

Recognition and Enforcement of Judgements Agreement Between Turkey and Syria

Turkey and Syria signed an agreement to regulate the legal protection of nationals of both countries in civil proceedings, to provide legal assistance in civil and commercial matters and to recognize and enforce court decisions of each other in civil and commercial matters.

Recognition and Enforcement of Judgements

Turkey and Syria agree that court judgements in civil and commercial matters and criminal matters as far as being related to compensation will be recognized and enforced in the territories of each other. Settlements in civil and commercial matters done before or approved by a court will also be subject to recognition and enforcement process. However, only the judgements rendered after the entry into force of the agreement shall be subject to recognition and enforcement under its provisions. Judgements will only be recognized and enforced if they are FINAL and ENFORCABLE under the law of that government.

Refusal of Recognition and Enforcement is Possible

Recognition and enforcement of a judgement may nevertheless be refused if the recognition and enforcement of the judgement manifestly incompatible with the public order of the requested government. If the parties of the proceedings have been deprived of the right to defend and have not been duly served of notice to appear before court and given opportunity to be represented where themselves have been unable to lodge claim and defence than recognition and enforcement may also be refused. The judgement should not be rendered on a subject which falls under the exclusive jurisdiction of the courts of requesting government to be recognized or enforced. The recognition and enforcement may be refused also if proceedings between the same parties based on the same facts and having the same purpose are pending before a court of the requested government and those proceedings are the first to be instituted or have resulted in a final judgement by a court of the requested government.

Recognition and Enforcement Procedure

Application for recognition and enforcement should be made by the party requesting recognition and enforcement in person or by legal representative directly to the competent court of the government where recognition and enforcement is sought. The application should be accompanied by several documents mentioned in agreement and laws.

Law of Recognition and Enforcement

The recognition and enforcement of judgements should be governed by the law of the government where recognition and enforcement is sought. The court which decides on recognition and enforcement will only take into consideration the agreement not the merits of the judgement.