

TREATY WITH JORDAN ON MUTUAL LEGAL  
ASSISTANCE IN CRIMINAL MATTERS

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES  
OF AMERICA AND THE GOVERNMENT OF THE HASHEMITE  
KINGDOM OF JORDAN ON MUTUAL LEGAL ASSISTANCE IN  
CRIMINAL MATTERS, SIGNED AT WASHINGTON ON OCTOBER 1,  
2013



DECEMBER 8, 2015.—Treaty was read the first time, and together with  
the accompanying papers, referred to the Committee on Foreign Rela-  
tions and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PUBLISHING OFFICE



## LETTER OF TRANSMITTAL

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THE WHITE HOUSE, *December 8, 2015.*

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 1, 2013. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties negotiated by the United States to more effectively counter criminal activities. The Treaty should enhance our ability to investigate and prosecute a wide variety of crimes.

The Treaty provides for a broad range of cooperation in criminal matters. Under the Treaty, the Parties agree to assist each other by, among other things: producing evidence (such as testimony, documents, or items) obtained voluntarily or, where necessary, by compulsion; arranging for persons, including persons in custody, to travel to another country to provide evidence; serving documents; executing searches and seizures; locating and identifying persons or items; and freezing and forfeiting assets or property that may be the proceeds or instrumentalities of crime.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

BARACK OBAMA.



## LETTER OF SUBMITTAL

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DEPARTMENT OF STATE,  
*Washington, August 31, 2015.*

The PRESIDENT,  
*The White House.*

THE PRESIDENT: I have the honor to submit to you the Treaty between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 1, 2013. I recommend the Treaty be transmitted to the Senate for its advice and consent to ratification.

The Treaty covers mutual legal assistance in criminal matters. In recent years, the United States has entered into similar bilateral treaties with a number of countries. The Treaty contains all of the essential provisions of such treaties sought by the United States. It will enhance our ability to investigate and prosecute a wide variety of offenses. The Treaty is self-executing and will not require further implementing legislation.

An overview of the Treaty, including a detailed, article-by-article analysis, is enclosed with this report. The Department of Justice joins the Department of State in favoring approval of this Treaty by the Senate at the earliest possible date.

Respectfully submitted,

JOHN F. KERRY.

Enclosures: As stated.



## U.S.-JORDAN MUTUAL LEGAL ASSISTANCE TREATY

### OVERVIEW

The Treaty between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan on Mutual Legal Assistance in Criminal Matters (the “Treaty”) creates for the first time a treaty-based relationship of mutual legal assistance between the United States and Jordan. The Treaty covers mutual legal assistance in criminal matters and contains many provisions similar to those in other treaties of its kind and all of the essential provisions sought by the United States.

The following is an article-by-article description of the provisions of the Treaty. Article 1 sets out the scope of assistance available under the Treaty. Article 1(1) creates an international obligation on each Party to provide mutual legal assistance to the other Party in connection with the investigation, prosecution, and prevention of offenses and in proceedings related to criminal matters. This ensures that the Parties can afford each other legal assistance in a broad range of criminal matters, from violent crimes to fraud, from tax matters to racketeering, from computer crime to environmental crime, and so on. Assistance may also be sought for proceedings related to criminal matters, such as civil forfeiture proceedings, and for investigations and proceedings by authorities involved in implementing governmental regulations relating to violations that may be referred for criminal prosecution under the laws of the Requesting Party. Thus, where the conditions of the Treaty are otherwise met, assistance would be available, for example, for proceedings of the Securities and Exchange Commission when those proceedings are incidental to, or connected with pending criminal investigations or prosecutions, or may be referred for criminal prosecution. Article 1(2) contains a non-exhaustive list of the major types of assistance to be provided under the Treaty, including producing evidence (such as testimony, documents, or items) obtained voluntarily or, where necessary, by compulsion; arranging for persons, including persons in custody, to travel to another country to provide evidence; serving documents; executing searches and seizures; locating and identifying persons or items; and identifying, tracing, freezing, seizing and forfeiting assets or property that may be the proceeds or instrumentalities of crime. Each of these types of assistance is described in detail in subsequent articles in the Treaty.

