

**No. 25480**

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**CZECHOSLOVAKIA  
and  
IRAQ**

**Consular Convention. Signed at Prague on 16 August 1985**

*Authentic texts: Czech and Arabic.*

*Registered by Czechoslovakia on 30 November 1987.*

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*Enregistrée par la Tchécoslovaquie le 30 novembre 1987.*

[TRANSLATION — TRADUCTION]

## CONSULAR CONVENTION<sup>1</sup> BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE REPUBLIC OF IRAQ

The Czechoslovak Socialist Republic and the Republic of Iraq,

Prompted by a mutual desire to continue, develop and intensify the relations of friendship between them on a basis of equality, respect for national sovereignty and non-intervention in internal affairs,

Desiring to regulate their consular relations, to define the rights, privileges and immunities of their consulates and members and employees thereof and to ensure protection of their interests and the interests of their nationals,

Have decided to conclude this Consular Convention and for this purpose have appointed as their plenipotentiaries:

The President of the Czechoslovak Socialist Republic: Mr. Bohuslav Chňoupek, Minister for Foreign Affairs;

The President of the Republic of Iraq: Mr. Táriq Azíz, Deputy Prime Minister and Minister for Foreign Affairs;

who, having exchanged their full powers, found in good and due form, have agreed as follows:

### PART I

#### *Article 1.* DEFINITIONS

For the purposes of this Convention, the following expressions shall have the meanings hereunder assigned to them:

(a) "Consular post" means any consulate-general, consulate, vice-consulate or consular agency;

(b) "Consular district" means the area assigned to a consular post for the exercise of consular functions;

(c) "Head of consular post" means the person charged by the sending State with the duty of acting in that capacity;

(d) "Consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions;

(e) "Consular employee" means any person employed in the administrative or technical service of a consular post;

(f) "Member of the service staff" means any person employed in the domestic service of a consular post;

(g) "Members of the consular post" means consular officers, consular employees and members of the service staff;

(h) "Members of the consular staff" means consular officers, other than the head of a consular post, consular employees and members of the service staff;

<sup>1</sup> Came into force on 2 April 1987, i.e., 30 days after the exchange of the instruments of ratification, which took place at Baghdad on 3 March 1987, in accordance with article 50.

- (i) "Member of the private staff" means a person who is employed exclusively in the private service of a member of the consular post;
- (j) "Family members" means the spouse of a member of the consular post and their children and parents where they form one household;
- (k) "Consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post, including the residence of the head of the consular post;
- (l) "Consular archives" includes all the papers, documents, correspondence, books, seals, films and tapes of the consular post, together with the ciphers and codes, the card indexes and any equipment and article of furniture intended for their protection and safe keeping;
- (m) "Official correspondence" means any correspondence relating to the consular post and its functions;
- (n) "Vessel of the sending State" means any vessel flying the flag of the sending State, bearing its nationality and legally registered with it, with the exception of warships;
- (o) "Aircraft of the sending State" means any civilian aircraft bearing the nationality and registration marks of the sending State and legally registered with it, with the exception of military aircraft.

## PART II. CONSULAR RELATIONS

### *Article 2. ESTABLISHMENT OF A CONSULAR POST*

1. Each Contracting Party may establish consular posts in the territory of the other Party. The establishment of the consular post shall be subject to the approval of the receiving State.
2. The seat of the consular post, its classification and the limits of the consular district shall be established by agreement between the sending State and the receiving State.
3. Any subsequent change in the seat of the consular post, its classification or the limits of the consular district may be made only with the consent of the receiving State.
4. The prior consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

### *Article 3. NATIONALITY OF CONSULAR OFFICERS*

Consular officers shall be nationals of the sending State and not permanently resident in the receiving State.

### *Article 4. APPOINTMENT AND ADMISSION OF HEADS OF CONSULAR POSTS*

1. Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.
2. Subject to the provisions of this Convention, the formalities for the appointment of the head of a consular post are determined by the laws, regulations and usages of the sending State while the formalities for the admission of the head of a consular post are determined by the laws, regulations and usages of the receiving State.

