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**United States of America
and
Ukraine**

Treaty between the United States of America and Ukraine on mutual legal assistance in criminal matters (with annex). Kiev, 22 July 1998

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**États-Unis d'Amérique
et
Ukraine**

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[ENGLISH TEXT – TEXTE ANGLAIS]

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

TABLE OF CONTENTS

Article 1	Scope of Assistance
Article 2	Central Authorities
Article 3	Limitations on Assistance
Article 4	Form and Contents of Requests
Article 5	Execution of Requests
Article 6	Costs
Article 7	Limitations on Use
Article 8	Testimony or Evidence in the Requested State
Article 9	Official Records
Article 10	Testimony or Evidence Outside the Requested State
Article 11	Transfer of Persons in Custody
Article 12	Transit of Persons in Custody
Article 13	Location or Identification of Persons or Items
Article 14	Service of Documents
Article 15	Search and Seizure
Article 16	Return of Items
Article 17	Assistance in Forfeiture Proceedings
Article 18	Compatibility with Other Treaties
Article 19	Consultation
Article 20	Ratification, Entry Into Force, and Termination
Annex	

The United States of America and Ukraine,

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

Have agreed as follows:

ARTICLE 1 SCOPE OF ASSISTANCE

1. The Contracting States 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, and other items;
 - (c) locating or identifying persons or items;
 - (d) serving documents;
 - (e) transferring persons in custody for testimony or other purposes;
 - (f) executing searches and seizures;
 - (g) assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and
 - (h) any other form of assistance not prohibited by 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.
4. This Treaty is intended solely for mutual legal assistance between the Contracting States. 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.

ARTICLE 2 CENTRAL AUTHORITIES

1. Each Contracting State shall have 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 Ukraine, the Central Authority shall be the Ministry of Justice and the Office of the Prosecutor General.
3. Each Central Authority shall make only such requests as it considers and approves. The Central Authority for the Requesting State shall use its best efforts to ensure that a request is not made where, in its view:

- (a) the offense on which the request is based does not have serious consequences; or
 - (b) the extent of the assistance to be requested is disproportionate to the sentence expected upon conviction.
4. The Central Authorities shall communicate directly with one another for the purposes of this Treaty.

ARTICLE 3 LIMITATIONS ON ASSISTANCE

1. The Central Authority of the Requested State may deny assistance if:
- (a) the request relates to an offense under military law that would not be an offense under ordinary criminal law;
 - (b) the request relates to a political offense;
 - (c) the execution of the request would prejudice the security or similar essential interests of the Requested State; or
 - (d) the request does not conform to the requirements 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 consider whether assistance can be given subject to such conditions as it 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 4 FORM AND CONTENTS OF REQUESTS

1. A request for assistance shall be in writing except that the Central Authority of the Requested State may accept a request in another form in urgent situations. If the request is not in writing, it shall be confirmed in writing within ten days unless the Central Authority of the Requested State agrees otherwise. The request shall be in the language of the Requested State unless otherwise agreed.
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 nature and subject matter of the investigation, prosecution, or proceeding, and the applicable provisions of law for each offense;
 - (c) a description of the evidence, information, or other assistance sought; 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: