

No. 5997

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**UNITED STATES OF AMERICA**  
and  
**FEDERAL REPUBLIC OF GERMANY**

**Exchange of notes constituting an agreement relating to reciprocal legal assistance in penal matters and information from the penal register. Bonn/Bad Godesberg, 7 November 1960, Bonn, 28 December 1960 and Bonn/Bad Godesberg, 3 January 1961**

*Official texts: English and German.*

*Registered by the United States of America on 13 December 1961.*

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**ÉTATS-UNIS D'AMÉRIQUE**  
et  
**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Échange de notes constituant un accord relatif à l'assistance juridique réciproque en matière pénale et à la communication de renseignements figurant au casier judiciaire. Bonn/Bad Godesberg, 7 novembre 1960, Bonn, 28 décembre 1960 et Bonn/Bad Godesberg, 3 janvier 1961**

*Textes officiels anglais et allemand.*

*Enregistré par les États-Unis d'Amérique le 13 décembre 1961.*

No. 5997. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO RECIPROCAL LEGAL ASSISTANCE IN PENAL MATTERS AND INFORMATION FROM THE PENAL REGISTER. BONN/BAD GODESBERG, 7 NOVEMBER 1960, BONN, 28 DECEMBER 1960 AND BONN/BAD GODESBERG, 3 JANUARY 1961

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## I

*The American Embassy to the German Ministry of Foreign Affairs*

No. 103

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Federal Republic of Germany and has the honor to confirm the following on behalf of the United States agencies concerned :

1. With regard to legal assistance in penal matters, reciprocity will be granted to the Federal Republic of Germany, including *Land* Berlin, in the sense that the submission by an agency of the United States of a request for information or for the transmittal of objects or for other legal assistance in penal matters automatically implies the assurance to give corresponding legal assistance in the reverse case when so requested by the Government of the Federal Republic of Germany. This statement does not cover any acts of legal assistance which fall within the provisions of the Extradition Treaty between the United States and the German Reich of July 12, 1930. \*

2. Upon the receipt from a German authority of a request for penal register information in non-criminal matters, the Federal Bureau of Investigation will give information to the same extent as it would give to a corresponding American authority.

3. Requests of the Bundeskriminalamt (on its own behalf or on behalf of other agencies), of German courts and of German Prosecutors for penal register information may be addressed to the Legal Attaché at the Embassy of the United States of America in Bonn on behalf of the Federal Bureau of Investigation. Any other requests shall be transmitted through the diplomatic channel and the United States Department of State, unless existing agreements provide otherwise.

W R T

Embassy of the United States of America  
Bonn/Bad Godesberg, November 7, 1960

<sup>1</sup> Came into force on 3 January 1961, by the exchange of the said notes.

\* League of Nations, *Treaty Series*, Vol. CXIX, p. 247.

gemäß § 36 der Strafregisterverordnung erteilt und unmittelbar einer von ihr bezeichneten amerikanischen Stelle in Deutschland übersandt, wenn diese Stelle bescheinigt hat, daß die Auskunft für den genannten Zweck benötigt wird.

Auf Ersuchen amerikanischer Stellen um Auskunft aus dem Strafregister in anderen nicht-strafrechtlichen Angelegenheiten wird diese im Rahmen der innerstaatlichen Vorschriften erteilt.

3. Wegen der Ersuchen amerikanischer Stellen um Auskunft aus dem Strafregister in strafrechtlichen Angelegenheiten kann sich der Legal Attaché bei der Botschaft der Vereinigten Staaten von Amerika in Bonn im Namen des Federal Bureau of Investigation handelnd an das Bundeskriminalamt oder unmittelbar an die Strafregisterbehörde wenden. Sonstige Ersuchen sind auf dem diplomatischen Weg über das Auswärtige Amt einzu-reichen, soweit bestehende Vereinbarungen nichts anderes vorsehen.

Das Auswärtige Amt benutzt diesen Anlaß, die Botschaft der Vereinigten Staaten von Amerika erneut seiner ausgezeichneten Hochachtung zu versichern.

Bonn, den 28. Dezember 1960

[SEAL — SCEAU]

An die Botschaft der Vereinigten Staaten  
von Amerika

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

THE FOREIGN MINISTRY

503-SL/2-91.36

*Note Verbale*

The Foreign Ministry acknowledges receipt of the note of November 7, 1960 from the Embassy of the United States of America, which reads as follows :

[See note I — paragraphs 1 to 3]

The Foreign Ministry has the honor to state in reply to this note :

[See note III — paragraphs 1 to 3]

The Foreign Ministry avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its high consideration.

Bonn, December 28, 1960

[SEAL]

The Embassy of the United States of America

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.

## III

*The American Embassy to the German Ministry of Foreign Affairs*

No. 135

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Federal Republic of Germany and has the honor to acknowledge receipt of the latter's Note Verbale of December 28, 1960 (503-SL/2-91.36) in which the Federal Ministry of Foreign Affairs states the following :

"1. With regard to legal assistance in penal matters, reciprocity will be granted to the United States of America in the sense that the submission of a request for information or for the transmittal of objects or for other legal assistance in penal matters automatically implies the assurance to give corresponding legal assistance in the reverse case in accordance with the German domestic provisions when so requested by the Government of the United States of America. This statement does not cover any acts of legal assistance which fall within the provisions of the Extradition Treaty between the German Reich and the United States of July 12, 1930.

2. In cases of requests for penal register information for purposes of immigration or marriage, information will be given to the requesting individual concerned pursuant to Article 36 of the Penal Register Ordinance and will be transmitted directly to a United States agency in Germany designated by such individual if such agency certifies that the information is needed for the said purpose.

In cases of requests of United States agencies for penal register information in other non-criminal matters, information will be given in accordance with the German domestic provisions.

3. As far as requests of United States agencies for penal register information in criminal matters are concerned, the Legal Attaché at the Embassy of the United States of America in Bonn on behalf of the Federal Bureau of Investigation may address himself to the Bundeskriminalamt or directly to the Penal Register Authorities. Any other requests shall be transmitted through the diplomatic channel and the Federal Ministry of Foreign Affairs, unless existing agreements provide otherwise."

W R T

Embassy of the United States of America  
Bonn/Bad Godesberg, January 3, 1961