

**TREATY  
BETWEEN  
THE PEOPLE'S REPUBLIC OF CHINA  
AND  
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA  
ON  
JUDICIAL ASSISTANCE IN CIVIL AND COMMERCIAL  
MATTERS**

The People's Republic of China and The Federal Democratic Republic of Ethiopia (hereinafter jointly referred to as "the Parties" and separately as "Party"),

Desirous to strengthen the judicial cooperation on civil and commercial matters between the two countries on the basis of mutual respect, sovereign equality and mutual benefit,

Wishing to further enhance and strengthen the already established friendly relationship between the two countries,

Have agreed as follows:

**Chapter I  
General Provisions**

**Article 1**

**Scope of Judicial Assistance**

1. The Parties shall, in accordance with their national laws, grant

each other the widest measure of mutual legal assistance in civil and commercial matters covered under this Treaty.

2. Judicial assistance under this Treaty shall include:

- (a) the service of judicial documents;
- (b) the taking of evidence;
- (c) the recognition and enforcement of court decisions and arbitral awards;
- (d) the exchange of information on law.

## Article 2

### Judicial Protection

1. Nationals of one Party shall, in the territory of the other Party, enjoy the same judicial protection as nationals of the other Party and shall have the right to access to courts of the other Party under the same conditions as those for the nationals of the other Party.

2. Courts of one Party shall not require nationals of the other Party to provide any security for costs of the proceedings only because that they are foreigners or they have no domicile or residence in its territory.

3. Provisions of paragraph 1 and 2 of this Article shall also apply to legal persons located and incorporated in the territory of either Party in accordance with its national law.

## Article 3

### Reduction and Exemption from Costs of Proceedings and Legal Aid

1. Nationals of one Party shall, in the territory of the other Party, be entitled to reduction or exemption from payment of costs of

proceedings and be entitled to legal aid under the same conditions and to the same extent as those for nationals of the other Party.

2. An application for reduction or exemption of costs of proceedings or for legal aid as provided for in paragraph 1 shall be accompanied by a certificate on the financial situation of the applicant that is issued by the competent authority of the Party in whose territory the applicant has his/her domicile or residence. If the applicant has no domicile or residence in the territory of either of the Parties, such certificate may be issued or verified by the diplomatic or consular agents of the Party of which that person is a national.

3. Judicial authorities or other competent authorities responsible for the decision on the application for reduction or exemption of costs of proceedings or for legal aid may require additional information.

## Article 4

### Channels of Communication for Judicial Assistance

1. Unless otherwise provided for in this Treaty, the Parties shall communicate directly through their respectively designated Central Authorities to make or to grant requests for judicial assistance.

2. The Central Authorities referred to in paragraph 1 of this Article shall be the Ministry of Justice for the People's Republic of China, and Ministry of Justice for the Federal Democratic Republic of Ethiopia.

3. Where one Party changes its designation of Central Authority, that Party shall so inform the other Party through diplomatic channels.

## Article 5

### Laws Applicable to Judicial Assistance

The Parties shall apply their respective national laws in executing requests for judicial assistance, unless otherwise provided for in this Treaty.

## Article 6

### Refusal of Judicial Assistance

1. If the Requested Party considers that provision of judicial assistance would prejudice its sovereignty, security or essential public interests, or is contrary to the fundamental principles of its national law, or the assistance sought is beyond the competence of its judicial authorities, it may refuse to provide judicial assistance and shall inform the Requesting Party of the reasons of the refusal.

2. The request for assistance in service of judicial documents or taking of evidence shall not be refused by the Requested Party solely on the ground that its courts have exclusive jurisdiction over the subject matter of the action or that its national law would not permit the action upon which the request is based.

## Article 7

### Form and Content of Request for Judicial Assistance

1. Request for judicial assistance shall be made in writing and affixed with the signature or seal of the requesting authority and shall contain the following:

- (a) the name and address of the requesting authority;

- (b) the name of the requested authority, if possible;
- (c) the name, nationality and address of the person concerned in the request; in case of legal person, its name and address;
- (d) the name and address of the representative of the party concerned, if necessary;
- (e) the description of the nature of the action to which the request relates and summary of the case;
- (f) the description of the assistance sought;
- (g) other information which may be necessary for the execution of the request.

