

No. 51244. Latvia and United States of America

TREATY BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LATVIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS. WASHINGTON, 13 JUNE 1997

PROTOCOL TO THE TREATY BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LATVIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS. RIGA, 7 DECEMBER 2005*

Entry into force: 1 February 2010, in accordance with article 9

Authentic texts: English and Latvian

Registration with the Secretariat of the United Nations: Latvia, 20 August 2013

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

Nº 51244. Lettonie et États-Unis d'Amérique

TRAITÉ ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE LETTONIE ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE RELATIF À L'ENTRAIDE JUDICIAIRE EN MATIÈRE PÉNALE. WASHINGTON, 13 JUIN 1997

PROTOCOLE AU TRAITÉ ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE LETTONIE ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE RELATIF À L'ENTRAIDE JUDICIAIRE EN MATIÈRE PÉNALE. RIGA, 7 DÉCEMBRE 2005*

Entrée en vigueur : 1er février 2010, conformément à l'article 9

Textes authentiques : anglais et letton

Enregistrement auprès du Secrétariat des Nations Unies : Lettonie, 20 août 2013

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Protocol to the Treaty between the Government of the Republic of Latvia and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters

As contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed 25 June 2003 (hereafter “the U.S.-EU Mutual Legal Assistance Agreement”), the Governments of the Republic of Latvia and the United States of America acknowledge that, in accordance with the provisions of this Protocol, the U.S.-EU Mutual Legal Assistance Agreement is applied in relation to the bilateral Treaty between the Government of the Republic of Latvia and the Government of the United States of America signed 13 June 1997 (hereafter “the 1997 Mutual Legal Assistance Treaty”) under the following terms:

Article 1

Assistance to administrative authorities

Pursuant to Article 8 of the U.S.-EU Mutual Legal Assistance Agreement, Article 1(1) shall be renumbered as Article 1(1)(a), and the following shall be applied as Article 1(1)(b) and (1)(c) of the 1997 Mutual Legal Assistance Treaty:

“(b) Mutual legal assistance shall also be afforded to a national administrative authority, investigating conduct with a view to a criminal prosecution of the conduct, or referral of the conduct to criminal investigation or prosecution authorities, pursuant to its specific administrative or regulatory authority to undertake such investigation. Mutual legal assistance may also be afforded to other administrative authorities under such circumstances. Assistance shall not be available for matters in which the administrative authority anticipates that no prosecution or referral, as applicable, will take place.

(c) Requests for assistance under paragraph (1)(b) shall be transmitted between the Central Authorities designated pursuant to Article 2 of this Treaty, or between such other authorities as may be agreed by the Central Authorities.”

Article 2

Expedited transmission of requests

Pursuant to Article 7 of the U.S.-EU Mutual Legal Assistance Agreement, the following shall be applied in place of Article 4(1) of the 1997 Mutual Legal Assistance Treaty:

“1.(a) Requests for assistance and communications related thereto may be made and responded to by expedited means of communications, including fax or e-mail, with formal confirmation to follow where required by the Requested State.

(b) In urgent situations, requests for mutual legal assistance may be made orally but shall be confirmed in writing within ten days unless the Central Authority of the Requested State agrees otherwise.

(c) The request shall be in the language of the Requested State unless agreed otherwise.”

Article 3

Cost of Video-Conference

Pursuant to Article 6(2) of the U.S.-EU Mutual Legal Assistance Agreement, the following shall be applied as Article 6(d) of the 1997 Mutual Legal Assistance Treaty:

“(d) the costs associated with establishing and servicing a video transmission pursuant to Article 17c, unless otherwise agreed by the Requesting and Requested States; other costs arising in the course of providing such assistance shall be borne in accordance with the other provisions of this Article.”

Article 4

Limitations on use to protect personal and other data

Pursuant to Article 9 of the U.S.-EU Mutual Legal Assistance Agreement, the following shall be applied in place of Article 7 of the 1997 Mutual Legal Assistance Treaty:

“Article 7

Limitations On Use To Protect Personal And Other Data

1. The Requested State may require that the Requesting State limit its use of any evidence or information obtained from the Requested State to the following purposes:

- (a) for the purpose of its criminal investigations and proceedings;
- (b) for preventing an immediate and serious threat to its public security;
- (c) in its non-criminal judicial or administrative proceedings directly related to investigations or proceedings:
 - (i) set forth in subparagraph (a); or
 - (ii) for which mutual legal assistance was rendered under Article 1(1)(b);
- (d) for any other purpose, if the information or evidence has been made public within the framework of proceedings for which they were transmitted, or in any of the situations described in subparagraphs (a), (b) and (c); and
- (e) for any other purpose, only with the prior consent of the Requested State.

2. (a) This Article shall not prejudice the ability of the Requested State in accordance with this Treaty to impose additional conditions in a particular case where the particular request for assistance could not be complied with in the absence of such conditions. Where additional conditions have been imposed in accordance with this subparagraph, the Requested State may require the Requesting State to give information on the use made of the evidence or information.

(b) Generic restrictions with respect to the legal standards of the Requesting State for processing personal data may not be imposed by the Requested State as a condition under subparagraph (a) to providing evidence or information.

3. Where, following disclosure to the Requesting State, the Requested State becomes aware of circumstances that may cause it to seek an additional condition in a particular case, the Requested State may consult with the Requesting State to determine the extent to which the evidence or information can be protected.

4. The Central Authority of the Requested State may request that information or evidence furnished under this Treaty be kept confidential or be used subject to terms and conditions that it may specify. If the Requesting State accepts the evidence or information subject to such conditions, the Requesting State shall use its best efforts to comply with the conditions.“

Article 5

Identification of bank information

Pursuant to Article 4 of the U.S.-EU Mutual Legal Assistance Agreement, the following shall be applied as Article 17a of the 1997 Mutual Legal Assistance Treaty:

“Article 17a

Identification of Bank Information

1. (a) Upon request of the Requesting State, the Requested State shall, in accordance with the terms of this Article, promptly ascertain if the banks located in its territory possess information on whether an identified natural or legal person suspected of or charged with a criminal offense is the holder of a bank account or accounts. The Requested State shall promptly communicate the results of its enquiries to the Requesting State.

(b) The actions described in subparagraph (a) may also be taken for the purpose of identifying:

- (i) information regarding natural or legal persons convicted of or otherwise involved in a criminal offense;
- (ii) information in the possession of non-bank financial institutions; or