3. The head of a consular post shall be provided by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and showing, as a general rule, his full name, his category and class, the consular district and the seat of the consular post.

4. The sending State shall transmit the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.

5. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an *exequatur*, whatever the form of this authorization.

6. A State which refuses to grant an *exequatur* is not obliged to give to the sending State reasons for such refusal.

7. Pending delivery of the *exequatur*, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of this Convention shall apply.

*Article 5.* NOTIFICATION TO THE AUTHORITIES OF THE CONSULAR DISTRICT

As soon as the head of a consular post is admitted even provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of this Convention.

*Article 6.* TEMPORARY EXERCISE OF THE FUNCTIONS  
OF THE HEAD OF A CONSULAR POST

1. If the head of a consular post is for any reason unable to carry out his functions or the position of head of consular post is temporarily vacant, a consular officer belonging to the same consular post or to another consular post of the sending State in the receiving State or a diplomatic employee of the sending State in the receiving State may be appointed acting head of the consular post.

2. The full name of the acting head of a consular post shall be notified in advance to the receiving State through the diplomatic channel.

3. The acting head of a consular post shall be granted the rights, facilities, privileges and immunities enjoyed by the head of the consular post under this Convention.

4. When, in the circumstances referred to in paragraph 1 of this article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated as an acting head of a consular post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

*Article 7.* NOTIFICATION TO THE RECEIVING STATE OF APPOINTMENTS,  
ARRIVALS AND DEPARTURES

1. The Ministry of Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of:

(a) The appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;

- (b) The arrival and final departure of a person belonging to the family of a member of a consular post and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;
  - (c) The arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;
  - (d) The engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.
2. When possible, prior notification of arrival and final departure shall also be given.

#### Article 8. IDENTITY DOCUMENTS

1. The competent authorities of the receiving State shall issue to a consular officer a special document indicating his identity and his functional position.
2. The provisions of paragraph 1 of this article shall apply to consular employees, members of the service staff and members of the private staff, provided that the aforementioned persons are not nationals of the receiving State or nationals of the sending State permanently resident in the receiving State.
3. The provisions of this article shall apply to members of the families of the persons referred to in paragraphs 1 and 2 of this article.

#### Article 9. PERSONS DECLARED "NON GRATA"

1. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions with the consular post.
2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this article, the receiving State may, as the case may be, either withdraw the exequatur from the person concerned or cease to consider him as a member of the consular staff.
3. A person appointed as a member of a consular post may be declared unacceptable before arriving in the territory of the receiving State or, if already in the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment.
4. In the cases mentioned in paragraphs 1 and 3 of this article, the receiving State is not obliged to give to the sending State reasons for its decision.

#### Article 10. TERMINATION OF THE FUNCTIONS OF A MEMBER OF A CONSULAR POST

The functions of a member of a consular post shall come to an end, *inter alia*:

- (a) On notification by the sending State to the receiving State that his functions have come to an end;
- (b) On withdrawal of the exequatur;
- (c) On notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff.

## PART III. CONSULAR FUNCTIONS

*Article 11.* PURPOSES OF CONSULAR FUNCTIONS

The purposes of consular functions shall be:

- (a) To protect in the receiving State the rights and interests of the sending State and of its nationals, both individuals and bodies corporate;
- (b) To further the development of commercial, economic, cultural and scientific relations, as well as relations in the field of tourism, between the sending State and the receiving State and to promote friendly relations between them;
- (c) To ascertain by all lawful means developments in the commercial, economic, cultural, and scientific life including aspects relating to tourism, of the receiving State, to report thereon to the Government of the sending State and to give information to persons interested.

*Article 12.* EXERCISE OF CONSULAR FUNCTIONS

1. A consular officer shall exercise his consular functions within the limits of the consular district in accordance with the laws and regulations of the receiving State. He may, with the consent of the receiving State, exercise his functions outside that district.

2. A consular officer may, in the exercise of his functions, apply to:

- (a) The competent local authorities in his consular district;
- (b) The competent central authorities in the receiving State within the limits permitted under the laws, regulations and customs of the receiving State or related international agreements.

