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Legislative Decree No. (9) of 1996

**Regarding the Ratifying of the Agreement on the Enforcement of
Judgments, Letters Rogatory and Judicial Notices of the States
Members of the Cooperation Council for the Arab States of the Gulf**

**We, Isa bin Salman Al Khalifa, Emir of the State of
Bahrain.**

Having reviewed Article (37) of the Constitution,
the Emiri Order No. (4) of 1975,

And the Decision of the Supreme Council of the Cooperation Council for
the Arab States of the Gulf regarding the approval of the Agreement on
the Enforcement of Judgments, Letters Rogatory and Judicial Notices of
the Arab States of the Gulf at its 16th session, held in Muscat during the
period (4 – 6) December 1995,

And upon the submission of the Minister of Justice and Islamic Affairs,

And after the approval of the Council of Ministers,

Hereby Decree the following Law

Article One

The Agreement on the Enforcement of Judgments, Letters Rogatory and
Judicial Notices of the States Members of the Cooperation Council for
the Arab States of the Gulf signed in Muscat during the 16th session of
the Cooperation Council for the Arab States of the Gulf held in the period

(13-15) Rajab 1416 AH, corresponding to (4-6) December 1995, accompanying this Law, has been ratified.

Article Two

The Ministers - each within his jurisdiction - shall implement this Law, and it shall come into force from the date of its publication in the Official Gazette.

Emir of the State of Bahrain

Isa bin Salman Al Khalifa

Issued at Riffa Palace

On 22 Shawwal 1416 AH

Corresponding to: 12 March 1996

The Agreement on the Enforcement of Judgments, Letters Rogatory and Judicial Notices of the Cooperation Council for the Arab States of the Gulf¹

With the help of Allah Almighty,

The Governments of the Member States of the Cooperation Council for the Arab States of the Gulf (GCC),

Believing in the importance of developing existing mutual relationships in the judicial fields,

In their respective efforts to achieve the GCC objectives as stipulated in Article Four of the GCC Charter of achieving consistency, interdependence, and cooperation between its Member States in various fields,

And inspired by the principles of the Islamic Sharia,

Hereby Agreed as Follows:

Section One

Enforcement of Judgments

Article 1

A. Each of the GCC Member States shall enforce the judgments issued by the courts of any Member State in civil, commercial,

¹ This is an unofficial translation and in the event of any conflict or discrepancy between the English text and the Arabic text, the Arabic text shall prevail.

administrative, and personal status cases which acquired the force of res judicata in its territory in accordance with the procedures provided for in this Agreement if the court that issued the judgment is competent in accordance with the established rules of international jurisdiction in the State where the judgment is required to be enforced or is competent in accordance with the provisions of this Agreement.

B. In the application of the preceding paragraph, the judgment shall have attached to it every decision, however designated, issued in accordance with judicial or state procedures by the courts or any competent authority of a Member State.

Article 2

The enforcement of a judgment shall be rejected, in whole or in part, in the following cases:

A. If it is contrary to the provisions of the Islamic Sharia, the Constitution, or public order of the State where it is required to be enforced in.

B. If it is issued in absentia and the convicted person was not properly notified of the case or the judgment.

C. If the dispute in which the judgment is issued was the object of a former judgment issued on the subject matter between the opponents themselves, related to the same right in object and cause, and acquired the force of res judicata in the State where the enforcement is required or in another State member of this Agreement.

D. If the dispute in which the judgment required to be enforced is issued, was the object of a case pending before one of the courts of the State where the enforcement is required between the opponents themselves and related to the same right in object and cause, and that

such case has been filed before the date the dispute was submitted to the court of the State in which the judgment was issued.

E. If the judgment is issued against the Government of the State where the enforcement is required, or against one of its officials only for acts performed during duty or by reason thereof.

F. If the enforcement of the judgment is incompatible with the international treaties and conventions applicable in the State where such enforcement is required.

Article 3

A. A judgment issued by the courts of a Member State shall be enforceable in any of those States if such judgment is enforceable in the State where the court that issued it is affiliated.

B. The procedures of enforcing the judgment shall be subject to the law of the State where the enforcement is required unless this Agreement provides otherwise.

Article 4

Other than the matters stipulated for in both Articles (5) and (6) of this Agreement, the courts of the State where the judgment has been issued shall be considered competent in the following cases:

A. If the defendant's domicile or place of residence at the time of filing the case is in the territory of that State.

B. If the defendant has an office or a branch in the territory of that State at the time of filing the case and the dispute was related to performing the activity of such office or branch.

- C. If the contractual obligation, the subject matter of the dispute, has been executed or should have been executed in that State.
- D. In cases of non-contractual liability, if the act of responsibility has occurred in the territory of that State.
- E. If the defendant has explicitly accepted the jurisdiction of the courts of that State, either by appointing a domicile of choice or through an agreement when the law of that State does not prohibit such an agreement.
- F. If the defendant has made his defense on the subject matter of the case without challenging the lack of jurisdiction of the court which the dispute is raised before.

Article 5

The courts of the State in which a person is a citizen at the time of submitting the application are deemed competent in the cases of capacity and personal status if the dispute is related to such person's capacity or personal status.

Article 6

The courts of the State in which the property is located in its territory are deemed competent to adjudicate in the rights in rem related to such property.

Article 7

The task of the State's judicial authority where the judgment is required to be enforced shall be limited to the verification of whether the judgment fulfils the requirements stipulated for in this Agreement, without

examining the subject matter. Such authority shall order to take the necessary measures to give the judgment the executive force as if it had been issued by the State itself. The request for the enforcement order may focus on the pronouncement of the judgment as a whole or in part if it is divisible.

