

(i) The authority which executes the "Letters of Request" will apply, so far as the procedure to be followed is concerned, the law of its own country. Nevertheless, an application by the authority making the request that some special procedure may be followed shall be acceded to, provided that such procedure is not incompatible with the law of the country where the evidence is to be taken.

ARTICLE 10

No fees of any description shall be payable by one High Contracting Party to the other in respect of the execution of "Letters of Request."

Nevertheless, the High Contracting Party making the request shall repay to the other High Contracting Party any charges and expenses payable to witnesses, experts, interpreters, or translators, the costs of obtaining the attendance of witnesses who have not appeared voluntarily, and the charges and expenses payable to any person whom the competent judicial authority may have deputed to act in cases where its municipal law permits this to be done, and any charges and expenses incurred by reason of a special procedure being requested and followed.

The repayment of these charges and expenses may be claimed by the competent authority by whom the "Letters of Request" have been executed when sending to him the documents establishing their execution from the consular officer by whom they were transmitted. These charges and expenses shall be calculated in accordance with the tariff in force in the country where the request has been executed for subjects of such High Contracting Party so far as the same is applicable.

ARTICLE 11

(a) The evidence may also be taken, without the intervention of the authorities of the country in which it is to be taken, by a diplomatic or consular officer of the High Contracting Party for whose judicial authority the evidence is required, or by some other person named by such judicial authority.

(b) The agent appointed to take the evidence may request named individuals to appear as witnesses or to produce any document and can take all other kinds of evidence which are not contrary to the local law and shall have power to administer an oath, but he shall have no compulsory powers.

(c) Requests to appear issued by such agent shall, unless the recipient is a subject of the High Contracting Party for whose judicial authorities the evidence is required, be drawn up in the language of the country where the evidence is to be taken, or accompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure laid down by the law of the country in which the evidence is to be used, and the parties will have the right to be present or to be represented by barristers or solicitors of that country or by any persons competent to appear before the tribunals of either of the countries concerned.

ARTICLE 12

(a) The competent court to whom "Letters of Request" are addressed may also be requested to appoint a person to take the evidence, and on being so requested may appoint such a person. Such person may be a consular officer of the High Contracting Party for whose judicial authority the evidence is required or any other person proposed by such judicial authority.

(b) In this case the court applied to shall take the necessary steps to secure the attendance of and giving of evidence by witnesses and other persons to be examined and the production of documents, making use, if necessary, of its compulsory powers.