The Treaty also authorizes provision of any other assistance not prohibited by the laws of the Party receiving the request (referred to in the Treaty, as in other such treaties, as the “Requested Party,” while the Party making the request is the “Requesting Party”). As long as there is no specific legal restriction under the laws of the Requested Party barring the type of assistance requested, it may be provided pursuant to the Treaty.

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Consistent with most U.S. mutual legal assistance treaties (MLATs), Article 1(3) provides that, with the exception of where it is specifically required by the laws of the Requested Party, “dual criminality” is not a prerequisite for assistance under the Treaty. Thus, unless otherwise provided under the laws of the Requested Party, assistance shall be provided without regard to whether the conduct at issue would constitute an offense under the laws of the Requested Party. The Treaty does require “dual criminality” in certain circumstances. For example, under Article 14, a Requested Party is obligated to execute a search and seizure request if the request includes sufficient information justifying such action under its law and the offense at issue would also constitute an offense under its law.

Article 1(4), a standard provision in U.S. MLATs, provides that the Treaty is intended solely for government-to-government mutual legal assistance. The Treaty is not intended to provide to persons other than the Parties a means of evidence gathering, nor is it intended to extend generally to civil matters. Private persons in the United States may continue to obtain evidence from Jordan by letters rogatory, an avenue of international assistance that the Treaty leaves undisturbed. Similarly, the paragraph provides that the Treaty is not intended to create any right in any private person to suppress or exclude evidence provided pursuant to the Treaty, or to impede the execution of a request.

Article 2 requires that each Party designate a “Central Authority” to make and receive Treaty requests. The Central Authority of the United States would make all requests to Jordan on behalf of federal and state agencies and local law enforcement authorities in the United States. The Central Authority of Jordan would make all requests emanating from similar officials in Jordan. The Central Authorities are, pursuant to Article 2(3), to communicate directly with one another.

For the United States, the Central Authority is the Attorney General or a person designated by the Attorney General. For Jordan, the Central Authority is the Minister of Justice or a person designated by the Minister of Justice. In the United States, the authority to handle the duties of the Central Authority under MLATs has been delegated to the Office of International Affairs in the Criminal Division of the Department of Justice.

The Central Authority of the Requesting Party exercises discretion, consistent with the provisions of the Treaty, as to the form of requests, as well as the number and priority of requests. The Central Authority of the Requested Party is responsible for receiving and evaluating each incoming request; transmitting it to the proper agency, court, or other authority for execution; and providing a timely response.

Article 3 sets forth the circumstances under which the Requested Party’s Central Authority may deny assistance under the Treaty. Refusal under this Article is discretionary with the Central Authority of the Requested Party. Several of the grounds for refusal are common to most U.S. MLATs. For example, a request may be denied if it relates to a military offense, if it does not conform to the requirements of the Treaty, or if its execution would prejudice the “security, sovereign or other essential interests of the Requested



Party.” During the negotiations, the Parties agreed that the essential interest clause would allow a Party to deny a request for assistance in connection with a political offense. In keeping with the overall intent of the Treaty to facilitate assistance, the Parties also included in Article 3 a provision designed to limit the use of grounds for refusal. Under Article 3(2), a Central Authority, before refusing assistance under Article 3(1), is to consult with its counterpart in the Requesting Party to consider whether assistance can be given subject to such conditions as the Central Authority of the Requested Party deems necessary. If the Requesting Party accepts assistance subject to these conditions, it is required to comply with them.

Article 3(3) gives the Requested Party discretion to deny a request if the offense is punishable by less than one year of imprisonment under the law of the Requesting Party or the crime is financial in nature but does not involve a significant financial loss, and the Requested Party determines that the resources required to execute the request are not justified in light of the nature of the offense. This treaty is one of the first MLATs the United States has negotiated that includes such a *de minimis* clause. The inclusion of such clauses has become a priority for the United States in order to avoid the obligation to execute large numbers of MLAT requests relating to minor crimes, which can create significant burdens on the resources of the Department of Justice.

