

No. 16665

**UNITED STATES OF AMERICA
and
SUDAN**

**Agreement on procedures for mutual assistance in connection with matters relating to the Boeing Company.
Signed at Washington on 23 September 1977**

Authentic text: English.

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

**ÉTATS-UNIS D'AMÉRIQUE
et
SOUDAN**

**Accord relatif aux modalités régissant l'assistance mutuelle en ce qui concerne l'affaire de la Boeing Company.
Signé à Washington le 23 septembre 1977**

Texte authentique : anglais.

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

AGREEMENT¹ ON PROCEDURES FOR MUTUAL ASSISTANCE BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE AND THE ATTORNEY-GENERAL'S CHAMBERS OF THE DEMOCRATIC REPUBLIC OF THE SUDAN, IN CONNECTION WITH MATTERS RELATING TO THE BOEING COMPANY

The United States Department of Justice and the Attorney General's Chambers of the Democratic Republic of the Sudan, 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 the Sudan of the Boeing Company, and its subsidiaries and 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 the Sudan of the Boeing Company, and its subsidiaries and 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 this Agreement, and all correspondence between the parties relating to such information and to the implementation of this Agreement, 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.

In the event of breach of confidentiality, the other party may discontinue cooperation under this Agreement.

5. Information made available pursuant to this Agreement may be used freely in ensuing legal proceedings in the State of the requesting party in which an agency having law enforcement responsibilities is involved, 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 State of the requesting party, 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 this Agreement.

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

¹ Came into force on 23 September 1977 by signature, in accordance with paragraph 14.

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 State of the requesting party.

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 State 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 in connection with any legal proceedings which may ensue in their respective countries.

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

10. All assistance by a requested party will be performed subject to all limitations imposed by the domestic law of its State. Execution of a request for assistance may be postponed, denied, or made subject to conditions to be agreed upon, if execution would interfere with an ongoing investigation or legal proceeding in the State of the requested party.

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 this Agreement.

12. The mutual assistance to be rendered by the parties pursuant to this Agreement 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 of the Sudan.

13. An extension of this Agreement to similar cases where investigations are conducted or contemplated by both parties in their respective States could be accomplished by an exchange of letters between the parties.

14. This Agreement shall enter into force on the date of its signature.

DONE at Washington, D.C., this 23rd day of September, 1977, in two originals.

For the United States
Department of Justice:

[Signed]

JOHN C. KEENEY
Deputy Assistant Attorney General
Criminal Division

For the Attorney General's Chambers
of the Democratic Republic
of the Sudan:

[Signed]

Dr. HASSAN OMER
Attorney General