

**Convention on Judiciary Cooperation**

**in Civil, Commercial, and**

**Administrative Matters**

**Between**

**The Kingdom of Morocco**

**and**

**The Republic of Sierra Leone**



**GOVERNMENT OF SIERRA LEONE**

**The Kingdom of Morocco;**

**And**

**The Republic of Sierra Leone;**

Hereinafter referred to as "Contracting Parties".

**Wishing** to promote and strengthen the traditional friendly relations and judicial cooperation between the two countries,

**Considering** the establishment of a system of recognition and enforcement of judicial decisions will enhance mutual trust in the judicial institutions of both countries.

**Have agreed** to conclude a Convention on judicial cooperation in civil, commercial, and administrative matters and adopt, for this purpose, the following provisions:

**Section One  
General Provisions  
Access to courts**

**Article 1**

Nationals of both States have, in the territory of the other state, free and easy access to administrative and judicial courts to pursue and defend their rights.

**"Cautio judicatum solvi "**

**Article 2**

Nationals of the contracting State, being either plaintiffs or defendants before the judicial authorities of the other Party in civil, commercial, or administrative matters, will be

exempt from any bond or deposit under any denomination whatsoever, even in the absence of domicile or place of residence in the territory the other States.

## **Legal Entities**

### **Article 3**

The provisions of this Convention, subject to public order provisions of the State in which the action is founded, are applied to Legal Entities established under the laws of one Contracting Party and with offices in the territory of the other Party.

### **Article 4**

1. Within the framework of this Convention, the Ministry of Justice of the Kingdom of Morocco and the Ministry of Justice of the Republic of Sierra Leone is designated as central authorities.
2. Each Party shall notify the other party by a memorandum of any change in the designation of the central authority.
3. This change will take effect if no objection from the other Party is raised.

## **Legal aid**

### **Article 5**

Nationals of both contracting parties, before the courts of the other Party, shall benefit from legal aid and shall be exempted from bonds and legal fees as granted to nationals of the State, account given to their personal, financial, and family status under the same conditions.

Certificates relating to insufficient personal assets and family and financial status are delivered to the applicant by the competent authority of his domicile or place of residence.

This certificate will be issued by the competent diplomatic or consular authority if the applicant resides in a third country.

The judicial authority, called upon to give a decision on the thereon legal aid application, may request additional information from the authority of the country which issued the certificate.



## Liberal professions

### Article 6

Moroccan lawyers registered in the Moroccan Bar Associations may be authorized by the competent Sierra Leone authorities to support or represent opponents in all Sierra Leone courts.

Also, Sierra Leone lawyers registered in the Sierra Leone Bar Associations may be authorized by the competent Moroccan authorities to support or represent opponents before all Moroccan courts.

The nationals of lawyers in each country of the two countries may request to be registered in one of the bar associations of the other country, provided that they satisfy the conditions required in the country in which the restriction is sought, without being the subject of any discrimination.

They may practice the profession of a lawyer only, provided they comply only with the legislation of the said country and are especially willing to exercise all the functions of the Council of the bar, except those related to the Syndicate.

Moroccan nationals with a law degree will be admitted as trainees in the bar without having to justify themselves with a certificate of eligibility to practice the profession of law. However, their apprenticeship in the Republic of Sierra Leone is not, in this case, eligible for registration in the Sierra Leone bar associations.

Sierra Leone nationals may practice in Morocco the free legal professions under the same conditions required of Moroccan nationals without being the subject of any discrimination.

Moroccan nationals may exercise in the Republic of Sierra Leone the free judicial professions under the same conditions required of Sierra Leone nationals without being the subject of any discrimination.

## Section II

### Legal Cooperation in Civil, Commercial and Administrative Matters Judicial, Extra-judicial Documents and Letters Rogatory

### Article 7

1. Judicial and extra-judicial documents in civil, commercial and administrative matters, and Letters Rogatory shall be sent either directly from the central authority of the

applicant Party to the central authority of the requested Party or through the diplomatic channel.

2. Notifications and Letters Rogatory shall indicate:

- a) The emanating jurisdiction;
- b) Identity, quality, and profession of the Parties and, their nationality, where appropriate, and corporate name and headquarters, in case of Legal Entities;
- c) The exact domicile, place residence, or address of each Party and those of their representatives or advocates, if any;
- d) The nature of notifications and Letters Rogatory and their purpose; and the nature of required procedures, and questions to witnesses, when appropriate;
- e) if the address of the concerned person is not precisely indicated or is incorrect, the authority shall seek the exact address, to the possible extent.