In addition, if the Central Authority of the Requested Party refuses assistance, it is required under Article 3(4) to inform the Central Authority of the Requesting Party of the reasons for the refusal.

Article 4 prescribes the form and contents of requests under the Treaty, specifying in detail the information required in each request. It also permits the Central Authority of the Requested Party to request additional information, if necessary to execute the request.

Article 5 concerns the execution of requests. Article 5(1) includes three important concepts: the obligation of the Central Authority of the Requested Party to execute requests promptly (or to refer them to the competent authorities who have jurisdiction to execute the requests); the requirement that competent authorities do “everything in their power” to execute requests; and the granting of authority to courts, or, as provided by the law of the Requested Party, the investigative authorities, in the territory of the Requested Party to issue subpoenas, search warrants, or other orders necessary to execute requests. Article 5(2) builds on this by requiring the Requested Party to make all necessary arrangements to represent the Requesting Party in any proceedings arising out of a request for assistance. It is understood that such proceedings may include proceedings before a judicial authority or administrative agency. Taken together, these provisions reflect an understanding that the Parties intend to provide each other with a wide measure of assistance from judicial and executive branches of government in the execution of mutual legal assistance requests. These provisions also specifically authorize United States courts to use all of their powers to issue whatever process is necessary to satisfy a request

under the Treaty, whether the authority for such process comes from the Treaty itself or from existing statutes.

Article 5(3) specifies that requests are to be executed in accordance with the laws of the Requested Party unless the Treaty provides otherwise. The requests themselves may specify a particular procedure to be followed, and such specified procedure is to be followed unless prohibited by the law of the Requested Party. Following the procedure specified can be important to ensure evidence collected in one State satisfies the requirements for admissibility at trial in the other. It is understood that if neither the Treaty nor the request specifies procedures to be followed, the Requested Party is to execute the request in accordance with its domestic criminal procedure laws. The intent of this provision, like similar provisions in other U.S. MLATs, is to allow the Requested Party to use its established procedures for obtaining evidence where procedures are not otherwise specified, so long as those procedures do not undermine the obligation in the Treaty to provide assistance.

Article 5(4) allows the Central Authority of the Requested Party to postpone the execution of a request, or make execution subject to specified terms, if it determines that execution of the request would interfere with an ongoing criminal investigation, prosecution or proceeding in that state. If the Requesting Party accepts assistance subject to terms, it must comply with such terms.

Confidentiality of requests is addressed in Article 5(5). The Requesting Party may ask that the request, its contents, and the outcome of the execution of the request be kept confidential. The Requested Party must use its best efforts to comply with such a request, but if assistance cannot be granted without breaching the confidentiality requirements, the decision whether to proceed is left to the Requesting Party.

The remaining provisions in Article 5 address some of the types of communications between Central Authorities essential to a good working mutual legal assistance relationship. For example, Central Authorities must respond to requests for progress reports, and inform each other of the outcome of execution of requests, including any reasons for refusal of a request.

Article 6 addresses the costs associated with providing assistance. As is standard in U.S. MLATs, Article 6 provides that the Requested Party must pay all costs relating to the execution of a request, including representation costs, except for the following items to be paid by the Requesting Party: fees of expert witnesses; costs of translation, interpretation and transcription; and allowances and expenses related to travel of persons pursuant to Articles 10 and 11 (relating to travel for the purpose of providing assistance and transfer of persons in custody). The article also provides that, in the event that fulfilling a request would require extraordinary expenses, the Central Authorities will consult order to determine how those costs shall be borne.

Article 7 addresses limitations on use of information and evidence provided under the Treaty. Under Article 7(1), the Central Authority of the Requested Party may request that information or evidence produced in response to a request under the Treaty not be used for any investigation, prosecution or proceeding other than that described in the request without the consent of the Central

Authority of the Requested Party. In such cases, the Requesting Party must comply with the request for limitations on use.

