in the second paragraph of article 21.

The request for provisional arrest shall be transmitted to the competent authorities of the petitioned State either directly by post or telegraph or through the International Criminal Police Organization (INTERPOL), or by any other means provided that a written record is kept of it. It shall at the same time be confirmed through the diplomatic channel. It shall mention the existence of one of the documents referred to in the second paragraph of article 21 and shall give notice of the intention to send a request for extradition. It shall mention the offence in respect of which extradition is requested and the time and place at which it was committed and shall give as precise a description as possible of the individual whose extradition is being sought.

The petitioning authority shall be informed without delay of the action taken on its request.

Article 23. The individual may be released from provisional detention if, within 30 days after his arrest, the petitioned Government has not received any of the documents referred to in the second paragraph of article 21. Such release shall be without prejudice to arrest and extradition if the request for extradition subsequently arrives.

Article 24. When the petitioned State requires additional information to make certain that all the conditions laid down in this Convention have been satisfied, it shall so advise the petitioning State through the diplomatic channel, in cases where the omission appears remediable, before rejecting the request. A time-limit for receipt of this information may be set by the petitioned State.

Article 25. If extradition is requested simultaneously by several states, either for the same acts or for different acts, the petitioned State shall make its decision freely, taking all circumstances into account, in particular the possibility of subsequent extradition between the petitioning States, the respective dates of the requests, the seriousness of the offence and the place where it was committed.

Article 26. When extradition is carried out, any articles which were obtained as a result of the offence or might serve as evidence and are found in the possession of the individual at the time of his arrest or discovered subsequently shall, at the request of the petitioning State, be seized and delivered to that State.

Such delivery may take place even if extradition cannot be carried out by reason of the escape or death of the individual whose extradition is sought.

However, any rights which third parties may have acquired to those articles shall be reserved, and if such rights exist, the articles shall be returned to the petitioned State as soon as possible at the expense of the petitioning State, at the conclusion of the proceedings instituted in that State.

The petitioned State may temporarily retain any seized articles which it deems necessary for a criminal proceeding. It may also, in transmitting them, reserve the

right to their return for the same reason, while undertaking to relinquish them again as soon as possible.

Article 27. The petitioned State shall inform the petitioning State through the diplomatic channel of its decision concerning the extradition.

Any complete or partial rejection shall be for cause.

If the request for extradition is accepted the petitioning State shall be informed of the place and date for handing over the individual.

If there is no agreement on this matter, the petitioned State shall arrange for the extradited individual to be taken to a place designated by the diplomatic mission of the petitioning State.

Without prejudice to the provisions of the preceding paragraph, the petitioning State shall have the individual to be extradited received by its representatives within one month from the date determined in accordance with the provisions of the third paragraph of this article. If the petitioning State has not had the individual received by the end of that period, he shall be released and his extradition may not be sought again for the same act.

If exceptional circumstances prevent the individual from being handed over or received, the State concerned shall so inform the other State before the expiry of the time-limit. The two States shall agree on another date and the provisions of the preceding paragraph shall apply.

Article 28. If the individual whose extradition is sought is being prosecuted or has been convicted in the petitioned State for an offence other than the one constituting grounds for the request for extradition, the petitioned State must none the less take a decision on the request and inform the petitioning State there in accordance with the conditions laid down in the first and second paragraphs of article 27. However, if the request is accepted, the accused shall not be handed over until justice has been served in the petitioned State. He shall be handed over on a date to be determined in accordance with the provisions of the third paragraph of article 27, and the fourth, fifth and sixth paragraphs of that article shall then apply.

Article 29. An individual who has been handed over may be prosecuted, tried or detained for the purpose of executing a penalty for an offence committed before he was handed over, other than the one for which he was extradited only in the following cases:

- (1) When, having been free to do so, the extradited individual has not, during the 30 days following his final release, left the territory of the State to which he was handed over or has returned thereto after leaving it.
- (2) When the State which handed him over so consents, in which case a request shall be presented to this effect, accompanied by the documents called for in the second paragraph of article 21 and by a record of legal proceedings containing the statements of the extradited individual on the extension of the extradition and mentioning the opportunity given him to address a statement in defence to the authorities of the petitioned State.

When the characterization of the criminal act is changed during the proceedings, the extradited individual shall be prosecuted or judged only to the extent that the constituent elements of the offence in its new characterization would justify extradition.

Article 30. Except when the individual concerned has remained in the territory of the petitioning State on the conditions stipulated in the preceding article or has returned to it on these conditions, the consent of the petitioned State shall be required for the petitioning State to hand over to a third State the individual handed over to it.

Article 31. Extradition by way of transit through the territory of one of the Contracting Parties, of an individual who is being handed over to the other Party, shall be granted upon request made through the diplomatic channel. The necessary documents shall be provided in support of such request to establish that the offence constitutes grounds for extradition. The conditions stipulated in article 16 relating to the duration of penalties shall not be taken into account.

If air transport is used, the following provisions shall apply:

- (a) When no landing is scheduled, the petitioning State shall notify the State over whose territory the flight is to pass and shall attest to the existence of one of the documents referred to in the second paragraph of article 21. In the event of an unexpected landing, this statement shall have the same effect as the request for provisional arrest referred to in article 22 and the petitioning State shall transmit a standard request for transit.
- (b) If a landing is scheduled, the petitioning State shall transmit a request in accordance with the provisions of the first paragraph of this article.

