

No. 16235

**UNITED STATES OF AMERICA
and
MEXICO**

Agreement concerning procedures for mutual assistance in the administration of justice in connection with the General Tire and Rubber Company and the Firestone Tire and Rubber Company matters. Signed at Washington on 23 June 1976

Authentic text: English.

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

**ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE**

Accord relatif aux modalités régissant l'assistance mutuelle dans l'administration de la justice en ce qui concerne les affaires de la General Tire and Rubber Company et de la Firestone Tire and Rubber Company. Signé à Washington le 23 juin 1976

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 GENERAL TIRE AND RUBBER COMPANY AND THE FIRESTONE TIRE AND RUBBER COMPANY MATTERS

The United States Department of Justice and the Procurador General of the Republic of Mexico, 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 Mexico of the General Tire and Rubber Company and the Firestone Tire and Rubber Company and their subsidiaries or affiliates:

1. All requests for assistance shall be communicated between the parties through the diplomatic channel.

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 Mexico of the General Tire and Rubber Company and the Firestone Tire and Rubber Company and their 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, 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 and shall not be disclosed to third parties or to 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. Should a subsequent change in the domestic law impair the ability of the requesting state, or an agency thereof, to carry out the terms set forth herein, the requesting state shall promptly return all materials made available hereunder to the requested state.

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.

¹ Came into force on 23 June 1976 by signature.

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 parties will assist each other in arranging for such interviews and will permit the taking of testimony or statements or the production of documents and other materials in accordance with the practice or procedure of the requesting state. The requesting party shall not pursue its request for an interview or for the production of documents and other materials if the 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 its domestic law. Execution of a request for assistance may be postponed or denied if execution would interfere with an ongoing investigation or legal proceeding 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 the benefit of their respective agencies having law enforcement responsibilities 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 Mexico.

DONE at Washington, D.C., this 23rd day of June, 1976.

For the Procurador General
of the Republic of Mexico:

[Signed]

Lic. RODOLFO CHÁVEZ CALVILLO
Director General de Control de Pro-
cesos y Consulta en el Ejercicio de la
Acción Penal¹

For the Department of Justice:

[Signed]

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¹ General Director for Proceedings and Consultation in the Exercise of Penal Action.