2. If the Requested Party considers that the information provided by the Requesting Party is not sufficient to enable the request to be dealt with in accordance with this Treaty, it may require additional information from the Requesting Party.

## Article 8

### Language

1. The Central Authority of either Party shall use its official language to be accompanied with a translation in the English language in their written communication.

2. Unless otherwise provided in this Treaty, requests for judicial assistance and their supporting documents shall be written in the language of the Requesting Party and be accompanied by a translation in the language of the Requested Party or the English language.

## **Chapter II**

### **Service of Judicial Documents**

#### Article 9

##### Scope of Application

One Party shall, in accordance with provisions of this Treaty, execute requests made by the other Party for service of judicial documents on persons in its territory.

#### Article 10

##### Execution of Request for Service

1. The Requested Party shall execute a request for service in a timely manner by a method prescribed by its national law, and to the extent not contrary to its national law, effect service by a particular method expressly required by the Requesting Party.

2. If the requested authority is not competent to execute the request, it shall transmit the request to the competent authority for execution.

3. If it is difficult for the Requested Party to effect service according to the address indicated by the Requesting Party, the Requested Party shall take necessary measures to ascertain the address and may, if necessary, require additional information from the Requesting Party. If the Requested Party still can not ascertain the address or execute the request due to other reasons, it shall return the request and supporting documents to the Requesting Party and indicate the reasons which prevent the service.

Article 11  
Notification of Results of Service

1. The Requested Party shall, through its Central Authority, notify the Requesting Party in writing of results of service which shall be accompanied by a certificate of service produced by the authority executing the service.

2. The certificate shall indicate the name and identity of the person addressed, the date, place and method of the service. Where the person addressed refuse to accept, the reason of refusal shall be indicated.

Article 12  
Costs of Service

The Requested Party shall bear the costs arising from the execution of requests for service in its territory. However, the Requesting Party shall bear the costs arising from the execution of requests for service by a particular method it expressly requires in accordance with paragraph 1 of Article 10 of this Treaty.

**Chapter III**  
**Taking of Evidence**

Article 13  
Scope of Application

1. One Party shall, in accordance with provisions of this Treaty, execute requests made by the other Party for taking of evidence, including obtaining statements of the parties to the case and testimonies

of witnesses, taking material and documentary evidence, conducting expert evaluation or judicial inspection, or performing other judicial acts relating to taking evidence.

2. This Treaty shall not apply to:

(a) taking of evidence which is not intended for use in judicial proceedings commenced or contemplated; or

(b) obtaining documents which are not specified in the request, or do not have direct and close connection with the case.

## Article 14

### Execution of Request for Taking of Evidence

1. The Requested Party shall execute a request for taking of evidence in a timely manner in accordance with its national law.

2. The Requested Party shall, to the extent not contrary to its national law, execute a request for taking of evidence by a particular method expressly required by the Requesting Party.

3. If the requested authority is not competent to execute the request, it shall transmit the request to the competent authority for execution.

4. If it is difficult for the Requested Party to take evidence according to the address indicated by the Requesting Party, the Requested Party shall take necessary measures to ascertain the address and may, if necessary, require additional information from the Requesting Party. If the Requested Party still can not ascertain the address or execute the request due to other reasons, it shall return the request and supporting documents to the Requesting Party and indicate the reasons which prevent the execution of the request.

5. If the Requesting Party so request explicitly, the Requested



Party shall inform the Requesting Party of the time when, and the place where, the request will be executed, in order that the parties concerned or their representatives may be present. The above-mentioned parties or their representatives shall comply with the laws of the Requested Party when they are present.

## Article 15

### Decline to Give Evidence

1. Where a person who is required to give evidence under this Treaty claims that there is a right or privilege to decline to give evidence under the laws of the Requesting Party, the Requested Party shall require the Requesting Party to provide a certificate on the existence of that right or privilege. The certificate provided by the Requesting Party shall be regarded as conclusive evidence on the existence of that right or privilege unless there is a manifestly contrary evidence.