If the authority is not competent, it shall automatically transmit the document to the competent authority and inform the applicant authority.

### **Communication of Judicial and Extrajudicial Documents**

#### **Article 8**

The application for notification of a judicial or extra-judicial document shall be accompanied by the document to be notified. The notification will be made by the competent authority in accordance with the law of the requested State.

#### **Article 9**

1. the notification can be requested in a special manner provided for in paragraph 2 of this Article and may also be requested in the alternative in case the ordinary delivery is not possible, as the recipient voluntarily refused the document.
2. For similar notifications, the requested authority will carry out procedures in accordance with its domestic law, or in accordance with provisions consistent with such law.
3. The costs of such notification shall be borne by the applicant.

#### **Article 10**

If the applicant State does not specifically request the notification of the document in accordance with the forms prescribed in Article 9, (paragraph 2) of this Convention, or if the notification could not be done by ordinary delivery in accordance with Article



8, the requested State shall promptly return the document to the applicant State and explain the reasons for not accomplishing the notification.

#### **Article 11**

The notification shall be proved by means of a receipt dated and signed by the addressee or a statement of the requested authority which observed the manner and the date of the notification.

The receipt or statement shall be forwarded to the central authority of the applicant Party in accordance with Article 7 of this Convention.

#### **Article 12**

Despite the foregoing provisions, a Party may directly, and free of coercion, serve notifications, through its diplomatic and consular representatives, to its nationals who are in the territory of the other State Party.

#### **Letters Rogatory**

#### **Article 13**

1. The provisions of Articles 9,10,11 and 12 of the present Convention shall apply to Letters Rogatory in civil, commercial, and administrative matters.
2. Letters Rogatory shall be transmitted to the competent authority by the central authority of the requested Party. If the requested authority considered itself as non-competent, the Letter Rogatory shall be automatically forwarded to the competent authority and the applicant Party shall immediately be informed.

#### **Article 14**

Each Party may, directly and free of coercion, execute Letters Rogatory through its diplomatic or consular agents, if the people who must submit or present documents have only the nationality of the applicant Party.

The nationality of the person subject to the Letter Rogatory will be established according to the law of the Party in whose territory the Letter Rogatory is to be executed.

Notices and notifications, relevant to the presentation of documents, shall expressly indicate that no coercion is used in the implementation of the Letter Rogatory.

### Article 15

The requested authority may refuse to execute a Letter Rogatory if it is considered, under its legislation, not within its competence or is likely to prejudice its sovereignty, security or public order. In both cases, the requested Party shall notify the applicant party with a statement of reasons.

### Article 16

At the express request of the applicant authority, the requested authority shall inform the applicant authority of the date and place of the Letter Rotatory's execution, so that the interested party may appear in person if he/she wishes or be represented in accordance with the legislation in force in the requested State.

### Article 17

The execution of letters rogatory shall not give rise to reimbursement of expenses, whatever the nature thereof, except in case of expert fees and expenses, the amount and nature of which will be communicated to the applicant Party. In this case, the requested Party shall inform the receiving authority of the applicant party of the amount of incurred expenses.

### Article 18

The Letter Rogatory execution procedures under the aforementioned provisions shall produce the same legal effect as if it were executed by the competent authority of the applicant State.

### Article 19

Letters Rogatory shall be accompanied by a certified translation in the language of the requested authority.

### The Enforcement: costs and expenses

### Article 20

Application for the enforcement of a decision on the proceedings expenses may be made directly by the interested party to the competent judicial authority, pursuant to articles 18 and 19 of the Hague Convention dated on March 1st, 1954.



### **Article 21**

The competence of the authorities delivering documents provided for in Article 19 of the abovementioned Hague Convention shall not be certified by a higher authority.

### **Article 22**

To acquire the force of res judicata for the decisions on the proceedings expenses, the following documents shall be presented:

1. A document showing that the decision was served to the party against whom enforcement is sought;
2. A certificate stating that the decision is not subject to an ordinary appeal or to appeal in cassation or cannot be subject to such appeals.

