

**No. 49356**

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**Turkey  
and  
Iran**

**Agreement on legal cooperation in civil and criminal matters between the Republic of Turkey and the Islamic Republic of Iran. Ankara, 3 February 2010**

**Entry into force:** *20 October 2011 by the exchange of the instruments of ratification, in accordance with article 71*

**Authentic texts:** *English, Persian and Turkish*

**Registration with the Secretariat of the United Nations:** *Turkey, 27 February 2012*

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**Turquie  
et  
Iran**

**Accord de coopération judiciaire en matière civile et pénale entre la République turque et la République islamique d'Iran. Ankara, 3 février 2010**

**Entrée en vigueur :** *20 octobre 2011 par l'échange des instruments de ratification, conformément à l'article 71*

**Textes authentiques :** *anglais, persan et turc*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Turquie, 27 février 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**Agreement  
On  
Legal Cooperation  
In  
Civil and Criminal Matters  
Between  
The Republic of Turkey  
And  
The Islamic Republic of Iran**

The Republic of Turkey and the Islamic Republic of Iran,  
hereinafter referred to as the Contracting Parties,

Desirous of further promoting friendly relations and arranging mutual assistance in civil, commercial and criminal matters, extradition and transfer of sentenced persons on the basis of the principals for national sovereignty, equality of rights and non-interference in the internal affairs of the Contracting Parties,

Have decided to conclude this agreement and for this purpose they agreed on the following:

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1**

1. Nationals of the Contracting Parties shall, observing the domestic law, enjoy equal rights in the territory of the other Party as the nationals of the latter Party, for judicial and legal protection with respect to themselves, their property and interests.

2. Nationals of the Contracting Parties shall, in the territory of the other Party, be entitled to free access to courts and other competent authorities to lodge claims and to protect their rights and interests in respect of civil, commercial and criminal matters, in the same terms and conditions as nationals of the Latter Party.

3. Legal persons, whose headquarters is located in the territory of one of the Contracting Parties and have been set up in accordance with the Law of that Party, shall be entitled to enjoy the provisions of the present Agreement as much as they are applicable.

**Article 2**

The authorities of the Contracting Parties shall communicate through diplomatic channel for the implementation of the present Agreement.

**Article 3**

The Ministries of Justice of the Contracting Parties shall, upon a request, mutually give information to each other on their law and practices in that country in regard with legal problems that constitute subject to the present Agreement.

**CHAPTER II  
SECTION 1  
JUDICIAL ASSISTANCE IN CIVIL AND COMMERCIAL  
MATTERS**

**Article 4**

1. The competent authorities of the Contracting Parties shall undertake to afford each other mutual judicial assistance in civil and commercial matters.

2. Mutual assistance includes especially enforcement of procedural decisions such as transmitting documents, hearing of parties, witnesses and experts and site examination.

**Article 5**

1. A request for judicial assistance shall cover:

- a) The names of the requesting and requested authorities,
- b) The objective of the requested assistance;
- c) The nature of the case and the description of its facts;
- d) The names, permanent and temporary addresses (domicile or residence), nationalities and professions of the parties;
- e) The names and addresses of the representatives of the parties;
- f) The texts of the relevant rules and information necessary for the subject

matter and execution of the request.

2. A request for judicial assistance and its supporting documents shall be signed and officially sealed by the requesting authority.

**Article 6**

1. The requested authority shall apply the provisions of its own as for the execution of the request. However, it may upon the request of the requesting authority, follow the procedure of the latter unless this is incompatible with the law of the Requested Party.

2. If the authority to which the request has been sent is not competent to enforce it, such authority shall forward the request to the competent authority in the Requested Party and inform the Requesting Party thereof.

3. The requested authority shall send the documents establishing the execution of the request to the requesting authority or shall inform the latter where the request is not executed, with the reasons thereof.

#### **Article 7**

1. A request for service of documents shall be effected by the requested authority in compliance with the provisions of its law regulating such procedure, if such documents have been prepared in the language of Requesting Party and accompanied by translations certified as correct, otherwise, the requested authority shall effect the service of documents only if the addressee consents to receive it.

2. A request for service of documents shall state the full address of the addressee and the documents to be served.

3. If the document can not be served to the address stated in the request for service, the requested authority shall take necessary measures for establishment of the true address. If it has been impossible to establish the true address, the Requested Party shall inform the Requesting Party, and shall forward the document to the Latter.

#### **Article 8**

The receipt shall be prepared in accordance with the law of the Requested Party. The receipt shall contain the name of the recipient, the delivering authority, the date and place of such service.

#### **Article 9**

1. The Requested Party shall bear all of the costs incurred in its territory for the execution of judicial request and shall not claim the reimbursement thereof.

2. In case the costs of provision of the judicial assistance proves to be heavy or extra-ordinary, the Contracting Parties shall in advance agree on the terms thereto and the way of payment.

#### **Article 10**

A request for judicial assistance may be refused if it is deemed that granting such request would infringe sovereignty, security or public order of the Requested Party or it is in contrast with the Constitution of the Latter Party.

#### **Article 11**

1. Requests for judicial assistance and their supporting documents other than those provided for in paragraph 1 of Article 7 and, Article 13 of the present Agreement, shall be accompanied by certified translations in the language of the Requested Party.

2. Certification of translations may be effected by the Requesting Party, sworn translator, notary or diplomatic representative or counselor official of the Contracting Parties.

3. Documents obtained through execution of requests for judicial assistance shall be prepared in the language of the Requested Party.

#### **Article 12**

1. A witness or expert, whatever his nationality, appearing on a summons before the judicial authorities of the Requesting Party, shall not be prosecuted or detained or subjected to any punishment due to a judgment rendered previously in the territory of that Party in respect of any offense occurring before his arrival to that State.

A witness or expert, when informed by the authority invited him that his presence is no longer required, shall not leave the territory of the Requesting Party within 15 consecutive days following that notification, such immunity shall cease. The period that prevents a witness or expert leaving the territory of the Requesting Party freely for reasons out of his control shall be exempted from the period provided in this paragraph.

Such persons shall not be prosecuted or detained due to witness's testimony or expertise.

2. The requesting authority shall inform the witness or expert summoned that travel expenses, subsistence allowances and expertise fees will be refunded within the conditions provided by its law. Upon request of such person, an advance for traveling and subsistence expenses shall be granted by the requesting authority.

### **SECTION 2 DOCUMENTS**

#### **Article 13**

Upon a request of the courts or other competent authorities of the Contracting Parties, other Party shall forward the copies of personal status certificates, other documents relating to personal affairs and interests of the nationals of the Requesting Party, without translation and charge.

#### **Article 14**

1. Documents drawn up, issued or certified and officially sealed in the territory of either Contracting Party or their authenticated copies, shall not be subject to legalization in the territory of the other Contracting Party.

2. Documents issued by the official authorities of a Contracting Party shall have the same probative force in the territory of the other Party.