2. A person who is required to give evidence under this Treaty may decline to give evidence where the laws of the Requested Party permit that person not to give evidence in similar circumstances in proceedings originating in the Requested Party.

## Article 16

### Notification of Results of Execution

The Requested Party shall, through its Central Authority, notify the Requesting Party in writing of the results of the execution of the request for taking evidence, and shall transfer evidential materials obtained.

## Article 17

### Availability of Persons to Give Evidence

1. The Requested Party shall, at the request of the Requesting Party, invite a person to appear in the territory of the Requesting Party to give evidence. The Requesting Party shall inform the person of the extent and standard of any allowances and expenses payable to him/her. The Requested Party shall promptly inform the Requesting Party of the person's response.

2. A request for the service of a document which invites a person to appear in the territory of the Requesting Party to give evidence shall be transmitted to the Requested Party no less than sixty days before the scheduled appearance unless, in urgent cases, the Requested Party agrees to a shorter period of time.

## Article 18

### Transfer of Persons in Custody for Giving Evidence

1. The Requested Party may, at the request of the Requesting Party, temporarily transfer the person in custody in its territory to the Requesting Party for appearance to give evidence, provided that the person so consents and the Parties have previously reached a written agreement on the conditions of the transfer.

2. Where the person transferred is required to be kept in custody under the laws of the Requested Party, the Requesting Party shall hold that person in custody.

3. The Requesting Party shall promptly return the person transferred to the Requested Party as soon as he/she has finished giving evidence.

4. For the purpose of this Article, the person transferred shall receive credit for service of the sentence imposed in the Requested Party for the period of time during which he/she was held in custody in the Requesting Party.

## Article 19

### Protection of Witnesses and Experts

1. The witness or expert present in the territory of the Requesting Party shall not be prosecuted, detained, punished or subject to any other restriction of personal liberty by that Party for any acts or omissions which preceded that person's entry into its territory, nor shall the person be obliged to give evidence in any proceeding other than that the request relates to, except with the prior consent of the Requested Party and that person.

2. Paragraph 1 of this Article shall cease to apply if that person has not left the Requesting Party within a period of fifteen days after that person has been officially notified that his/her presence is no longer required or, after having left, has voluntarily returned. But this period of time shall not include the time during which the person fails to leave the territory of the Requesting Party for reasons beyond his/her control.

3. A person who declines an invitation to give evidence as provided for in Articles 17 or 18 shall not, by reason of so declining, be subject to any sanctions or subject to any compulsory measures of restriction of personal liberty.

## Article 20

### Expenses for Taking of Evidence

1. The Requested Party shall bear the costs arising from the execution of requests for taking of evidence in its territory, but the Requesting Party shall bear:

(a) costs arising from the execution of requests by a particular method provided for in paragraph 2 of Article 14 of this Treaty;

(b) expenses for persons to travel to, stay in and leave the territory of the Requested Party under paragraph 5 of Article 14 of this Treaty;

(c) expenses or allowances for persons to travel to, stay in and leave the Requesting Party under Article 17 or 18 of this Treaty. These shall be paid in accordance with the standards or regulations of the place where such expenses or allowances have been incurred;

(d) expenses and fees of experts; and

(e) expenses and fees for translation and interpretation.

2. If it becomes apparent that execution of a request requires expenses of an extraordinary nature, the Parties shall consult to determine the conditions under which the request can be executed.

## Chapter IV

### Recognition and Enforcement of Court decisions

## Article 21

### Scope of Court decisions

1. The following decisions rendered by a court of one Party after the entry into force of this Treaty shall, under the terms and conditions

provided for in this Treaty, be recognized and enforced in the territory of the other Party:

(a) decisions given by courts in proceedings concerning civil and commercial matters; or

(b) decisions given by courts in criminal proceedings with regard to civil matters concerning the payment of damages and return of property for victims.

