

N° 1858.

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## FRANCE ET PERSE

Accord provisoire réglant les relations générales entre les deux pays, signé à Téhéran, le 11 mai 1928, et échange de notes y relatif des 10 et 11 mai 1928.

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## FRANCE AND PERSIA

Provisional Agreement regulating the General Relations between the two Countries, signed at Teheran, May 11, 1928, and Exchange of Notes relating thereto of May 10 and 11, 1928.

<sup>1</sup> TRADUCTION. — TRANSLATION.

## No. 1858. — PROVISIONAL AGREEMENT REGULATING THE GENERAL RELATIONS, BETWEEN FRANCE AND PERSIA. SIGNED AT TEHERAN, MAY 11, 1928.

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*French official text communicated by the Minister for Foreign Affairs of the French Republic. The registration of this Agreement took place October 19, 1928.*

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THE PRESIDENT OF THE FRENCH REPUBLIC and HIS IMPERIAL MAJESTY THE SHAH OF PERSIA, being equally animated by the sincere desire to carry through to a successful issue at the earliest possible moment the negotiations at present in progress for the conclusion between their two States of a Treaty of friendship and of consular, Customs and commercial conventions and a convention concerning establishment, have resolved in the meantime to maintain their relations on the basis of a provisional agreement, and have for that purpose appointed as their Plenipotentiaries :

Of the one part :

THE PRESIDENT OF THE FRENCH REPUBLIC :

His Excellency M. Auguste WILDEN, Minister Plenipotentiary and Envoy Extraordinary of the Republic in Persia ;

Of the other part :

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA :

His Excellency FATOULLAH KHAN PAKREVAN, Acting Head of His Ministry of Foreign Affairs ;

Who, having communicated their full powers, found good and due form, have agreed on the following provisions :

*Article I.*

The diplomatic representatives of each of the High Contracting Parties in the territory of the other Party shall, subject to reciprocity, enjoy the privileges and immunities recognised by ordinary international law.

The consular representatives of each of the High Contracting Parties in the territory of the other Party, shall, if regularly provided with an exequatur, be entitled to reside in the places to which they have previously been admitted.

They shall enjoy the honorary privileges and personal immunities from jurisdiction and taxation recognised by ordinary international law, subject to full reciprocity.

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

*Article 2.*

As from May 10th, 1928, the nationals of each of the High Contracting Parties shall be admitted to and treated on the territory of the other Party in accordance with the regulations and practice of ordinary international law, subject to full reciprocity.

They shall enjoy therein as regards their person, property, rights and interests, the fullest protection afforded by the laws and the territorial authorities. In all matters they shall be entitled to the same general treatment as nationals of the country, but may not claim the treatment reserved for nationals alone to the exclusion of all foreign nationals.

The nationals of each of the High Contracting Parties when in the territory of the other Party shall remain subject to the provisions of their national legislation in respect of personal status.

As regards real property and real rights, it is understood that French nationals in Persian territory shall be authorised to acquire, occupy or possess only the real property or real rights necessary for their residence or for the exercise of their profession or industry.

The nationals of each of the High Contracting Parties in the territory of the other shall be expressly exempted from any personal obligation, forced labour or requisition of a military character, and from all national gifts, forced loans and exceptional levies imposed as a remit of military requirements.

*Article 3.*

Each of the two High Contracting Parties recognises the full Customs autonomy of the other. They agree that the products of the soil and industry of each of the two countries shall, on entering the territory of the other, be reciprocally subject to the general Customs legislation of the latter country.

Since there is reason to believe that a period of one year will be sufficient for the conclusion of all treaties and conventions at present under negotiation, the High Contracting Parties agree reciprocally to grant to each other, as from May 10, 1928, and up to May 10, 1929, the advantages of their minimum tariff and of any reductions in these tariffs which may be granted in favour of products of any origin whatsoever. As the present Agreement is designed to maintain the flow of trade between the two countries, it accordingly prolongs the validity in Customs matters, of the provisions of the former régime applied in France to Persian imports.

*Article 4.*

The present provisional Agreement shall be ratified and the ratifications shall be exchanged at Teheran as soon as possible. It shall remain in force up to May 10, 1929. It is understood that, as regards Persia, Article 3, concerning tariff regulations, does not require in view of the provisions of the Law of 13 Ordibehecht 1307 (May 3, 1928), to be submitted to the Majlis for ratification.

In faith whereof the respective Plenipotentiaries have signed the present Agreement and have thereto affixed their seals.

Done at Teheran, May 11, 1928 (21 Ordibehecht 1307).

(Signed) WILDEN.

(Signed) F. PAKREVAN.