*Article 13.* EXERCISE OF CONSULAR FUNCTIONS BY DIPLOMATIC MISSIONS

1. The provisions of this Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry of Foreign Affairs of the receiving State or to the authority designated by that Ministry.

3. In the exercise of consular functions a diplomatic mission may address:

- (a) The local authorities of the consular district;
- (b) The central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State or by relevant international agreements.

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this article shall continue to be governed by the rules of international law concerning diplomatic relations.

*Article 14.* REGISTRATION OF NATIONALS OF THE SENDING STATE

A consular officer shall be entitled to maintain a register of nationals of his State residing permanently or temporarily in his consular district. Such registration shall not exempt such persons from their obligation to comply with the laws and regulations of the receiving State relating to registration of aliens.

*Article 15. ISSUANCE OF PASSPORTS AND VISAS*

1. A consular officer shall be entitled to issue passports and other travel documents to nationals of the sending State, renew, amend, extend and cancel such passports and other documents and keep them temporarily.

2. A consular officer shall be entitled to grant visas to persons seeking entry into the sending State and extend and cancel such visas.

*Article 16. FUNCTIONS RELATING TO CIVIL STATUS*

1. A consular officer shall be entitled, in accordance with the laws and regulations of the sending State, to:

- (a) Solemnize and register marriages between nationals of the sending State and issue the relevant certificates;
- (b) Register births and deaths of nationals of the sending State and issue the relevant certificates;
- (c) Receive declarations relating to the personal status of nationals of the sending State;
- (d) Receive forms and declarations relating to the nationality of nationals of the sending State and issue related documents.

2. The competent authorities in the receiving State shall, at the request of a consular officer in that State, provide, without delay and free of charge, copies of any birth or death certificate relating to nationals of the sending State or extracts therefrom.

*Article 17. REPRESENTATION OF NATIONALS BEFORE THE COURTS  
AND OTHER AUTHORITIES OF THE RECEIVING STATE*

1. A consular officer may, in accordance with the laws and regulations of the receiving State, represent nationals of the sending State or take the necessary measures to ensure appropriate legal representation for them before the courts and other authorities of the receiving State, for the purpose of obtaining provisional measures for the preservation of the interests and rights of such nationals in cases where, because of absence or any other reason, they are unable at the proper time to assure the defence of their rights and interests.

2. The right of a consular officer to ensure the representation of nationals of his State as provided for in paragraph 1 of this article shall cease as soon as any such national appoints his own representative.

*Article 18. FUNCTIONS RELATING TO GUARDIANSHIP AND TRUSTEESHIP*

1. A consular officer may, within the limits imposed by the laws and regulations of the receiving State, safeguard the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons.

2. Where the competent authorities of the receiving State learn of a need to take steps for the appointment of a guardian or trustee for a national of the sending State, they shall immediately notify the consular officer.

*Article 19. NOTARIAL FUNCTIONS*

1. In so far as the laws and regulations of the receiving State permit, a consular officer may, at the consular post, in the residences of nationals of the sending State

and aboard an aircraft or vessel of the sending State, perform the following functions:

- (a) Receive, draw up and certify declarations from nationals of the sending State, as well as contracts concluded between them;
- (b) Draw up, certify and accept for safe keeping the wills of nationals of the sending State;
- (c) Certify the signatures of authorized personnel of institutions of the sending or the receiving State, as well as documents, and certify copies, extracts and translations;
- (d) Certify the signatures of nationals of the sending State;
- (e) Confirm certificates of origin and bills of lading for goods exported by the receiving State and other similar documents;
- (f) Certify signatures, seals and documents issued by the competent authorities in the receiving State for use in the sending State;
- (g) Receive documents, deeds, property and cash belonging to nationals of the sending State or sent to them for safe keeping.

2. The documents referred to in paragraph 1 of this article shall have the same legal force in the receiving State as if they had been certified by the competent authorities in that State, provided that they do not conflict with the laws and regulations of the receiving State.

