

No. 16610

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**UNITED STATES OF AMERICA  
and  
VENEZUELA**

**Agreement relating to criminal investigations: procedures for mutual assistance in connection with The Boeing Company matter. Signed at Washington on 31 May 1977**

*Authentic texts: English and Spanish.*

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

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
VENEZUELA**

**Accord relatif à certaines enquêtes pénales : modalités régissant l'assistance mutuelle en ce qui concerne l'affaire de The Boeing Company. Signé à Washington le 31 mai 1977**

*Textes authentiques : anglais et espagnol.*

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

AGREEMENT<sup>1</sup> ON PROCEDURES FOR MUTUAL ASSISTANCE  
BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE  
AND THE MINISTRY OF JUSTICE OF VENEZUELA IN CON-  
NECTION WITH THE BOEING COMPANY MATTER

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The United States Department of Justice and the Ministry of Justice of Venezuela, 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 Venezuela of The Boeing Company and its 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 Venezuela 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, 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.

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 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.

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<sup>1</sup> Came into force on 31 May 1977 by signature.

7. 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.

8. The assistance to be rendered to the Ministry of Justice of Venezuela by the United States Department of Justice shall not be required to extend to such acts as might result in the immunization of any person from prosecution in the United States.

9. All assistance 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, denied, or made subject to conditions to be agreed upon, if execution would interfere with an ongoing investigation or legal proceeding in the requested state.

10. Nothing contained herein shall limit the rights of the parties to utilize for any purpose information obtained independently of these procedures.

11. 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 to benefit third parties or to affect the admissibility of evidence under the laws of either the United States or Venezuela.

DONE at Washington, D.C., this 31st day of May, 1977, in two texts in duplicate, in the English and Spanish languages, each version being equally authentic.

For the United States  
Department of Justice:

*[Signed]*

BENJAMIN R. CIVILETTI  
Assistant Attorney General

For the Ministry of Justice  
of Venezuela:

*[Signed]*

IGNACIO IRIBARREN  
Ambassador of Venezuela