

**No. 50685**

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**United States of America  
and  
Venezuela**

**Treaty between the Government of the United States of America and the Government of the Republic of Venezuela on mutual legal assistance in criminal matters. Caracas, 12 October 1997**

**Entry into force:** *1 March 2004 by notification, in accordance with article XX*

**Authentic texts:** *English and Spanish*

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**États-Unis d'Amérique  
et  
Venezuela**

**Traité entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Venezuela relatif à l'entraide judiciaire en matière pénale. Caracas, 12 octobre 1997**

**Entrée en vigueur :** *1<sup>er</sup> mars 2004 par notification, conformément à l'article XX*

**Textes authentiques :** *anglais et espagnol*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *États-Unis d'Amérique, 17 avril 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**TREATY BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA  
ON  
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS**

The Government of the United States of America and the Government of the Republic of Venezuela,

Desiring to improve the effectiveness of the authorities of both countries in the investigation, prosecution, prevention, and suppression of crime through cooperation and mutual legal assistance in criminal matters,

Based on the principle of sovereign equality of States,

Have agreed as follows:

## Article I

### Scope of Assistance

1. The Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offenses, and in proceedings related to criminal matters.

2. Assistance shall include:

- (a) taking the testimony or statements of persons;
- (b) providing documents, records, files, and articles of evidence;
- (c) locating or identifying persons or items;
- (d) serving documents;
- (e) transferring persons in custody or subject to criminal proceedings for testimony or other purposes;
- (f) executing requests for searches and seizures;
- (g) execution of procedures involving experts;
- (h) assisting in proceedings related to immobilization and forfeiture of assets; restitution; collection of fines; and
- (i) any other form of assistance appropriate under the laws of the Requested State.

3. Assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offense under the laws of the Requested State.

However, assistance or cooperation in connection with searches, seizures, and forfeitures shall only be provided if the Central Authority of the Requested State determines that the act to which the request relates in the Requesting State is also punishable as an offense under the laws of the Requested State.

4. This Treaty is intended solely for mutual legal assistance between the Parties for the purpose of investigations or prosecutions of acts punishable in the Requesting State, the prevention of such acts, or proceedings related to criminal matters ancillary to such acts. The provisions of this Treaty shall not give rise to a right on the part of any private person

to obtain, suppress, or exclude any evidence, or to impede the execution of a request for assistance.

## **Article II**

### **Central Authorities**

1. Each Party shall designate a Central Authority to make and receive requests pursuant to this Treaty.

2. For the United States of America, the Central Authority shall be the Attorney General or a person designated by the Attorney General. For the Republic of Venezuela, the Central Authority shall be the Attorney General of the Republic.

3. The Central Authority of the Requested State shall process a request directly, unless it is appropriate to transmit such request to other competent authorities for purposes of its execution. Requests shall be executed promptly by the authorities of the Requested State.

4. The Central Authorities shall communicate directly with one another for the purposes of this Treaty.

## **Article III**

### **Limitations on Assistance**

1. The Central Authority of the Requested State may deny assistance if:

- (a) the request relates to a political offense;
- (b) the request relates to a military offense, unless the offense also constitutes an offense under ordinary criminal law;
- (c) the execution of the request would prejudice the public order (ordre public), security, or similar essential interests of the Requested State; or
- (d) the request is not made in conformity with the provisions of this Treaty.

2. Before denying assistance pursuant to this Article, the Central Authority of the Requested State shall consult with the Central Authority of the Requesting State to determine whether assistance can be given subject to such conditions as the Central Authority of the Requested State deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with the conditions.

3. If the Central Authority of the Requested State denies assistance, it shall inform the Central Authority of the Requesting State of the reasons for the denial.

## **Article IV**

### **Form and Contents of Requests**

1. A request for assistance shall be in writing. However, in urgent situations the Central Authority of the Requested State may accept a request in another form, in accordance with its domestic laws. If the request is not in writing, it shall be

presented in writing within ten days thereafter. The request shall be accompanied by a translation in the language of the Requested State.

2. The request shall include the following:

- (a) the name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;
- (b) a description of the subject matter and nature of the investigation, prosecution, or proceeding, including the specific criminal offenses that relate to the matter;
- (c) a description of the evidence, information, or other assistance sought, as well as any information necessary to facilitate the execution of the request; and
- (d) a statement of the purpose for which the evidence, information, or other assistance is sought.

3. To the extent necessary and possible, a request shall also include:

- (a) information on the identity and location of any person from whom evidence is sought;
- (b) information on the identity and location of a person to be served, that person's relationship to the proceedings, and the manner in which service is to be made;
- (c) information on the identity and whereabouts of a person to be located;
- (d) a precise description of the place or person to be searched and of the articles to be seized, forfeited, or otherwise restrained;
- (e) a description of the manner in which any testimony or statement is to be taken and recorded;
- (f) a list of questions to be asked of a witness, which may be reviewed by the Requested State to determine whether they conform to the requirements of its domestic law;
- (g) a description of any particular procedure to be followed in executing the request;
- (h) information as to the allowances and expenses to which a person asked to appear in the Requesting State will be entitled; and
- (i) any other information that may be brought to the attention of the Requested State to facilitate its execution of the request.

## Article V

### Execution of Requests

1. The competent authorities of the Requested State shall do everything in their power to execute the request. The Courts