#### *Article 20. FUNCTIONS RELATING TO ESTATES*

1. Upon learning of the death of a national of the sending State in the territory of the receiving State, the competent authorities of the receiving State shall notify the consular post forthwith and deliver the death certificate. They shall also, without delay, furnish the consular post with the information available to them concerning the heirs, the estate or the will. The above-mentioned authorities shall, in any event, notify the consular post of the sending State if it is brought to their knowledge that the deceased has left an estate in a third State.

2. The competent authorities of the receiving State shall notify the consular post of the sending State promptly where an estate devolves upon a national of the sending State as an heir or interested party.

3. The competent authorities of the receiving State shall notify the consular post of the sending State of the measures which they have taken for the protection or the administration of an estate left by a national of the sending State who has died in the territory of the receiving State. The consular officer may give his assistance personally or through a representative empowered to take the measures referred to in this paragraph, in order to uphold the rights of nationals of the sending State to any estate, including the supervision of the transfer of amounts of money and valuable property. Such transfer shall take place in accordance with the laws and regulations of the receiving State.

4. In any case where proceedings are instituted in connection with an estate in the territory of the receiving State, the movable property forming part of the estate or the proceeds of the sale of movable or immovable property to which a national of the sending State is entitled under the will as an heir, legatee or interested party, where such national is not resident in the receiving State and did not take part in or was not represented at the proceedings, shall be surrendered to the consular post of



the sending State for transmittal to the heir, legatee or interested party, subject to the following conditions:

- (a) Securing of the consent of the authorities of the receiving State to the transfer of the money or property from that State to the sending State in accordance with the laws of the receiving State, with due regard for the principle of reciprocity;
- (b) Payment or guarantee of all debts against the estate declared within the time-limits prescribed by the laws and regulations of the receiving State;
- (c) Provision of documents confirming the status of the heir, legatee or interested party;
- (d) Payment or guarantee of payment of estate duties payable in the receiving State.

5. Where a national of the sending State dies during a temporary stay in the territory of the receiving State, all his personal effects and money shall be surrendered, with an inventory, to the consular post of the sending State, after settlement of his debts in accordance with the laws and regulations of the receiving State.

*Article 21.* FUNCTIONS RELATING TO MARITIME AND RIVERINE SHIPPING

1. A consular officer shall be entitled to extend assistance and aid to vessels of the sending State when they are in the inland or territorial waters of the receiving State within the consular district, and the authorities of the receiving State shall afford the consular officer any necessary assistance at his request.

2. A consular officer shall be entitled to communicate with the vessel's master, crew and passengers and proceed on board the vessel in order to examine the ship's papers and papers relating to the cargo, its course and any incidents which may occur on the vessel, and shall be entitled to take such other measures relating to maritime matters as accord with the laws and regulations of the sending State and do not conflict with the laws and regulations of the receiving State.

3. The master of the vessel or a member of its crew on his behalf shall be entitled to communicate with the consular officer without special permission if the consular post is situated in the port concerned. If the consular post is situated elsewhere, permission to travel must be obtained from the competent authority of the receiving State.

4. Where the authorities of the receiving State intend to take legal measures on board a vessel of the sending State, the consular officer must be notified in advance so that he may attend and, if it is not possible for him to attend, a detailed record of such measures shall be transmitted to him.

5. In cases of urgency or if such measures are taken at the request of the master, the consular officer must be notified immediately.

6. The provisions of paragraphs 4 and 5 of this article shall not apply to customs, immigration, health and pollution controls exercised with respect to the vessel, its crew and its passengers.

7. If a vessel of the sending State suffers damage, is stranded, is wrecked or suffers disaster in the inland or territorial waters of the receiving State, the competent authorities of the receiving State shall immediately notify the consular officer and inform him of the measures taken to rescue and protect the passengers, crew, cargo and vessel.

8. A consular officer may request the competent authorities of the receiving State to take measures to rescue and protect the passengers, crew, cargo and vessel, and the competent authorities of the receiving State shall extend to the consular officer the necessary assistance in the preparation and execution of the measures necessitated by the cases mentioned in paragraph 7 of this article.

*Article 22.* FUNCTIONS RELATING TO CIVIL AVIATION

The provisions of article 21 of this Convention shall apply to aircraft of the sending State, in accordance with the laws and regulations of the receiving State.

