

party or parties, who shall be permitted to be present in person or to be represented, if they so desire, by any representatives who are competent to appear before the courts either of the country of origin or 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 8.

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

(b) An officer so appointed to take evidence may request the individuals named by the court appointing him 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 any such officer shall be entirely voluntary and no measures of compulsion shall be employed.

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

(d) The evidence may be taken in accordance with the procedure recognised 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 representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

ARTICLE 9.

The fact that an attempt to take evidence by the method laid down in Article 8 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 7.

ARTICLE 10.

(a) Where evidence is taken in the manner provided in Article 7 the High Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other High Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request in respect of any charges and expenses payable to witnesses, experts, interpreters, or translators, the costs of obtaining the attendance of witnesses who have