

The GCC Convention for the Execution of Judgments, Delegations and Judicial Notifications

THE GOVERNMENTS OF THE GCC COUNTRIES:

Being aware of the significance of developing the cooperation relationships among them in the judicial fields, in order to achieve the objectives of the Gulf Council, as provided under Article 4 of its Articles of Association, in establishing coordination and cooperation among the GCC countries in various fields and taking into consideration the principles of the Islamic Shariaa,

Have agreed as follows:

SECTION ONE EXECUTION OF JUDGMENTS

ARTICLE 1

- A. Each of the GCC countries shall execute the final judgments issued by the courts of any member state in civil, commercial and administrative cases and the personal affairs cases in accordance with the procedures as provided under this agreement, provided that the court that issued the judgment has the jurisdiction in accordance with the international jurisdiction as applicable in the member state where the judgment is required to be executed or has the jurisdiction in accordance with the provisions of this agreement.
- B. the preceding paragraph shall apply to any resolution whatsoever shall be issued in accordance with judicial or venue procedures by courts or any competent party in one of the member states.

ARTICLE 2

The execution of a judgment may be rejected in full or in part in the following events:

- A. If the judgment is in violation of the provisions of the Islamic Shariaa, the provisions of the Constitution or the public order in the state where the judgment is required to be executed.
- B. If the judgment is issued in absence and the judgment debtor is not notified of the suit or the judgment properly.
- C. If the dispute in respect of which the judgment is issued was the subject matter of a former judgment issued on the merit of the dispute as between the same litigants, is related to the same right in terms of its subject matter and grounds, and is issued in its final form in the state where the judgment is required to be executed or in any other member state which is a party to this agreement.
- D. If the dispute in respect of which the judgment required to be executed is issued is the subject matter of a suit currently heard by one of the courts of the state where the judgment is required to be executed between the same litigants, is related to the same right in terms of its subject matter and grounds, and such suit has been filed prior to the date of referring the dispute to the court of the state in which the judgment is issued.
- E. If the judgment is issued against the Government of the state where the judgment is required to be executed or against one of its officials for acts done by such officials during or only due to the performance of the duties of their job.
- F. If the execution of the judgment is in conflict with the international conventions and protocols applicable in the state where such execution is required.

ARTICLE 3

- A. A judgment issued by the courts of a member state may be executed in any of the states if such judgment may be executed in the state where the court that issued the judgment is located.

B. The procedures of executing a judgment shall be governed by the law of the state where the judgment is required to be executed, unless this agreement provides otherwise.

ARTICLE 4

Other than the cases as provided in Articles 5 and 6 hereof, the courts of the state in which a judgment is issued shall be considered to have jurisdiction in the following events:

- A. If the domicile or place of residence of the defendant at the time of filing the suit is located in the territory of that state.
- B. If the Defendant has an office or a branch in the territory of such state at the time of filing the suit and if the dispute is related to performing the activity of such office or branch.
- C. If the contractual obligation, the subject matter of the dispute, is executed or should be executed in such state.
- D. In the event of non contractual liability, if the act, the subject matter of the liability, occurred in the territory of such state.
- E. if the Defendant expressly accepts the jurisdiction of the courts of such state by giving a domicile or under an agreement, provided the laws of such state do not prohibit such agreement.
- F. If the defendant makes its defense on the merit of the suit without pleading that the court hearing the dispute lacks the jurisdiction to hear it.

ARTICLE 5

The courts of the state shall have jurisdiction to hear capacity and personal affairs cases if the dispute arises in connection with the capacity or personal affairs of a person being a citizen of such state at the time of submitting the application to such courts.

ARTICLE 6

The courts of the state in whose territory the real estate is located shall have the jurisdiction to conclude the rights in kind in connection with such real estate.

ARTICLE 7

The task of the judicial authority of the state where the judgment is required to be executed shall be limited to confirming whether the judgment fulfills the requirements as provided by this agreement, without discussing the subject matter. Such authority shall order to take the required procedures to render the judgment as effective as any judgment issued in the state itself. The application to order the execution of the judgment may cover all or any part of the pronouncement of the judgment, if divisible.

ARTICLE 8

The effects of the execution order shall apply to all parties to the suit residing in the territory of the state where the order is issued or to their assets.

ARTICLE 9

The party that applies to execute a judgment in any of the member states shall provide:

- A. A true copy of the judgment with the signatures therein being attested by the competent authority.
- B. A certificate that the judgment became final, unless the same is stated in the judgment.
- C. In the case of a judgment issued in absence, a copy of the notification of the judgment, certified as a true copy of the original, or any other document that may confirm that the defendant was properly notified.

ARTICLE 10

The settlement made before the competent judicial authorities in any of the member states shall be effective in all the territories of the other member states in accordance with the provisions of this agreement.