*Article 23.* OTHER CONSULAR FUNCTIONS

A consular officer shall be entitled to perform any functions not mentioned in this Convention which are conferred on him by the sending State, provided that he obtains the prior consent of the receiving State.

PART IV. FACILITIES, PRIVILEGES AND IMMUNITIES  
GRANTED TO A CONSULAR POST

*Article 24.* FACILITIES GRANTED TO A CONSULAR POST

The receiving State shall accord all necessary facilities so that a consular post may perform its functions, shall take the necessary measures to ensure that the members of a consular post are enabled to perform their functions and shall grant them the privileges and immunities to which they are entitled under this Convention.

*Article 25.* USE OF THE COAT-OF-ARMS AND FLAG

1. The coat-of-arms and name of the sending State may be displayed on the building and at the entrance of the consular post in the language of the sending State and the language of the receiving State.

2. The flag of the sending State may be flown over the building of the consular post, on the residence of the head of the consular post and on his means of transport when used on official business.

*Article 26.* FACILITIES FOR THE ACQUISITION OF PREMISES FOR THE CONSULAR POST  
AND ACCOMMODATION FOR MEMBERS OF THE CONSULAR POST

The receiving State shall, in accordance with its laws and regulations, facilitate the acquisition by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way. The receiving State shall, also where necessary, assist the consular post in obtaining suitable accommodation for its members.

*Article 27.* INVIOABILITY OF THE CONSULAR PREMISES

1. Consular premises shall be inviolable. The authorities of the receiving State shall not enter the parts of the consular premises except with the consent of the head of the consular post, of the head of the diplomatic mission of the sending State or of the designee of either one of them.

2. The receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

3. The consular premises, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and adequate compensation shall be paid to the sending State.

*Article 28. FINANCIAL EXEMPTIONS PERTAINING TO THE CONSULAR POST, THE RESIDENCES OF MEMBERS OF THE CONSULAR POST AND MEANS OF TRANSPORT*

1. The consular premises and such residences of members of the consular post as are owned or rented by the sending State shall be exempt from all taxes and duties, whether national, local or municipal, provided that such taxes and duties do not represent payment for services rendered to the sending State.

2. The exemption provided for in paragraph 1 of this article shall not apply where, under the laws and regulations of the receiving State, the taxes and duties are payable by the person who contracted with the sending State or with the person acting on its behalf.

3. The exemption provided for in paragraph 1 of this article shall apply to means of transport owned by the sending State.

*Article 29. INVIOIABILITY OF THE CONSULAR ARCHIVES*

The consular archives and documents shall be inviolable at all times and wherever they may be.

*Article 30. FREEDOM OF COMMUNICATION*

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for official purposes. In communicating with its Government and with the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means of communication, including couriers carrying the diplomatic or consular bag and messages in code or cipher. The consular post may install or use a wireless transmitter only with the consent of the receiving State.

2. The official consular correspondence shall be inviolable.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this article, they may request that the bag be opened in their presence by a representative of the sending State accredited to the receiving State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall be sealed, shall bear an external distinguishing mark and may contain only official correspondence and documents and articles intended exclusively for the official use of the consular post.

5. Except with the consent of the receiving State, the consular courier shall be neither a national of the receiving State nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions, the courier shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest. The consular courier shall be provided with a document indicating his status.

6. A consular bag may be entrusted to the captain of an aircraft or the master of a vessel. The captain of the aircraft or the master of the vessel shall carry an official document indicating the number of packages constituting the bag. The consular post may send one of its members to take possession of the bag directly and freely from the captain of the aircraft or the master of the vessel, with the consent of the competent authorities of the receiving State.

*Article 31. COMMUNICATION WITH NATIONALS OF THE SENDING STATE*

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(a) A consular officer shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to a consular officer of the sending State;

(b) If he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

(c) Consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their consular district in pursuance of a judgement. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this article shall be exercised in accordance with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this article are intended.