TEHERAN, *May 11, 1928.*

HIS EXCELLENCY M. AUGUSTE WILDEN, MINISTER OF FRANCE, TEHERAN.

MONSIEUR LE MINISTRE,

On behalf of my Government and in the firm hope that definitive treaties and conventions will be concluded as soon as possible in the spirit of cordiality and friendship existing between our two countries, I am happy to be able to assure you that, for the duration of the provisional Agreement signed on this day, and subject to reciprocity, the treatment of French nationals will be not less favourable than that granted to nationals of the most favoured nation.

I have the honour to be, etc.

*(Signed)* F. PAKREVAN.

MINISTRY  
OF FOREIGN AFFAIRS.

TEHERAN, *May 11, 1928.*

HIS EXCELLENCY M. AUGUSTE WILDEN, MINISTER OF FRANCE.

MONSIEUR LE MINISTRE,

With reference to the signature of the provisional Agreement of to-day's date, I have the honour to inform you that, pending ratification of the said Agreement, the Imperial Persian Government, being desirous of meeting the wishes of the Government of the French Republic, will put into force from to-day, subject to reciprocity, the provisions of the above-mentioned Agreement. The Imperial Persian Government trusts that the Government of the French Republic, animated by the same spirit, will take similar action so far as the Imperial Government is concerned.

I have the honour to be, etc.

*(Signed)* F. PAKREVAN.

LEGATION  
OF THE FRENCH REPUBLIC  
IN PERSIA.

TEHERAN, *May 11, 1928.*

MONSIEUR LE MINISTRE,

By a letter dated *May 11, 1928*, you were good enough to inform me, on behalf of your Government and in the earnest hope that definitive treaties and conventions will be concluded as soon as possible in the spirit of cordiality and friendship existing between our two countries, that you were glad to be able to assure me that, for the duration of the provisional Agreement signed on this day, and subject to reciprocity, the treatment of French nationals would be not less favourable than that granted to nationals of the most favoured nation.

I hasten to acknowledge receipt of this communication and to inform you that in accordance with the principle of reciprocity on which our negotiations are based, the treatment of Persian nationals will be not less favourable than that granted to nationals of the most favoured nation.

I have the honour to be, etc.,

(Signed) WILDEN.

TEHERAN, May 10, 1928.

HIS EXCELLENCY M. AUGUSTE WILDEN, FRENCH MINISTER, TEHERAN.

MONSIEUR LE MINISTRE,

In reply to the requests that have been made and at the moment of carrying out its resolution to abolish the régime known as the régime of capitulations, the Imperial Persian Government, wishing to dispel any apprehensions that might arise among French nationals resident in Persia by reason of the new régime that will henceforth be applied to them, and desirous that your nationals should be informed through you of the measures adopted under Persian legislation and by the Persian Government in regard to them, communicates the present decision to you so that you may be able to transmit the terms thereof to your nationals.

There is no need to inform you that the Persian Government itself, whose interest and desire it is to obtain the greatest possible number of guarantees for Persian nationals, and for that purpose to possess a judicial organisation as perfect as possible, has carried out very substantial reforms as regards both the judicial personnel and the laws regulating the Courts.

Apart from the laws which are generally known, it is now essential that any person desiring to take up a judicial career should have a knowledge of law equivalent to that required for the degree of licentiate of law.

As regards the position of French nationals in Persia as established by Persian law, the following provisions laid down by the Persian Government will be applied to them as from May 10, 1928.

1. On a basis of full reciprocity they will be admitted to Persian territory and treated thereon in accordance with the rules and practice of ordinary international law, will enjoy the fullest protection afforded by the laws and the territorial authorities, and will receive the same treatment as nationals of the country.

2. In any civil or commercial proceedings where one of the parties is a French national written evidence only will be allowed.

In all proceedings, even criminal proceedings, judgments will be in writing and will contain the considerations of law and the facts on which the judgments are based.

Parties to the suit or persons authorised by them shall be entitled to obtain a copy of the evidence and of the judgment provided they pay the prescribed fees.

In criminal cases, oral evidence being a normal means of proof, the interests of the accused shall continue to be safeguarded by Articles 215 and 216 of the Penal Code which provide penalties for perjury.

3. Only courts and tribunals under the authority of the Ministry of Justice shall be competent to deal with cases in which one of the parties is of French nationality, all other jurisdiction being excluded.

In general only criminal tribunals under the authority of the Ministry of Justice shall be authorised to sentence French nationals to imprisonment.

Nevertheless, should a state of siege be proclaimed and should a case have to be investigated by a specially constituted tribunal, such tribunal may also deal with cases in which a French national is charged.