ARTICLE 11

The executive deeds made in the territory of a member state shall be ordered to be executed in the other member states in accordance with the procedures applicable to judgments.

ARTICLE 12

Subject to the provisions of Articles 2 and 4, awards issued by arbitrators shall be executed by any of the member states as provided hereunder, subject to the applicable rules in the state where the award is required to be executed.

SECTION TWO JUDICIAL DELEGATION

ARTICLE 13

Every member state may request any other member state to take on its behalf any judicial procedure in connection with an existing suit, particularly hearing the statements of the witnesses, receiving and discussing the experts' reports, conducting surveys or requesting to put to oath in all civil, commercial, administrative, penal and personal affairs cases.

ARTICLE 14

- A. The judicial delegations in civil, commercial, administrative and personal affairs cases shall be sent directly from the competent authority in the applicant state to the authority requested to execute the delegation in any other member state.
- B. In penal cases, the judicial delegations shall be sent directly through the Ministry of Justice in each state.

ARTICLE 15

The relevant authority shall execute judicial delegations provided to it in accordance with the provisions of this agreement and may not reject to execute such delegations other than in the following events:

1. If the execution is not within the jurisdiction of the judicial authority in the state where such execution is required.
2. If the application is related to a crime considered a crime of a political nature by the state required to execute the application.
3. If such execution may prejudice the sovereignty or public order of the state required to execute the application.

In the event of rejection of, or the failure to execute, an application, the authority



required to execute the application shall notify the requesting authority thereof immediately and return the papers stating the reasons for the rejection or failure to execute the application.

ARTICLE 16

The judicial delegation shall be executed in accordance with the applicable procedures in the relevant state. If the applicant state intends to execute the delegation in a special manner, the relevant state shall respond to such intention unless such execution is in conflict with its regulations.

ARTICLE 17

Persons whose statements are required to be heard shall be summoned to appear in the manner applicable in the state where the statement is required to be given.

ARTICLE 18

A procedure taken by way of judicial delegation in accordance with the provisions of this agreement shall have the same legal effect as if such procedure was taken by the competent party in the applicant state.

ARTICLE 19

The execution of a judicial delegation shall not create any right to any charges or expenses other than the expert fees and the costs of the witnesses, if necessary. The applicant party shall pay such charges and expenses and a statement shall be sent together with the delegation file.

The state required to execute the judicial delegation may collect for its account and in accordance with its laws the applicable charges for the papers provided upon executing the delegation.

SECTION THREE NOTIFICATION OF PAPERS

ARTICLE 20

- A. Judicial and other documents and papers in connection with civil, commercial, administrative and personal affairs cases required to be notified to persons residing in any of the member states shall be sent directly from the competent judicial authority or employee to the competent court or authority in which jurisdiction the person required to be notified resides, in accordance with the laws of such court or authority.
- B. Judicial and other documents and papers in connection with penal cases shall be sent directly through the Ministry of Justice of each member state.
- A notification in any of the member states in accordance with the provisions of this agreement shall be considered as if conducted in the applicant state.

ARTICLE 21

Judicial and other documents and papers shall be accompanied by an application containing the following information:

- A. The authority that issued the document or the paper required to be notified.
- B. The type of the document or the paper.
- C. The full name and, if possible, profession, address and nationality, of each of the natural persons required to be notified, and the legal head office and address of corporate persons and the full name and address of their legal representatives, if any.

In penal cases, the description of the crime committed and the Shariaa or legal provisions applied thereto shall be included.

ARTICLE 22

The above provisions shall not impair the right of the citizens in any of the member states to notify the persons residing in such state of all the documents and papers in connection with the civil, commercial, administrative or personal affairs cases in accordance with the applicable procedures in the state where such notification is made.

ARTICLE 23

The task of the competent authority in the state required to deliver the documents and the papers shall be restricted to the delivery of such documents and papers to the person required to be notified.

The signature of the person required to be notified on a copy of the document or the paper and the date of receipt thereof or a statement prepared by the competent authority showing the method of executing the application, the date of execution and the receiving person and, if necessary, the reason for the failure to execute such application shall be adequate evidence to such delivery. A copy of the document or the paper signed by the person required to be notified or the statement confirming the delivery thereof shall be sent forthwith to the applicant state.

ARTICLE 24

The notification of any judicial or other documents and papers to the party required to be notified shall not create any right to collect any charges or expenses.



SECTION FOUR MISCELLANEOUS

ARTICLE 25

Every relevant authority in the member states shall take internal procedures to issue the required laws and regulations to enforce this agreement.

ARTICLE 26

This agreement shall come in force after three months from the approval of the Federal Supreme Council and may be amended with the approval of the Supreme Council.