*Article 32. FREEDOM OF MOVEMENT*

Subject to the laws and regulations of the receiving State concerning zones entry into which is prohibited or regulated for reasons of national security or public utility, the receiving State shall take the necessary measures to ensure the freedom of movement of members of the consular post in its territory.

*Article 33. CONSULAR FEES AND CHARGES*

1. The consular post may levy in the receiving State the fees and charges provided for by the laws and regulations of the sending State for consular acts.

2. The sums collected under paragraph 1 of this article shall be exempt from all taxes and dues in the receiving State.

*Article 34. PERSONAL INVIOABILITY OF CONSULAR OFFICERS*

A consular officer shall enjoy personal inviolability. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

*Article 35. IMMUNITY OF CONSULAR OFFICERS FROM JURISDICTION*

1. A consular officer shall not be amenable to the criminal jurisdiction of the receiving State or to its civil and administrative jurisdiction, except in the case of:

- (a) A civil action relating to private property situated in the territory of the receiving State, unless he holds such property on behalf of the sending State for the purposes of the consular post;
- (b) A civil action relating to succession in which he is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) A civil action relating to any professional or commercial activity exercised by him in the receiving State, outside his official functions;
- (d) A civil action initiated by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

2. No measures of execution may be taken in respect of a consular officer except in the cases referred to in subparagraphs 1(a), 1(b), 1(c) and 1(d) of this article, and provided that such measures do not infringe the inviolability of his person or of his residence.

3. The provisions of paragraphs 1 and 2 of this article shall apply to members of the family of the consular officer, provided that they are nationals of the sending State and not permanent residents of the receiving State.

4. The immunity of a consular officer from the jurisdiction of the receiving State shall not exempt him from the jurisdiction of the sending State.

*Article 36. IMMUNITY OF CONSULAR EMPLOYEES FROM JURISDICTION*

1. A consular employee shall not be amenable to the jurisdiction of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of this article shall not, however, apply in respect of the civil actions referred to in article 35, subparagraphs 1(a), 1(b), 1(c) and 1(d), of this Convention.

*Article 37. NOTIFICATION OF ARREST, DETENTION OR PROSECUTION*

In the event of the arrest or detention of a consular employee or member of the service staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post.

*Article 38. LIABILITY TO GIVE EVIDENCE*

1. Consular officers are under no obligation to give evidence.

2. Consular employees and members of the service staff may be called upon to attend as witnesses in the course of judicial or administrative proceedings. They shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence. If they should decline to do so, no coercive measure or penalty may be applied to them.

3. Consular employees and members of the service staff are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence or to attend as expert witnesses with regard to the law of the sending State.

*Article 39. EXEMPTION FROM REGISTRATION OF ALIENS AND RESIDENCE PERMITS*

1. Consular officers and consular employees and members of their families shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

*Article 40. SOCIAL SECURITY EXEMPTION*

1. Subject to the provisions of paragraph 3 of this article, members of the consular post with respect to services rendered by them for the sending State, and members of their families, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

- (a) That they are not nationals of the receiving State or nationals of the sending State who are permanent residents of the receiving State; and
- (b) That they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations imposed by the social security provisions applicable in the receiving State.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

*Article 41. EXEMPTION FROM TAXATION*

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all taxes and dues, personal or real, national, regional or municipal, except:

- (a) Indirect taxes which are normally incorporated in the price of goods or services;
- (b) Taxes or dues on private immovable property situated in the territory of the receiving State, subject to the provisions of article 28 of this Convention;
- (c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of article 43, subparagraph *b*;
- (d) Taxes and dues on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- (e) Taxes and dues levied on charges for specific services rendered;
- (f) Registration or court fees, mortgage dues and stamp duties, subject to the provisions of article 28 of this Convention.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations

which the laws and regulations of that State impose upon employers concerning the levying of income tax.

*Article 42. EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION*

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

- (a) Articles for the official use of the consular post;
- (b) Articles for the personal use of a consular officer or members of his family. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in subparagraph 1 (b) of this article in respect of articles imported at the time of first installation in the receiving State.

