

**Treaty  
between the German Democratic Republic  
and the Republic of Iraq on Judicial Cooperation**

The German Democratic Republic and the Republic of Iraq, being desirous of strengthening the friendly relations existing between their respective States and promoting their fruitful cooperation in the judicial and legal fields, have resolved to conclude the present Treaty, and have to this end appointed as their Plenipotentiaries:

The Chairman of the Council of State of the

German Democratic Republic:

Herr Dr. Kurt Wuensche,  
Deputy Chairman of the Council of Ministers  
and Minister of Justice;

The President of the Republic of Iraq:

Mr. Aziz Sharif,  
Minister of Justice;

WHO, after exchanging their full powers, found to be in good and due form, have agreed as follows:

Chapter I

**Legal Protection and Legal Aid**

Article 1

1. Citizens of one of the Contracting Parties in the territory of the other shall enjoy the same treatment as citizens as regards the legal and judicial protection of their persons and property and exemption from judicial fees and payment of security for court fees in accordance with the laws in force.

2. The provisions of paragraph 1 of this article shall apply likewise to juristic persons.

Article 2

1. In case a request is made for legal aid and exemption from fees the competent authority of the Contracting Party in the territory of which the applicant is resident shall issue a certificate on his financial status.

2. In case the applicant is not resident in the territory of one of the Contracting Parties a certificate issued by the diplomatic or consular agent of the Contracting Party of which he is a citizen shall be considered sufficient.

3. The certificate shall be in the language of the requested Party or in English.

Chapter II

**Service of Judicial Papers and Execution of Letters  
Rogatory in Respect of Civil, Commercial and Personal  
Status Matters**

**1. General Provisions**

Article 3

1. The Contracting Parties undertake that there shall be judicial cooperation between their respective legal authorities in civil, commercial and personal status matters under the conditions laid down in this Treaty.

2. Judicial cooperation comprises the serving of judicial papers and the execution of letters rogatory concerning the hearing of witnesses, litigants, experts, testimony under oath and the like.

3. The serving of judicial documents and execution of letters rogatory shall take place in accordance with the laws of the requested Contracting Party.

4. The requested court may, in compliance with the court's request, proceed in the matter as well as procedurally in the manner requested in the application, provided that this shall not contravene the laws of the requested Contracting Party.

5. All documents to be transmitted in the course of judicial cooperation shall be accompanied by a certified translation in the language of the requested Contracting Party or in English.

6. The seal of the competent court shall be affixed to all papers to be transmitted for the purpose of judicial cooperation. They shall be legalized only by the Ministry of Justice.

7. All papers pertaining to judicial cooperation shall be communicated between the legal authorities of the two Contracting Parties through the diplomatic channel.

Article 4

The two Contracting Parties shall bear the expenses and fees arising from judicial cooperation each in its own territory.

Article 5

Judicial cooperation may be refused if its granting would contravene the basic principles of the legislation or public order of the requested Contracting Party.

**2. Service of Judicial Papers**

Article 6

1. A request for serving papers has to contain: The designation of the requesting court and the full name, occupation, citizenship and address of the recipient, name and address of the legal representative and details of the request.

2. Service is proved by a receipt which contains the date of service, the signature of the recipient and the writ-server as well as the seal of the court, or by an Official court certificate which shows in which way and at what time the paper concerned has been served.

3. If the requested court is unable to comply with the request to serve the paper, it shall notify the requesting court of this fact stating the reasons which have prevented service.

Article 7

The Contracting Parties are entitled to serve documents on their own citizens, who stay on the territory of the other Contracting Party, through their diplomatic or consular agents.

**3. Letters Rogatory**

Article 8

1. In executing letters rogatory, the requested court shall notify on demand the requesting court in time and without delay of the time and place of the carrying out of the request in order to enable the interested Party or his representative to attend.