

No. 18609

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**UNITED STATES OF AMERICA  
and  
EGYPT**

**Agreement on procedures for mutual assistance between the United States Department of Justice and the Ministry of Justice of the Arab Republic of Egypt in connection with matters relating to the Westinghouse Electric Corporation. Signed at Washington on 29 November 1978**

**Exchange of letters constituting an agreement relating to the above-mentioned Agreement. Cairo, 21 December 1978 and 3 January 1979**

**Exchange of letters constituting an agreement relating to the above-mentioned Agreement of 29 November 1978. Washington, 19 March and 17 April 1979**

*Authentic texts of the Agreement: English and Arabic.*

*Authentic texts of the Exchanges of letters: English.*

*Registered by the United States of America on 18 April 1980.*

AGREEMENT<sup>1</sup> ON PROCEDURES FOR MUTUAL ASSISTANCE  
BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE  
AND THE MINISTRY OF JUSTICE OF THE ARAB REPUBLIC  
OF EGYPT IN CONNECTION WITH MATTERS RELATING TO  
THE WESTINGHOUSE ELECTRIC CORPORATION

The United States Department of Justice and the Ministry of Justice of the Arab Republic of Egypt, 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 or service activities in the Arab Republic of Egypt of the Westinghouse Electric Corporation 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 or service activities in the Arab Republic of Egypt of the Westinghouse Electric Corporation 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.

<sup>1</sup> Came into force on 29 November 1978 by signature, in accordance with paragraph 14.

7. Upon request, a requested party shall render, in accordance with the practice and procedure of the requested state, assistance to the law enforcement agencies of the requesting state, such as locating witnesses, interviewing of witnesses, taking of testimony or statements or the production of documents or other materials. Representatives of the requesting state may participate in the execution of the request if the competent authority of the requested state consents.

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 state.

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 state shall not be required to extend to such acts as might result in the immunization of any person from prosecution in the requested state.

10. 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.

11. Nothing contained herein shall limit the rights of the parties to utilize for any purpose information obtained independently 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 to benefit third parties or to affect the admissibility of evidence under the laws of either the United States or the Arab Republic of Egypt.

13. An extension of this Agreement to similar cases where investigations are conducted or contemplated by both the United States Department of Justice and by the Ministry of Justice of the Arab Republic of Egypt could be accomplished by an exchange of letters between the parties.

14. This Agreement shall enter into force on the date of signature by both parties.

DONE at Washington, D.C., this 29th day of November 1978, in two originals in the English and Arabic languages, both texts being equally authentic.

For the Ministry of Justice  
of the Arab Republic of Egypt:

[Signed]

ASHRAF A. GHORBAL  
Ambassador of the Arab  
Republic of Egypt  
to the United States

For the United States  
Department of Justice:

[Signed]

PHILIP B. HEYMANN  
Assistant Attorney General  
Criminal Division

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup>  
RELATING TO THE AGREEMENT OF 29 NOVEMBER 1978  
BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE  
AND THE MINISTRY OF JUSTICE OF THE ARAB REPUBLIC  
OF EGYPT ON PROCEDURES FOR MUTUAL ASSISTANCE  
IN CONNECTION WITH MATTERS RELATING TO THE  
WESTINGHOUSE ELECTRIC CORPORATION<sup>2</sup>

I

[In the name of God the Compassionate the Merciful]

[ARAB REPUBLIC OF EGYPT  
MINISTRY OF JUSTICE  
Office of the Minister]

Cairo, December 21, 1978

Excellency,

I have the honour to refer to the agreement on procedures for mutual assistance between the United States Department of Justice and the Ministry of Justice of Arab Republic of Egypt, in connection with matters relating to Westinghouse Electric Corporation, signed at Washington November 29, 1978.<sup>2</sup>

In accordance with the provisions of paragraph 13 of the afore-mentioned agreement, I have the honour to request that the operation of this agreement be extended, under the same terms, to include alleged illicit acts pertaining to the sales or service activities in Arab Republic of Egypt of the Boeing Company and its subsidiaries or affiliates.

Waiting for your reply, Excellency, please accept the renewed assurances of my highest consideration.

Sincerely,

[Signed]

Counselor AHMED MOUSSA  
Minister of Justice of Egypt

His Excellency Hermann Frederick Eilts  
The Ambassador of U.S.A.

<sup>1</sup> Came into force on 3 January 1979 by the exchange of the said letters.

<sup>2</sup> See p. 330 of this volume.

## II

Cairo, Egypt, January 3, 1979

Excellency,

I have the honor to refer to your letter of December 21 which states in pertinent part as follows:

[See letter I]

On behalf of the Department of Justice of the United States of America, I have the honor to inform you that this letter of reply concerning the proposed extension of the agreement of November 29, 1978, so as to include the activities of the Boeing Company as requested in your above-mentioned letter of December 21, constitutes an agreement between the Department of Justice of the United States of America and the Ministry of Justice of the Arab Republic of Egypt.

Please accept, Excellency, the renewed assurances of my highest consideration.

Sincerely,

[Signed]

HERMANN FREDERICK EILTS  
American Ambassador

His Excellency Counselor Ahmed Moussa  
Minister of Justice  
Arab Republic of Egypt  
Cairo

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup>  
RELATING TO THE AGREEMENT OF 29 NOVEMBER 1978  
BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE  
AND THE MINISTRY OF JUSTICE OF THE ARAB REPUBLIC  
OF EGYPT ON PROCEDURES FOR MUTUAL ASSISTANCE IN  
CONNECTION WITH MATTERS RELATING TO THE WEST-  
INGHOUSE CORPORATION<sup>2</sup>

I

March 19, 1979

Dear Mr. Ambassador:

I have the honor to refer to the Procedures for Mutual Assistance in the Administration of Justice in Connection with Matters Relating to Westinghouse Electric Corporation signed in Washington on November 29, 1978.<sup>2</sup> The United States Department of Justice requests that the operation of the aforementioned agreement be extended by an exchange of letters between the parties to include alleged illicit acts pertaining to the sales activities in the Arab Republic of Egypt of Beajay Products Corporation and its subsidiaries and affiliates.

The United States Department of Justice undertakes to exchange information relating to Beajay Products Corporation under the same terms and conditions as those contained in the aforementioned agreement.

Please accept assurances of my highest consideration.

Sincerely,

[Signed]

JOHN C. KEENEY  
Deputy Assistant Attorney General  
Criminal Division

His Excellency Ashraf A. Ghorbal  
Ambassador of the Arab Republic of Egypt  
Washington, D.C.

<sup>1</sup> Came into force on 17 April 1979 by the exchange of the said letters.

<sup>2</sup> See p. 330 of this volume.

## II

EMBASSY OF THE ARAB REPUBLIC OF EGYPT  
WASHINGTON, D.C.

April 17, 1979

Dear Mr. Keeney:

With reference to the request of the United States Department of Justice, as contained in your letter of March 19, 1979, concerning the extension of operation of the agreement on Procedures for Mutual Assistance in the Administration of Justice in connection with matters relating to Westinghouse Electric Corporation, signed in Washington on November 29, 1978, to include alleged illicit acts pertaining to the sales activities in the Arab Republic of Egypt of Beajay Products Corporation and its subsidiaries and affiliates, I have the honour to inform you that the Minister of Justice of the Arab Republic of Egypt has agreed to the extension of the said agreement so as to include such alleged illicit acts.

Please accept the assurances of my highest consideration.

Yours sincerely,

[Signed]

ASHRAF A. GHORBAL  
Ambassador

Mr. John C. Keeney  
Deputy Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D.C.

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