

No. 16270

**UNITED STATES OF AMERICA
and
CANADA**

Agreement relating to criminal investigations: procedures for mutual assistance in the administration of justice in connection with the Boeing Company matter. Signed at Washington on 15 March 1977

Authentic text: English.

Registered by the United States of America on 27 January 1978.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

Accord relatif aux enquêtes pénales : modalités régissant l'assistance mutuelle dans l'administration de la justice en ce qui concerne l'affaire de la Boeing Company. Signé à Washington le 15 mars 1977

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 27 janvier 1978.

PROCEDURES¹ FOR MUTUAL ASSISTANCE IN THE ADMINISTRATION OF JUSTICE IN CONNECTION WITH THE BOEING COMPANY MATTER

The United States Department of Justice and the Department of Justice of Canada, hereinafter referred to as “the Parties”, confirm the following procedures in regard to mutual assistance to be rendered to agencies with law enforcement responsibilities in their respective countries with respect to alleged illicit acts pertaining to the sales activities in Canada of the Boeing Company and its subsidiaries or affiliates.

1. All requests for assistance shall be communicated between the Parties through the diplomatic channel, unless otherwise agreed.

2. Upon request, the Parties shall use their best efforts to make available to each other relevant and material information, such as statements, depositions, documents, business records, correspondence or other materials, available to them concerning alleged illicit acts pertaining to the sales activities in Canada of the Boeing Company and its subsidiaries or affiliates.

3. Such information shall be used exclusively for purposes of investigation conducted by agencies with law enforcement responsibilities and in ensuing criminal, civil and administrative proceedings, hereinafter referred to as “legal proceedings”.

4. Except as provided in paragraph 5, or unless otherwise agreed, all such information made available by the Parties pursuant to these procedures, and all correspondence between the Parties relating to such information and to the implementation of these procedures, shall be kept confidential by both Parties and shall not be disclosed to third Parties, including government agencies having no law enforcement responsibilities. Disclosure to other agencies having law enforcement responsibilities shall be conditioned on the recipient agency’s acceptance of the terms set forth herein.

In the event of breach of confidentiality, the other Party may discontinue cooperation under these procedures.

5. Information made available pursuant to these procedures may be used freely in ensuing legal proceedings in the requesting State in which an agency of the requesting State having law enforcement responsibilities is a Party, and the Parties shall use their best efforts to furnish the information for purposes of such legal proceedings in such form as to render it admissible pursuant to the rules of evidence in existence in the requesting State, including, but not limited to, certifications, authentications, and such other assistance as may be necessary to provide the foundation for the admissibility of evidence.

6. The Parties shall give advance notice and afford an opportunity for consultation prior to the use, within the meaning of paragraph 5, of any information made available pursuant to these procedures.

7. Upon request, the Parties agree to permit the interviewing of persons in their respective countries by law enforcement officials of the other Party, provided advance notice is given of the identity of the persons to be interviewed and of the place of the interview. Representatives of the other Party may be present at such interviews. The requesting Party shall not pursue its request for an interview if the

¹ Came into force on 15 March 1977 by signature.

requested Party considers that it would interfere with an ongoing investigation or proceeding being conducted by the authorities of the requested Party.

8. The Parties shall use their best efforts to assist in the expeditious execution of letters rogatory issued by the judicial authorities of their respective countries in connection with any legal proceedings which may ensue in their respective countries.

9. The assistance to be rendered to a requesting State shall not be required to extend to such acts by the authorities of the requested State as might result in the immunization of any person from prosecution in the requested State.

10. All actions to be taken by a requested State will be performed subject to all limitations imposed by the domestic law of the country concerned. Execution of a request for assistance may be postponed or denied if execution would interfere with ongoing investigations or legal proceedings, criminal, civil and administrative, in the requested State.

11. Nothing contained herein shall limit the rights of the Parties to utilize for any purpose information which is obtained by the Parties independent of these procedures.

12. The mutual assistance to be rendered by the Parties pursuant to these procedures is designed solely for their benefit, and is not intended or designed to benefit third Parties, or to affect the admissibility of evidence under the laws of either the United States or Canada.

DONE at Washington, D.C., this 15th day of March 1977.

For the United States
Department of Justice:

[Signed]

BENJAMIN R. CIVILETTI
Assistant Attorney General
Criminal Division

For the Department of Justice
of Canada:

[Signed]

JACK H. WARREN
Ambassador of Canada
On behalf of the Honorable
RON BASFORD
Attorney General of Canada