2. "Court decisions" referred to in paragraph 1 of this Article shall include conciliation documents produced by courts concerning civil and commercial matters.

## Article 22

### Submission of Application

Application for recognition and enforcement of court decision may be submitted directly by the Party to the case to the competent court of the Requested Party, or to the court which rendered the decision and transmit by that court to the competent court of the Requested Party through the Central Authorities.

## Article 23

### Documents to be Produced

1. An application for recognition and enforcement of a court decision shall be accompanied by:

(a) a certified copy of the decision;

(b) a document to establish that the decision is final and, where the enforcement is applied, to establish that the decision is enforceable, unless that is provided for in the decision itself;

(c) a document to establish that the decision has been duly served on the defeated party and that the party who lacks the legal capacity in litigation has been duly represented; and

(d) in case of default decision, a document to establish that the defaulting party has been duly summoned.

2. The application, decision and documents mentioned above shall be accompanied by a certified translation in the language of the Requested Party.

## Article 24

### Refusal of Recognition or Enforcement

Recognition or enforcement of court decisions mentioned in paragraph 1, Article 21 of this Treaty may be refused in accordance with the provisions of Article 6 of this Treaty, or if:

(a) the decision is not final or is not enforceable in accordance with the laws of the Party in which the decision is rendered;

(b) the court rendering the decision has no jurisdiction in accordance with the provisions of Article 25 of this Treaty;

(c) the defeated party has not been duly summoned or the party who lacks the legal capacity in litigation has not been duly represented;

(d) proceedings between the same parties and having the same subject matters are pending before a court of the Requested Party; or

(e) the decision is inconsistent with a decision rendered by the court of the Requested Party, or rendered by the court of a third state and recognized by the court of the Requested Party.

## Article 25

### Jurisdiction

1. For the purpose of this Treaty, a court of the Party in which the decision has been rendered shall be considered as having jurisdiction if:

(a) the defendant has his/her domicile or residence in the territory of that Party at the time when the proceeding was instituted;

(b) the proceeding is arising from business activities of the defendant's branch office in the territory of that Party;

(c) the defendant has accepted explicitly the jurisdiction of the court of that Party;

(d) the defendant has argued the merits without challenging the jurisdiction of the court;

(e) in case of contractual disputes, the contract has been concluded in the territory of that Party, or has been or should have been performed therein, or the object of the action is located therein;

(f) in case of non-contractual tort, the infringing act or the result has occurred in the territory of that Party;

(g) in case of the maintenance obligations, the creditor has his/her domicile or residence in the territory of that Party at the time when the proceeding was instituted;

(h) the immovable property as object of action is located in the territory of that Party;

(i) in case of succession, the deceased person had his/her domicile or residence in the territory of that Party at the time of his/her death, or the main parts of his/her estates is located therein; or

(j) in case of matters relating to personal status, the litigant has his/her domicile or residence in the territory of that Party.

2. Paragraph 1 of this Article shall not prejudice the provisions

of the laws of both Parties concerning the exclusive jurisdiction. For this purpose, the Parties shall, after this Treaty enters into force, promptly inform each other in writing, through their respective Central Authorities of the provisions of their own laws concerning the exclusive jurisdiction.

## Article 26

### Procedure for Recognition and Enforcement

1. The procedure provided for in the laws of the Requested Party shall be applied to the recognition and enforcement of court decisions.

2. The court of the Requested Party shall confine itself to examination of whether the court decisions meet the terms and conditions provided for in this Treaty and shall not review their merits.

3. If the court decision contains elements which are severable and can not be recognized or enforced as a whole, the court of the Requested Party may decide only to grant recognition or enforcement on part of them.

## Article 27

### Effect of Recognition and Enforcement

The court decisions which have been granted recognition or enforcement shall have the same effect as those rendered by the courts of the Requested Party in the territory of that Party.