3. Personal baggage accompanying consular officers and members of their families shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph 1 (b) of this article or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to quarantine. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

*Article 43. EXEMPTION GRANTED IN THE EVENT OF THE DEATH OF A MEMBER OF THE CONSULAR POST*

In the event of the death of a member of the consular post or of a member of his family, the receiving State:

- (a) Shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
- (b) Shall not levy duties or taxes of any kind on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

*Article 44. PROVISIONS RELATING TO IMMUNITIES AND PRIVILEGES*

1. The immunities and privileges provided for in this Convention shall not apply to consular employees and members of the service staff who are nationals of the receiving State, to nationals of the sending State permanently resident in the receiving State or to nationals of a third State.

2. Members of the family of a consular employee or of a member of the service staff shall enjoy the same privileges as are enjoyed by the head of the household under the provisions of this Convention, provided that they are not nationals of the receiving State, nationals of the sending State permanently resident in the receiving State or nationals of a third State and do not carry on a private gainful occupation in the receiving State.

3. The receiving State shall apply its laws and regulations to the persons mentioned in paragraphs 1 and 2 of this article without affecting the activity of the consular post.

*Article 45. WAIVER OF PRIVILEGES AND IMMUNITIES*

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in this Convention. The waiver shall be express and shall be communicated to the receiving State in writing, subject to paragraph 2 of this article.

2. The initiation of proceedings by a member of a consular post in a matter where he might enjoy immunity from jurisdiction or administrative immunity under the provisions of article 35, paragraph 1, and article 36, paragraph 1, of this Convention shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

3. The waiver of immunity for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

*Article 46. BEGINNING AND END OF PRIVILEGES AND IMMUNITIES*

1. A member of a consular post shall enjoy the privileges and immunities provided for in this Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in that State, from the moment when he enters on his duties.

2. Members of the family of a member of the consular post forming part of his household shall enjoy the privileges and immunities provided in this Convention from the date:

- (a) Of the enjoyment by the member of the consular post of privileges and immunities in accordance with paragraph 1 of this article;
- (b) Of their entry into the territory of the receiving State;
- (c) Of their becoming members of the family of the member of the consular post, if they acquire this status.

3. When the service of a member of the consular post has come to an end, his privileges and immunities and those of the members of his family shall cease at the moment when the member of the consular post leaves the territory of the receiving State or on the expiry of the period granted for that purpose. In the case of the persons referred to in paragraph 2 of this article, their privileges and immunities shall come to an end when they cease to belong to the household of a member of the consular post provided, however, that if such persons intend leaving the territory of the receiving State, their privileges and immunities shall subsist until the time of their departure from the territory of that State.

4. However, with respect to acts performed by a member of the consular post in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family shall continue to enjoy the privileges and immunities accorded to them until they leave the territory of the receiving State or until the expiry of the period granted to them for that purpose.

*Article 47. RESPECT FOR THE LAWS AND REGULATIONS OF THE RECEIVING STATE*

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of



the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

*Article 48. INSURANCE AGAINST THIRD PARTY RISKS*

Insurance against third party risks shall be required, in accordance with the laws and regulations of the receiving State, in respect of vehicles owned by the sending State or used for official consular functions or owned by a member of the consular post or a member of his family.

PART V. FINAL PROVISIONS

*Article 49. RATIFICATION*

This Convention is subject to ratification in accordance with the constitutional procedures of each of the two countries. The instruments of ratification shall be exchanged at Baghdad.

*Article 50. ENTRY INTO FORCE AND DENUNCIATION*

This Convention shall enter into force 30 days after the exchange of the instruments of ratification. It shall remain in force for a term of five years, which shall be extended automatically from year to year, unless one of the Contracting Parties informs the other Contracting Party in writing of its wish to terminate it at least six months before the time of its expiry.

DONE at Prague on 16 August 1985, in duplicate in the Czech and Arabic languages, both texts being equally authentic.

For the Czechoslovak Socialist  
Republic:

BOHUSLAV CHNOUPEK  
Minister for Foreign Affairs

For the Republic of Iraq:

TÁRIQ AZÍZ  
Deputy Prime Minister  
Minister for Foreign Affairs