Under Article 7(2), the Central Authority of the Requested Party may also request that the information or evidence produced under the Treaty be kept confidential or be used subject to specified terms. If the Requesting Party accepts the requested terms, it must use its best efforts to comply with those terms. The default rule, however, is that such information or evidence is not confidential, and Article 7(4) also provides that once such information or evidence has been made public in the territory of Requesting Party in accordance with Article 7(1) and (2), it may be used for any purpose. Moreover, the Treaty explicitly permits the disclosure of information or evidence to the extent that there is an obligation to disclose it under the Constitution of the Requesting Party in a criminal proceeding. This contingency, found in Article 7(3), was included to ensure that the United States would be able to satisfy any obligations to disclose information under its Constitution, such as those set forth in *Brady v. Maryland*, 373 U.S. 83 (1963).

As with other provisions of the Treaty, the confidentiality protections and use limitation provisions of Article 7 are for the benefit of the two governments that are Parties to the Treaty, and invocation and enforcement of these provisions is entirely a matter for the Parties.

Article 8 is the first of a series of articles that spell out in detail the procedures to be employed in the case of specific types of requests for assistance outlined in Article 1(2). Article 8 addresses production of evidence, whether it is a statement or testimony, documents, records, or particular items. A person from whom evidence is sought under the Treaty may appear voluntarily to provide such evidence, or, if necessary, the Treaty authorizes the Parties to compel production of evidence. This compulsion may be accomplished by subpoena or any other means available under the laws of the Requested Party (see Article 5(3)).

Article 8(2) calls on the Requested Party, upon request, to inform the Requesting Party in advance of the date, time, and place of the taking of testimony or evidence. In addition, Article 8(2) requires the Requested Party to permit persons specified in the request to be present during execution of the request and to allow such persons either to question the person giving testimony or evidence, or to pose questions to the competent authority, which then asks them of the person giving testimony or evidence. As the Jordanian negotiators explained, under Jordanian law, representatives of the U.S. Government would likely not be permitted to question a witness directly but would have to use the second option provided for by this Article and present such questions to the Jordanian competent authority, which would then pose them to the witness.

Article 8(3) provides that if a person from whom the request seeks testimony or evidence asserts a right to decline to provide such evidence by claiming an immunity, incapacity or privilege under the laws of the Requesting Party, the evidence shall nonetheless be taken and the claim made known to authorities of the Requesting State so that they may resolve it. The Treaty does not specifically address the resolution of claims of privilege under the Requested Party's law, but by implication those are to be resolved

by that state's authorities. This formulation allows each Party to resolve claims of privilege made under its own laws.

Article 8(4) contains the first of several provisions in the Treaty addressing the authentication of evidence produced pursuant to the Treaty. Similar provisions are found at Articles 9(3) and 14(2). Evidence produced under the Treaty may be authenticated by an attestation including, with respect to business records, official records, or evidence that has been seized pursuant to the Treaty, by use of one of the forms appended to the Treaty. The appended forms are an integral part of the Treaty. The Treaty provides that evidence produced and authenticated according to the procedure set forth in the Treaty shall be admissible in evidence in the territory, of the Requesting Party.

Article 9 addresses provision of documents or other records in the possession of government agencies. The Parties are obligated to provide to each other copies of publicly available records in any form in the possession of governmental departments and entities upon request. The Treaty authorizes the Requested Party, in its discretion, to provide to the Requesting Party any records that are not publicly available to the same extent, and under the same conditions, as they would be available to the Requested Party's own law enforcement or judicial authorities.

The Treaty will constitute a "convention relating to the exchange of tax information" for purposes of Title 26, United States Code, Section 6103(k)(4), and the United States would have the discretion to provide tax return information to Jordan under this article in appropriate cases.

Article 10 provides a mechanism for the Requesting Party to ask for the voluntary attendance in its territory, or in the territory of a third state, of a person located in the territory of the Requested Party for the purpose of assistance under the Treaty, such as to serve as a witness or expert in proceedings or to assist in an investigation. The Requesting Party must indicate the extent to which the person's expenses will be paid. The Requested Party is required to inform the person of the request for the person's appearance and notify the Requesting Party of the person's response.