## **Section III**

### **Recognition and Enforcement of Judicial Decisions, Arbitral Awards and Authentic Acts**

### **Article 23**

1. Judgments rendered by the courts of both contracting parties in civil, commercial, and administrative matters, including those that allocate damages for civil liability to victims of criminal offenses according to conditions and forms established in this section, acquire the force of res judicata and is enforceable in the other State.
2. This Convention shall not apply to the decisions rendered in the following matters:
  - a) Wills and succession;
  - b) Bankruptcy, insolvent liquidation proceedings of companies or other legal entities and composition between debtor and creditors of the same rank;
  - c) Contentious decisions on social insurance.
  - d) Precautionary and provisional measures, except those made on alimony.

### **Article 24**

Judicial decisions in civil, commercial, and administrative matters rendered by courts of the Kingdom of Morocco or the Republic of Sierra Leone, acquire the force of res judicata in the territory of the other State if the following conditions are met:



1. The decision was rendered by a competent court according to the rules applicable in the country where it was rendered;
2. The Parties have been legally summoned, represented, or declared in default;
3. The decision has acquired the force of res judicata and has become enforceable under the laws of the country where it was rendered;
4. The decision does not contain any provisions contrary to the public order of the country, where its enforcement is sought, nor the principles of applicable international law, and does not conflict with a judicial decision rendered in that requested State and acquired the force of res judicata;
5. No trial was started between the same parties for the same purpose before the courts of the requested State prior to the issuance of the proceedings before the court that rendered the decision whose enforcement is sought.

#### Article 25

The decisions referred to in the previous article may not be enforced forcibly or with coercion by the authorities of the other State, or be the subject of any advertising or registration, registering, or correction formality in public registers, until they are declared enforceable in the territory of the requested State.

#### Article 26

The judicial decision is enforced upon a request presented by the interested party through the competent authority, to which enforcement is sought, in accordance with the law of the State in which the application is submitted.

The procedure for the enforcement application is governed by the law of the State where enforcement is requested.

#### Article 27

The competent court is limited to examining whether the decision, whose enforcement is sought, satisfies all the conditions laid down in Article 24 to acquire the force of res judicata. It shall automatically make this examination and record the outcome in its decision.

By accepting the enforcement request, the competent court shall, if necessary, order that appropriate measures be taken to ensure that the decision in the other State receives the same publicity as if it was delivered in the same state where it is declared enforceable.

The enforcement may, as well, be concerned only with some parts of the aforementioned decision.

#### Article 28

The enforcement decision becomes effective against all litigators in the trial subject of the enforcement decision and throughout the territory where these provisions are applicable. This shall, as well, allow the effective judgement to have, with regard to the enforcement procedures, the same effects as if it was issued by the court, which ordered the enforcement.

#### Article 29

The Party invoking the power of res judicata of a judicial decision or requiring the enforcement shall produce:

1. A copy of the decision which satisfies all the conditions required for its authenticity;
2. The original act of notification of the decision;
3. A certificate delivered from the clerk of the court stating that the decision was not subject to opposition or appeal;
4. A certified copy of the summons addressed to the party sentenced in absentia.

#### Article 30

Arbitral awards validly rendered in either State shall be recognized in the other State and may be declared enforceable when they fulfill the conditions provided for in Article 24 if applicable to them and if the following conditions are also satisfied:

1. The law of the State, whose enforcement is requested, allows dispute resolution by arbitration;
2. The arbitral award has become final and was made pursuant to a valid arbitration clause or Convention;
3. The arbitration Convention or clause gave jurisdiction to the arbitrators in accordance with the law under which the award was issued.

The arbitral awards are to be executed in the same form provided in previous articles.

#### Article 31

Enforceable authentic acts in either State shall be declared enforceable in the other State by the competent court according to the law of the State where the enforcement is to be issued.



This court's mission is limited to examining whether the acts meet the conditions necessary for its authenticity in the State where they are established and whether the provisions, whose enforcement is sought, is compatible with the public order of the State where enforcement is sought, or with the principles of law applicable in that state.

### Article 32

The provisions of the articles included in this Section shall not apply, in any case, to judgments rendered in one of the two States against the government of the other State, or against one of its officials for acts committed in the course of their duties.

They shall not apply to judgments whose execution would be contrary to the treaties and conventions in force in the requested State.