Article 8

The effects of the enforcement order shall apply to all parties of the case residing in the territory of the State in which the order was issued or their property.

Article 9

The authority requesting the enforcement of the judgment in any of the Member States shall provide the following:

- A. A complete official copy of the judgment in which signatures are certified by the competent authority.
- B. A certificate that the judgment acquired the force of *res judicata* unless that is stated in the judgment itself.
- C. In case the judgment was issued in *absentia*, a copy of the judgment's notice document certified as a true copy of the original, or any other document that may confirm that the defendant was properly notified.

Article 10

The compromise that is proven 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 stipulated for in this Agreement.

Article 11

Writs of execution made in the territory of a Member State shall be ordered to be enforced in the other Member States in accordance with the procedures applicable to judicial judgments.

Article 12

Without prejudice to the provisions of Articles (2) and (4), the judgments issued by arbitrators in any of the Member States shall be enforced in the same manner as provided for in this Agreement, subject to the applicable rules in the State where the enforcement is required.

Section Two

Letter Rogatory

Article 13

Every Member State may request from any Member State to take on its territory, on behalf of the requesting Member State, any judicial process related to an existing case, in particular hearing the witnesses' testimony, receiving and discussing experts' reports, conducting an inspection, and request the swear of an oath in all civil, commercial, administrative, criminal, and personal status cases.

Article 14

- A. Requests for letter rogatory in civil, commercial, administrative, and personal status cases shall be sent directly from the competent authority in the requesting State to the authority requested to enforce the letter rogatory in any other Member State.
- B. Requests for letter rogatory in criminal cases shall be sent directly through the Ministry of Justice in both States.

Article 15

The authority requested for enforcement shall enforce the received requests for letter rogatory in accordance with the provisions of this Agreement, and it may not refuse to enforce it except in the following cases:

1. If such enforcement is not within the jurisdiction of the judicial authority of the State where the enforcement is required.
2. If the request is related to a crime considered, by State where the enforcement is required, to be of a political nature.
3. If the enforcement would prejudice the sovereignty or public order of the State where the enforcement is required.

In the event of refusal or failure to enforce, the authority requested to enforce the request shall notify the requesting authority thereof immediately and shall return the papers stating the reasons for the refusal or failure to enforce the request.

Article 16

The letter rogatory shall be enforced in accordance with the applicable procedures in the State where the enforcement is required. If the

requesting State intends to enforce the letter rogatory in a special manner, the requested State shall respond to such intention unless such enforcement conflicts with its regulations.

Article 17

Persons who are required to give their testimony shall be asked to be present in accordance with the methods followed in the State where the testimony is required to be given.

Article 18

A procedure taken by way of the letter rogatory in accordance with the provisions of this Agreement shall have the same legal effect as if such procedure was taken before the competent authority of the requesting State.

Article 19

The enforcement of a letter rogatory shall not create the right to claim any fees or expenses other than the expert fees and the expenses of the witnesses, if necessary. The requesting authority shall pay such fees and expenses, and a statement thereof shall be sent together with the letter rogatory file.

The State where the enforcement of the letter rogatory is required may charge, for its own account and in accordance with its laws, the prescribed fees for papers submitted during the enforcement of the letter rogatory.

Section Three

Notification and Service of Papers

Article 20

A. Judicial and non-judicial documents and papers related to civil, commercial, administrative, and personal status cases that are required to be notified or served to persons residing in any of the Member States, shall be sent directly from the competent judicial authority or officer to the competent court or authority in which jurisdiction the person required to be notified or served resides, in accordance with the laws of such court or authority.

B. Judicial and non-judicial documents and papers related to criminal cases shall be sent directly through the Ministry of Justice of each Member State.

A notification or service made in the territory of the Member States in accordance with the provisions of this Agreement shall be considered as it was made in the territory of the State requesting such notification or service.

Article 21

Judicial and non-judicial documents and papers shall be accompanied with an application containing the following information:

A. The authority that issued the document or paper which is required to be notified or served.

B. The type of the document or paper.

C. The full name, profession, and address of each of the natural persons required to be notified or served, with their nationality if possible,

and the registered office and address of legal persons with the full name and address of their legal representatives, if any.

In criminal cases, the characterization of the crime committed and the requirements of legitimacy or legality applied thereto shall be included.

Article 22

The preceding provisions do not preclude the right of the citizens of every State residing in the territory of any of the Member States to notify or serve the persons residing in such territory of all the documents and papers related to the civil, commercial, administrative or personal status cases in accordance with the applicable procedures in the State where such notification or service is made.

Article 23

The duty of the competent authority of the State requested to deliver the documents and papers shall be restricted to delivering such documents and papers to the person required to be notified or served.

The delivery is proven by the signature of the person required to be notified or served on a copy of the document or paper and the date of receipt thereof, or by a statement prepared by the competent authority showing the method of enforcing the request, the date of enforcement, the receiving person and, when necessary, the reason that precluded the enforcement of such request. A copy of the document or paper signed by the person required to be notified or served or the statement confirming the delivery thereof shall be sent directly to the requesting State.

Article 24

The notification or service of the judicial and non-judicial documents and papers to the authority required to be notified and served shall not create the right to claim any fees or expenses.

Section Four

Final Provisions

Article 25

Every relevant authority of the Member States shall take internal procedures to issue the necessary laws and regulations to enforce this Agreement.

Article 26

This Agreement shall come into force after three months from the approval of the Supreme Council, and it may be amended with the approval of the Supreme Council.