When persons agree to travel to appear in the territory of the Requesting Party, Article 10(2) provides that the Requesting Party may grant such persons safe conduct, thus ensuring that the person appearing in the territory of the Requesting Party will not be subject to service of process or be detained or subjected to any restriction on personal liberty for acts or convictions that preceded the person's departure from the territory of the Requested Party. The grant of safe conduct pursuant to this provision applies only to past offenses and would not prevent the Requesting Party from prosecuting the person for perjury or any other crime committed while present, pursuant to Article 10, in the territory of the Requesting Party. Under Article 10(3), any safe conduct so provided would cease fifteen days after the Central Authority of the Requested Party is notified that the person's presence is no longer required, or when the person has left the territory of the Requesting Party and voluntarily returns. In its discretion, the Central Authority of the Requesting Party may, for good cause, extend the period of safe conduct for up to seven additional days.

Article 11 provides a similar mechanism for persons in custody. A need sometimes arises for the testimony in one country of a person who is incarcerated in another country. For example, a witness incarcerated in one country—whether the Requesting or Requested Party—may have to give testimony in the presence of an incarcerated defendant in the other country. Attendance of the detained person is still voluntary, but is also subject to the agreement of the Central Authorities. In addition, the Treaty imposes certain conditions on such transfers: the person must be held in custody by the receiving Party, unless otherwise authorized by the sending Party; the receiving Party must return the person in custody to the territory of the sending Party as soon as circumstances permit or as otherwise agreed; the return of the person shall not require extradition proceedings; the period that the person is in custody in the territory of the receiving Party shall be credited against the person's sentence in the sending Party; and the safe conduct protections provided for by Article 10(2) and (3) apply to persons transferred pursuant to Article 11.

Article 12 provides for determining the whereabouts or identity in the territory of the Requested Party of persons (such as witnesses, potential defendants, or experts) or items when such information is requested. The Treaty requires only that the Requested Party use its best efforts to ascertain the location or identity of the persons or items sought. The extent of such efforts will vary, of course, depending on the quality and extent of the information provided by the Requesting Party concerning the suspected or last known location.

Article 13 relates to service of documents. It creates an obligation on the Parties to use their best efforts to serve documents relating to a request for assistance, such as summonses, complaints, subpoenas, or notices. Under Article 13(2), when the document pertains to an appearance in the territory of the Requesting Party, the request for service of the document must be transmitted a reasonable time before the scheduled appearance. The Parties chose not to set a fixed period of time for this obligation, as circumstances may vary. Article 13(3) requires the Requested Party to return proof of service in the manner specified in the request. If service cannot be effectuated, the Requested Party must inform the Requesting Party promptly of the reasons for not effecting service.

Article 14 obligates the Requested Party to execute a request for the search, seizure, and delivery of any item to the Requesting Party if the request includes the information justifying such action under the laws of the Requested Party and the offense at issue would also constitute an offense under the law of the Requested Party. For requests from Jordan to the United States, this means that a request would have to be supported by a showing of probable cause for the search. The Requested Party may require that the Requesting Party agree to terms deemed necessary to protect interests of third parties, such as victims and legitimate owners.

Article 15 allows the Requested Party to require that the Requesting Party return any items provided to it in execution of a request under the Treaty.

Assistance in forfeiture proceedings is the subject of Article 16. The types of actions that could be undertaken under this Article in-

clude actions to restrain, seize, and forfeit property. The Article applies both to conviction-based forfeiture proceedings and to non-conviction based forfeitures proceedings premised on criminal conduct regardless of whether the offender is prosecuted for that conduct. Article 16(2) provides a non-exhaustive list of the types of assistance that a Party is required to provide pursuant to this Article.

