

expressed in the Letter of Request, such special procedure shall be followed in so far as it is not incompatible with the law of the country of execution.

(e) The Diplomatic or Consular Officer, by whom the Letter of Request is transmitted, shall, if he so desires, be informed of the date when and the place where the proceedings will take place, in order that he may inform the interested party or parties, who shall be permitted to be present in person or to be represented, if they so desire, by any legal representatives who are competent to appear before the courts of the country of execution.

(f) The execution of a Letter of Request which complies with the preceding provisions of this Article can only be refused—

(1) If the authenticity of the Letter of Request is not established;

(2) If, in the country of execution, the execution of the Letter of Request in question does not fall within the functions of the judiciary;

(3) If the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will at once inform the Diplomatic or Consular Officer by whom it was transmitted, stating the grounds on which the execution of the Letter of Request has been refused, or the competent authority to whom it has been forwarded.

(h) When a Letter of Request has been executed, the competent authority to whom it was transmitted or forwarded shall send to the Diplomatic or Consular Officer by whom it was transmitted the necessary documents establishing its execution.

ARTICLE 9

(a) The evidence may also be taken, without any request to or the intervention of the authorities of the country of origin by a Diplomatic or Consular Officer acting for the country of origin.

(b) The Diplomatic or Consular Officer may request the individuals named by the court of the country of origin to appear before him and to give evidence. He may take all kinds of evidence which are not contrary to the law of the country of execution. The attendance and giving of evidence before such officer shall be entirely voluntary and no measures of compulsion shall be employed.

(c) The evidence may be taken in accordance with the procedure recognized by the law of the country of origin, and the parties will have the right to be present in person or to be represented by any legal representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

(d)* Unless and until a notification is given through the Diplomatic channel by the Hungarian Government, the provisions of this article will not apply to the taking of evidence from persons who are subjects or citizens of the High Contracting Party in whose territory the evidence is to be taken.

ARTICLE 10

The fact that an attempt to take evidence by the method laid down in Article 9 has failed owing to the refusal of any witness to appear or to give evidence does not preclude a request being subsequently made in accordance with Article 8.

ARTICLE 11

(a) Where evidence is taken in the manner provided in Article 8 the High Contracting Party, by whose judicial authority the Letter of Request was

* See note on page 13.