Furthermore, administrative tribunals shall continue to be competent in fiscal matters and, in general, in respect of disputes arising between Government departments and French nationals regarding purely administrative questions.

4. French nationals shall under no circumstances be amenable to any courts other than lay courts, and only lay law shall be applicable to them.

5. Ordinary police courts shall only be competent to deal with cases of small importance and with offences punishable only by a small fine.

They shall not be authorised to sentence offenders to imprisonment unless the French nationals themselves ask to be allowed to convert a fine imposed on them into a term of imprisonment. In accordance with the law, ordinary police courts may never sentence an offender to more than one week's imprisonment. It is fully understood that they are not authorised to sentence an offender to corporal punishment.

6. A French national arrested *in flagrante delicto* for an act constituting a misdemeanour or crime may not be detained in prison for more than twenty-four hours without being brought before the competent judicial authority.

Save in cases of *flagrante delicto*, no French national may be arrested or imprisoned without an order issued by the competent judicial authority.

Neither the private residence nor the business premises of a French national may be forcibly entered or searched without a warrant issued by the competent judicial authority with such guarantees against abuse as may later be decided upon.

7. French nationals arrested and imprisoned shall be entitled, in accordance with the prison regulations, to communicate with the nearest consul of their country, and consuls or their representatives may visit them provided they comply with the prison regulations.

The Government authorities shall immediately forward to the quarter to which they are addressed such application from persons desirous of communicating with the representative of their country.

8. The Imperial Government has provided for very liberal regulations regarding release on bail, which will apply in all cases except crime (as defined in the Penal Code).

The sum demanded as bail shall be reasonably adjusted to the gravity of the offence.

When a person who has been sentenced appeals, the same facilities for release on bail as those mentioned shall be granted to such person until the decision of the court of appeal has been given.

9. Since under Persian law, legal proceedings, save in exceptional cases, are heard in public, persons concerned in the case and interested in the success of parties to the case shall thus have the right to be present at such proceedings, save in exceptional cases, as spectators, but shall not be allowed to take part in the discussion.

10. In criminal cases the accused shall be absolutely free to choose any person or persons to defend him, even from among his countrymen.

11. The Imperial Government has decided to improve the condition of the prisons and to adapt them better to modern requirements. A sum sufficient to provide prisons in Persia complying with the necessary sanitary conditions has already been voted.

Pending such reform, French nationals sentenced to imprisonment for more than one month (imprisonment for one month or less may be commuted for a fine) will, if they so request, be transferred to a prison satisfying the necessary sanitary conditions.

12. French nationals on Persian territory shall remain subject to the regulations laid down by their national laws in respect of personal status.

13. French nationals shall be treated on a footing of equality with Persian nationals in respect of taxation and shall not be compelled for any reason whatsoever to pay taxes, charges or other fiscal dues for which Persian nationals are not liable.

14. In judicial matters all judgments given by the former courts, even if they have not been enforced, shall be regarded as finally settled and may in no case be reconsidered. Likewise, any final judgment given by the former courts shall be recognised as executory.

In short all proceedings concluded under the former judicial régime shall be considered to be finally settled and may in no case be re-opened.

Proceedings not yet concluded before the Court of the Ministry of Foreign Affairs and the Courts of the Governors of Provinces shall be concluded before these courts unless the party to the case who is a foreign national requests, before the hearing of the case is completed, that the case be transferred to the judicial courts.

The period allowed by the Imperial Government for the completion of cases still pending before the said courts shall expire not later than May 10, 1929.

15. All questions connected with the *cautio judicatum solvi*, the execution of the judgment, the communication of judicial and extra-judicial documents, letters of request, sentences, costs, free legal aid and imprisonment for debt shall be reserved for special conventions to be concluded between Persia and France.

16. As Persian law recognises all agreements for the submission to arbitration of existing or future differences in civil and commercial matters and as, under Persian law, the arbitral awards thus given are executory on the order of the President of the court of first instance, who is obliged to make such order unless the arbitral award is contrary to public policy, it is obvious that French nationals are entitled to all the benefits of this legal provision.

17. French nationals may not be arrested nor may their personal freedom be restricted for the purpose of provisionally safeguarding the judgment of debts due under civil law unless execution on the property in Persia belonging to the debtor would appear to be seriously endangered by the debtor or unless execution cannot be safeguarded by any other means.

18. As regards real property and real rights, it is understood that French nationals in Persian territory are authorised to acquire, occupy or possess the real property necessary for their residence and the carrying on of their trade or industry.

I have the honour to be, Sir, etc.

(Signed) F. PAKREVAN.