Article 16(3) requires the Requested Party to consult with the Requesting Party before disposing of property frozen, restrained, seized, or forfeited pursuant to Article 16. Article 16(4) permits the Party in control of the property to transfer all or part of it to the other Party or, after consultation between the Parties, to any other State that assisted in forfeiture of property in a manner proportionate to the other Party's or other State's assistance. United States law permits the government to transfer a share of certain forfeited property to other countries that participate directly or indirectly in the seizure or forfeiture of the property when, among other requirements, such transfer is authorized by an international agreement. This Article provides such authorization for asset sharing with Jordan or another country. Article 16(4) also provides that, where appropriate and upon request, priority should be given to returning property to the Requesting Party so that victims of an offense may be compensated or the property may be returned to its legitimate owners. Article 16(5) requires the Parties to assist each other, to the extent permitted by their respective domestic laws, in proceedings relating to restitution to victims of crime. Article 16(6) gives the Parties discretion to deny assistance requested pursuant to Article 16 if the value of the property in question does not substantially exceed the resources that would be expended in providing the assistance.

Article 17 states that this Treaty is not intended to be the sole mechanism for the Parties to provide assistance to each other and thus shall not prevent the Parties from providing assistance to each other through the provisions of other agreements, arrangements, or practices that may be applicable, or through the provisions of their national laws. Thus, for example, the Treaty would leave the provisions of U.S. and Jordanian law on letters rogatory completely undisturbed, and would not alter any practices or arrangements concerning investigative assistance or prohibit the Parties from developing other such practices or arrangements. Article 17(2) makes clear that no request for assistance is necessary when a Party wishes spontaneously to share information or evidence with the other Party.

The final clauses are contained in Article 18. The Treaty is subject to ratification by each Party according to procedures required by its Constitution. For the United States, this means ratification after the advice and consent of the Senate. The Treaty will enter into force upon the exchange of instruments of ratification. Article 18 also provides procedures for termination of the Treaty.

**TREATY BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE HASHEMITE KINGDOM OF JORDAN  
ON  
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS**

The Government of the United States of America and the Government of the Hashemite Kingdom of Jordan (hereafter referred to individually as the "Party" or collectively as the "Parties"),

Desiring to improve the effectiveness of the law enforcement authorities of both countries in the investigation, prosecution and prevention of crime through cooperation and mutual legal assistance in criminal matters, in a manner that protects the rights of their citizens, and to develop the relations and cooperative ties between the two countries in this field;

Have agreed as follows:

#### Article 1 Scope of Assistance

1. The Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution and prevention of offenses, and in proceedings related to criminal matters. For purposes of this Treaty, investigations and proceedings include investigations and proceedings, by authorities involved in implementing governmental regulations, relating to violations that may be referred for criminal prosecution under the laws of the Requesting Party.
2. Assistance shall include:
  - a) taking the testimony or statements of persons;
  - b) providing and authenticating documents, records, and articles of evidence;
  - c) locating or identifying persons or items;
  - d) serving documents;
  - e) transferring persons in custody for testimony or for providing other evidence or information;
  - f) executing requests for searches and seizures;
  - g) identifying, tracing, immobilizing, seizing and forfeiting assets and assisting in related proceedings; and
  - h) any other form of assistance not prohibited by the laws of the Requested Party.
3. Except when required by the laws of the Requested Party, assistance shall be provided without regard to whether the conduct that is the subject of the request would be punishable under the domestic laws of the Requested Party.
4. This Treaty is intended solely for mutual legal assistance between the Parties. The provisions of this Treaty shall not give rise to a right on the part of anyone other than the Parties to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

#### Article 2 Central Authorities

1. Each Party shall designate a Central Authority to make and receive requests pursuant to this Treaty, to determine whether and how the request should be executed and to execute the request or refer it to other competent authorities for execution.



2. For the United States of America, the Central Authority shall be the Attorney General or a person designated by the Attorney General. For the Hashemite Kingdom of Jordan, the Central Authority shall be the Minister of Justice, or a person designated by the Minister of Justice.
3. The Central Authorities shall communicate directly with one another for the purposes of this Treaty.
4. The Central Authorities shall consult, at times mutually agreed to by them, to promote the most effective use of this Treaty. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of the Treaty.