### Article 33

Legislative standards by which courts of either State are competent because of the applicant's nationality only with regard to disputes relating to obligations arising from a contract, an offense, or a quasi-offense to nationals of the other State, shall not apply to the following cases:

1. If the defendant is domiciled or resident in the state where he is national;
2. If the obligation arose or was executed in the State where the defendant is national.

These provisions will be automatically applied by the courts of each State.

## Section IV

### Legal Information

#### General provision

### Article 34

The Contracting Parties undertake to provide each other, in accordance with the provisions of this Convention, with information on their legislation and jurisprudence in civil, commercial, and administrative matters, as well as on the Civil and Commercial Procedure and of the Judiciary.

They also undertake to provide information on jurisprudence regarding particular cases and all other legal information.

## **Exchange of Information in the Legislation Area**

### **Article 35**

The Central Authority of the contracting States may provide each other, upon request, with information on their legislations in the matters referred to in Article 34.

### **Article 36**

The request for information shall be issued by a judicial authority or, in case of legal assistance, the authority in charge of deciding on the grant of legal assistance.

### **Article 37**

Information requests shall include the issuing authority as well as the nature of the case, and shall clearly indicate the subjects on which information concerning the law of the requested State is sought.

The request must include a statement of facts, enabling a good understanding to have a clear and precise answer. Copies of documents, necessary to clarify the scope of the request, may also be attached.

The request may, complementarily, regard matters relating to areas different from those referred to in Article 34 if relevant to the request's main areas of application.

The Applicant Party may request additional information if needed for its response.

### **Article 38**

1. The judicial authority making the request is not engaged by the information contained in the response.
2. The response to a request for information must be given as soon as possible.
3. The response to the requested information does not give rise to any fees, whatever the nature thereof.

## **Section V**

### **Extracts of Civil Status Acts and Official Documents**

### **Article 39**

At the request of the judicial authorities of one Party, the other Party shall provide documents and extracts of civil status acts related to nationals of the requesting Party, free of duties and taxes.



## Article 40

The extracts of civil status acts issued by a competent authority in the territory of one Contracting Party and bearing the official seal, do not need to be legalized in the territory of the other Party.

## Section VI Common Provisions Exemption from legalization

### Article 41

Documents issued by the judicial authorities or other authorities of one of the two States, as well as documents which these authorities shall certify the authenticity, and authenticity of the signature or conformity to the original, are exempt from legalization or any equivalent formality when presented in the territory of the other State.

The documents must bear the signature and official seal of the authority competent to issue them. Copies must be certified to the original by the aforesaid authority. In all cases, their physical appearance shall reflect their authenticity.

In case of serious doubt about the authenticity of a document, it shall be verified by the central authorities of both countries.

## Languages and Translations

### Article 42

Both Central Authorities shall draft their communications in their respective languages. A French translation shall be attached.

### Article 43

Letters Rogatory, judgements on cost orders and court fees, and other documents and documents presented to support legal aid requests and information requests shall be drafted in the language of the requested country accompanied by a translation into French.

### Article 44

The translations shall be legalized by the competent authority of both States.

Translation of the communications provided for in Article 43 of this Convention shall not give rise to the payment of any costs.

## Section VII Final Provisions

### Article 45

Any dispute arising from the application or interpretation of this Convention shall be settled through diplomatic channels.

### Article 46

This Convention shall enter into force on the first day of the second month following the date of the last notification for complementing constitutional formalities required in each country.

All provisions of this Convention shall be applicable only to the extent that they do not violate any applicable law in force in either state and are intended to be limited to the extent necessary so that they will not render this agreement invalid, illegal, or unenforceable under any applicable law.





GOVERNMENT OF SIERRA LEONE

Article 47

This convention should remain valid for five years and may be renewed for a further period of five years if the parties so agree.

In witness whereof, the representatives of both Contracting States have signed this Convention.

Done in **Dakhla**, on **28<sup>th</sup> of April 2023**, in two original copies in Arabic and English, all texts being equally authentic.

For  
The Kingdom of Morocco

**Nasser BOURITA**  
Minister of Foreign Affairs, African  
Cooperation and Moroccan  
Expatriates

For  
The Republic of Sierra Leone

**David J. FRANCIS**  
Minister of Foreign Affairs and  
International Cooperation