## **Chapter V**

### **Recognition and Enforcement of Arbitral Awards**

#### Article 28

##### Conditions of Recognition and Enforcement

Without prejudice to the other provisions of this Treaty, arbitral awards given in the territory of one Party shall be recognized and enforced in the other Party provided that:

(a) the arbitral award is based on a written arbitral agreement of the parties to the specific or future dispute arising out of contractual or non-contractual commercial legal relationship in accordance with the laws of the Requested Party, and falls within its competence as stipulated by the agreement.

(b) the arbitral award is made on matters arbitrable according to the laws of the Requested Party.

#### Article 29

##### Submission of Application

Application for recognition and enforcement of arbitral award shall be submitted directly by the applicant to the competent court of the Requested Party.

## Article 30

### Documents to be produced

An application for recognition and enforcement of an arbitral award shall be accompanied by:

- (a) a legalized original arbitral award or a certified copy thereof;
- (b) a legalized original arbitration agreement or a certified copy thereof.

The documents mentioned above shall be accompanied by a certified translation in the language of the Requested Party.

## Article 31

### Refusal of Recognition or Enforcement

Without prejudice to the provisions of Article 6 of this Treaty, an application for recognition and enforcement of an arbitral award may be refused only if the party against whom it is invoked proves that:

(a) the parties to the arbitral agreement were, under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the Party where the arbitral award was made; or

(b) the party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

(c) the arbitral award is beyond the scope of the matters submitted to arbitration; or

(d) the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the Party where the arbitration took place; or

(e) the award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the Party in which the award was made.

## **Chapter VI**

### **Miscellaneous Provisions**

#### Article 32

##### Exchange of Information on Law

The Parties shall, upon request, exchange information concerning the laws in force and the judicial practice in their respective countries related to the implementation of this Treaty.

#### Article 33

##### Service of Documents and Taking of Evidence by Diplomatic or Consular Agents

Either Party may serve documents on and take evidence from its nationals in the territory of the other Party through its diplomatic or consular agents therein, provided that the laws of the other Party will be observed and no coercive measures of any kind will be taken.

Article 34  
Exemption of Legalization

For the purpose of this Treaty, any documents produced or verified by the courts or other competent authorities of the Parties and transmitted through the Central Authorities shall be exempted from any form of legalization.

Article 35  
Relationship with Other Treaties

This Treaty shall not derogate the obligations of the Parties under other treaties, agreements and other instruments, nor prevent them from providing or continuing to provide mutual assistance in accordance with other treaties, agreements and other instruments.

Article 36  
Settlement of Disputes

Any dispute arising from the interpretation and implementation of this Treaty shall be resolved by consultation through diplomatic channels if the Central Authorities of the Parties are themselves unable to reach agreement.

## **Chapter VII**

### **Final Provisions**

#### Article 37

##### Entry into Force and Termination

1. This Treaty is subject to ratification. This Treaty shall enter into force on the thirtieth(30th) day after the date of receipt of the last diplomatic note by which the Parties inform each other of the ratification of this Treaty.

2. Either Party may terminate this Treaty by written notice to the other Party through diplomatic channels at any time. Termination shall take effect on the one hundred and eightieth(180th) day after the date on which the notice is given.

3. Notwithstanding the termination of this Treaty, any request received prior to the termination shall continue to be processed in accordance with the provisions of this Treaty.

#### Article 38

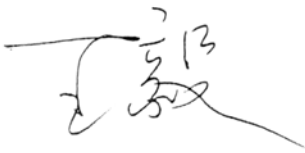
##### Amendment

This Treaty may be amended at any time in accordance with the conditions to be agreed by the Parties. Any amendment(s) made thereof shall form an integral part of this Treaty.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE in duplicate at Addis Ababa on this 4<sup>th</sup> day of May (month) 2014 (year), in the Chinese, Amharic, and English languages, all texts being equally authentic. In case of any divergence the English text shall prevail.

**For the People's Republic  
of China**

A handwritten signature in black ink, appearing to be a stylized representation of the Chinese characters for Wang Kang, with a date '2013' written above it.

**For the Federal Democratic  
Republic of Ethiopia**

A handwritten signature in black ink, appearing to be a stylized representation of the Amharic name for Abiy Ahmed.