

**No. 55721\***

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**Peru  
and  
Thailand**

**Treaty between the Government of the Republic of Peru and the Government of the Kingdom of Thailand on mutual assistance in criminal matters. Lima, 3 October 2005**

**Entry into force:** *3 October 2005 by signature, in accordance with article 22*

**Authentic texts:** *English, Spanish and Thai*

**Registration with the Secretariat of the United Nations:** *Peru, 18 March 2019*

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**Pérou  
et  
Thaïlande**

**Traité entre le Gouvernement de la République du Pérou et le Gouvernement du Royaume de Thaïlande concernant l'entraide judiciaire en matière pénale. Lima, 3 octobre 2005**

**Entrée en vigueur :** *3 octobre 2005 par signature, conformément à l'article 22*

**Textes authentiques :** *anglais, espagnol et thaï*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Pérou, 18 mars 2019*

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**TREATY  
BETWEEN  
THE GOVERNMENT OF THE KINGDOM OF THAILAND  
AND  
THE GOVERNMENT OF THE REPUBLIC OF PERU  
ON  
MUTUAL ASSISTANCE IN CRIMINAL MATTERS**

The Government of the Kingdom of Thailand and the Government of the Republic of Peru,

Desiring to maintain and to strengthen the longstanding bonds which unite the two countries, and to improve the effectiveness of both countries in the investigation, prosecution, and suppression of crime through cooperation and mutual assistance in criminal matters,

Have agreed as follows:

**Article 1  
Obligation to Grant Mutual Assistance**

1. The Contracting States agree, in accordance with the provisions of this Treaty, to provide each other the widest measure of mutual assistance in connection with investigations, prosecutions and other proceedings relating to criminal matters, irrespective of whether the assistance is sought or to be provided by a court or some other authority.

2. Assistance shall include but not be limited to:

- (a) taking the testimony and statements of persons;
  - (b) providing information, documents, records and evidence;
  - (c) serving documents;
  - (d) executing requests for searches and seizures;
  - (e) transferring persons in custody or facilitating the appearance of others in the requesting state for testimonial purposes;
  - (f) locating persons and objects;
  - (g) measures to locate, restrain and forfeit the proceeds of crime; and
- other assistance consistent with the objects of this Treaty.



3. Assistance shall be provided without regard to whether the conduct under investigation, prosecution or proceedings in the Requesting State constitutes an offence in the Requested State or may be prosecuted by the Requested State.

4. This Treaty is intended solely for mutual assistance between the criminal law enforcement authorities of the Contracting States and is not intended or designed to provide such assistance to private parties.

5. A private party may not rely upon any provision of this Treaty to impede the execution of a request, or to exclude or suppress evidence obtained under the Treaty.

6. This Treaty shall not apply to the execution of arrest warrants or to military offences. For the purposes of this Treaty, military offences are violations of military laws and regulations which do not constitute offences under ordinary criminal law.

## **Article 2**

### **Grounds for Refusal or Postponement**

1. The Requested State may refuse to execute a request if it considers that:

- (a) the request would prejudice the sovereignty, security or other essential public interest of the Requested State or the safety of any person; or
- (b) the request relates to a political offence.

2. Assistance may be postponed by the Requested State if the execution of the request would interfere with an ongoing investigation, prosecution or proceeding in the Requested State.

3. Before refusing or postponing the execution of any request pursuant to this article, the Requested State shall determine whether assistance can be given subject to such conditions as it deems necessary. If the Requesting State accepts the assistance subject to these conditions, it shall comply with the conditions.

4. The requested State shall promptly inform the Requesting State of the reasons for refusing or postponing the execution of a request.

3. When appropriate, a request shall also include:

- (a) where possible, the identity, nationality and location of the person or persons who are the subject of the investigation, prosecution or proceeding in the Requesting State;
- (b) available information on the identity and whereabouts of a person to be located in the Requested State;
- (c) the identity and location of a person to be served, that person's relationship to the investigation, prosecution or proceeding, and the manner in which service is to be effected;
- (d) the identity and location of persons from whom evidence is sought;
- (e) in the case of requests for the taking of evidence or search and seizure, a statement indicating the basis for belief that evidence may be found in the jurisdiction of the Requested State;
- (f) a precise description of the place to be searched and of the evidence to be searched for;
- (g) the need, if any, for confidentiality and the reasons therefor;
- (h) a description of the manner in which any testimony or statement is to be taken and recorded;
- (i) a list of questions to be answered;
- (j) in the case of requests to take evidence from a person, a statement as to whether sworn or affirmed statements are required, and a description of the subject matter of the evidence or statement sought;
- (k) a description of any particular procedure to be followed in executing the request;
- (l) information as to the allowances and expenses to which a person appearing in the Requesting State will be entitled;
- (m) in the case of making detained persons available, the person or the authority who will have custody during the transfer, the place to which the detained person is to be transferred and the date of that person's return; and
- (n) any other information which may be brought to the attention of the Requested State to facilitate its execution of the request.

4. If the Requested State considers that the information contained in the request is not sufficient to enable the request to be dealt with, that Party may request that additional details be furnished.

## **Article 6** **Execution of Requests**

1. Requests for assistance shall be executed promptly in accordance with the law of the Requested State and, insofar as it is not prohibited by that law, in the manner requested by the Requesting State.

**Article 3**  
**Central Authorities**

1. A Central Authority shall be established by each Contracting State.
2. For the Kingdom of Thailand, the Central Authority shall be the Attorney General or an official designated by the Attorney General. For the Republic of Peru, the Central Authority shall be the Public Ministry Fiscal of the Nation.
3. For the Kingdom of Thailand, requests shall be made by the Central Authority of the Kingdom of Thailand and transmitted to the Central Authority of the Republic of Peru through diplomatic channels.
4. For the Republic of Peru, requests shall be made by the Central Authority of the Republic of Peru and transmitted directly to the Central Authority of Thailand.

**Article 4**  
**Language**

Requests and supporting documents shall be accompanied by a translation into the official language of the Requested State or English.

**Article 5**  
**Contents of Requests for Mutual Assistance**

1. A request for assistance shall be submitted in writing. In urgent circumstances or where otherwise permitted by the Requested State, a request may be made by facsimile but shall be confirmed in writing promptly thereafter.
2. All requests shall include the following:
  - (a) the name of the competent authority conducting the investigation, prosecution or proceeding to which the request relates;
  - (b) a description of the nature of the investigation, prosecution or proceeding, including a summary of the relevant facts and laws;
  - (c) a description of the evidence or information sought or the acts of assistance to be performed; and
  - (d) the purpose for which the evidence, information, or other assistance is sought.