Article 32. Costs incurred in connection with the extradition procedure shall be borne by the petitioning State, on the understanding that the petitioned State shall claim neither costs of procedure nor costs of incarceration.

Costs incurred in connection with the transit through the territory of one of the High Contracting Parties of the individual being handed over to the other Party shall be borne by the petitioning State.

Chapter II. APPEARANCE OF WITNESSES

Article 33. When the personal appearance of a witness is absolutely necessary in a criminal proceeding, the competent authorities of the country where the witness resides shall invite him to respond to the summons addressed to him. In this case, the compensation for travel and subsistence calculated from his place of residence must be at least equal to that allocated under the provisions in force in the country in which the hearing is to take place. The consular authorities of the petitioning State must advance to the witness, at his request, all or part of his travel costs.

A witness, irrespective of his nationality, who, having been summoned in one of the two countries, voluntarily appears before the courts of the other country, may not be prosecuted or arrested for any acts committed or in execution of any judgments passed prior to his departure from the territory of the petitioned State. However, such immunity shall cease 30 days after the date of the hearing if the witness has not left the territory of the petitioning State when he had the opportunity to do so.

Article 34. Requests for the appearance of detained witnesses shall be granted unless there are particular reasons why they should not appear, and shall be subject to the condition that the detainees be returned promptly.

Chapter III. EXCHANGE OF NOTICES OF CONVICTION

Article 35. The High Contracting Parties shall inform each other of any convictions for crimes or misdemeanours issued by their judicial authorities against nationals of the other Party, as well as of any measures taken subsequently.

Such notices shall be transmitted through the normal diplomatic channel.

PART IV. COMMON PROVISIONS IN CIVIL, COMMERCIAL AND CRIMINAL MATTERS

Chapter I. SERVICE OF WRITS AND JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS

Article 36. Subject to the provisions relating to extradition, writs and judicial and extra-judicial documents to be served on persons residing in the territory of one of the High Contracting Parties shall, in civil, commercial or criminal matters, be transmitted through the normal diplomatic channel.

However, the provisions of this article shall be without prejudice to the right of each High Contracting Party to cause all writs or judicial or extra-judicial documents addressed to its own nationals to be served directly through its diplomatic or consular representatives. In the event of a conflict of laws, the nationality of the addressee shall be determined, for the purposes of this article, in accordance with the laws of the State in whose territory service is to be effected.

Article 37. Writs or judicial or extra-judicial documents shall be accompanied by a covering note specifying, as the case may be:

- The authority issuing the document;
- The nature of the document to be served;
- The names and status of the parties;
- The name and address of the addressee;
- And, in criminal matters, the characterization of the offence committed.

The covering note and all of the above-mentioned writs and documents shall be accompanied by a translation into the language of this Convention, certified in accordance with the rules laid down by the laws of the requesting State.

Article 38. Service or delivery of the writ shall be effected by the competent authority of the State and in the manner laid down by its laws. Proof of service shall consist either of a receipt duly dated and signed by the person concerned or of a report of notification which shall state that service has been effected and indicate the date and manner of service. The receipt or report shall be transmitted to the petitioning authority.

When service has not been effected, the petitioned State shall return the writ forthwith to the petitioning State, stating the reason why service could not be effected.

Article 39. Each High Contracting Party shall bear the costs of service effected in its own territory.

Chapter II. TRANSMITTAL AND EXECUTION OF LETTERS ROGATORY

Article 40. In civil, commercial or criminal matters, letters rogatory shall be executed in the territory of each High Contracting Party by the judicial authorities and transmitted through the normal diplomatic channel.

Article 41. The petitioned authority may refuse to execute a letter rogatory if the letter rogatory is liable to impair the security or public policy of the country in which it is to be executed, or if it is not within the competence of the judicial authority in the petitioned State.

Article 42. Persons whose testimony is requested shall be summoned to appear in the manner laid down by the laws of the petitioned State; if they fail to appear, the petitioned authority shall take all enforcement measures provided for in its laws in order to compel them to appear.

Article 43. The judicial authority which executes letters rogatory shall apply its own laws with regard to the procedures to be observed.

Article 44. At the express request of the petitioning authority, the petitioned authority shall:

- (1) Ensure the execution of a letter rogatory by means of a special procedure, provided that procedure is not incompatible with its domestic laws;
- (2) Inform the petitioning authority in good time of the date and place of execution of the letter rogatory, so that the parties concerned may be present in accordance with the conditions laid down by the laws in force in the country in which execution is to take place.

Article 45. The execution of letters rogatory shall not give rise to the refund to the petitioning State of any costs other than experts' fees.

FINAL PROVISIONS

Article 46. Each High Contracting Party undertakes, at the request of a judicial authority of the other Party made through the diplomatic channel, to communicate to it the text of the laws in force in its territory and, where appropriate, any legal information needed to apply this Convention.

Article 47. This Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Athens.

This Convention shall enter into force two months after the exchange of the instruments of ratification and may be denounced at any time; it shall terminate one year after its denunciation by either of the High Contracting Parties.

IN WITNESS WHEREOF the Plenipotentiaries have signed this Convention and have hereto affixed their seals.

SIGNED at Beirut, on 5 April 1975, in two copies in the French language.

For the President
of the Hellenic Republic:

[Signed]

DIMITRI BITSIOS

For the President
of the Lebanese Republic:

[Signed]

PHILIPPE TAKLA
