

No. 50941

**United States of America
and
Poland**

Treaty between the United States of America and the Republic of Poland on mutual legal assistance in criminal matters (with forms). Washington, 10 July 1996

Entry into force: *17 September 1999, in accordance with article 19*

Authentic texts: *English and Polish*

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**États-Unis d'Amérique
et
Pologne**

Traité entre les États-Unis d'Amérique et la République de Pologne relatif à l'entraide judiciaire en matière pénale (avec formulaires). Washington, 10 juillet 1996

Entrée en vigueur : *17 septembre 1999, conformément à l'article 19*

Textes authentiques : *anglais et polonais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

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

The United States of America and the Republic of Poland;

Desiring to improve the effectiveness of the law enforcement 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 Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offenses. The Contracting Parties shall also provide such assistance for forfeiture and other proceedings directly related to criminal offenses, where such assistance is not prohibited by the laws of the Requested State.

2. Assistance shall include:

- a) taking the testimony or statements of persons;**
- b) providing documents, records, and articles of evidence;**
- c) locating or identifying persons or items;**
- d) serving documents;**
- e) transferring persons in custody for testimony or other purposes;**
- f) executing requests for searches and seizures;**
- g) assisting in proceedings related to immobilization and forfeiture of assets, restitution to the victims of crime, 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 Parties. 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 Party 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 the Republic of Poland, the Central Authority shall be the Minister of Justice - Attorney General or a person designated by the Minister of Justice - Attorney General.
3. 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 is not made in conformity with the Treaty.
2. Before denying assistance pursuant to this Article, the Central Authorities shall consult to consider 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.