#### Article 3 Limitations on Assistance

1. The Central Authority of the Requested Party may refuse assistance in the following cases:
  - a) the request relates to an offense under military law that would not be an offense under ordinary criminal law;
  - b) the execution of the request would prejudice the security, sovereign or other essential interests of the Requested Party; or
  - c) the request is not made in conformity with this Treaty.
2. Before refusing assistance pursuant to paragraph 1, the Central Authority of the Requested Party shall consult with the Central Authority of the Requesting Party to consider whether assistance can be provided subject to terms that the Requested Party deems necessary. If the Requesting Party accepts assistance subject to these terms, it shall comply with the terms.
3. The Central Authority of the Requested Party may also refuse assistance if the offense on which the request is based is punishable by less than one year of imprisonment under the laws of the Requesting Party or relates to an offense of a financial nature that does not involve a significant financial loss, and the Central Authority of the Requested Party determines that the resources required to execute the request are not justified in light of the nature of the offense.
4. If the Central Authority of the Requested Party refuses assistance, it shall inform the Central Authority of the Requesting Party of the reasons for the refusal.

#### Article 4 Form and Contents of Requests

1. A request for assistance, and related correspondence, shall be in writing and may be made by expedited means of communications, including fax or e-mail, with formal confirmation to follow if required by the Central Authority of the Requested Party. The Central Authority of the Requested Party may accept a request other than in a written form in emergency situations. In any such case, the request shall be confirmed in writing within ten (10) days thereafter unless the Central Authority of the Requested Party agrees otherwise. The request shall be in the language of the Requesting Party, accompanied by a translation into the language of the Requested Party, unless otherwise agreed.
2. The request shall include the following:
  - a) the name of the competent authority conducting the investigation, prosecution, or proceeding to which the request relates;

- b) a description of the subject matter and nature of the investigation, prosecution, or proceeding, including a statement of the facts and how the facts constitute the specific criminal offense upon which the request is based, and the applicable penalties;
  - c) a description of the evidence, information, or other assistance sought, and its connection to the investigation or prosecution; and
  - d) a statement of the purpose for which the evidence, information, or other assistance is sought.
3. To the extent necessary and possible, depending on the nature of the request, a request shall also include:
- a) information on the identity and location of any person from whom evidence is sought;
  - b) information on the identity and location of a person to be served, that person's relationship to the proceedings, and the manner in which service is to be made;
  - c) information on the identity and whereabouts of a person to be located;
  - d) a precise description of the place or person to be searched and of the articles to be seized;
  - e) a description of the manner in which any testimony or statement is to be taken and recorded;
  - f) a list of questions to be asked of a witness;
  - g) a description of any particular procedure to be followed in executing the request; and
  - h) any other information that may be brought to the attention of the Requested Party to facilitate the execution of the request.
4. If the Central Authority of the Requested Party determines that the request does not contain sufficient information to proceed to its execution, the Central Authority of the Requested Party may request that the Requesting Party provide such additional information as may be necessary to comply with the request.

#### Article 5 Execution of Requests

1. The Central Authority of the Requested Party shall promptly execute the request or, when appropriate, shall refer it to the authority having jurisdiction to do so. The competent authorities of the Requested Party shall do everything in their power to execute the request. The Courts or the investigative authorities, as provided by the domestic law of the Requested Party, shall have authority to issue subpoenas, search warrants, or other orders necessary to execute the request.
2. The Requested Party shall make all necessary arrangements for the representation of the Requesting Party in any proceedings arising out of a request for assistance executed in the territory of the Requested Party.
3. Requests shall be executed in accordance with the laws of the Requested Party unless this Treaty provides otherwise. However, the method of execution specified in the request shall be followed except if prohibited by the laws of the Requested Party.
4. If the Central Authority of the Requested Party determines that execution of a request would interfere with an ongoing criminal investigation, prosecution, or

proceeding in the territory of that Party, it may postpone execution, or make execution subject to terms determined necessary after consultations with the Central Authority of the Requesting Party. If the Requesting Party accepts the assistance subject to the terms, it shall comply with the terms.

5. The Requested Party shall use its best efforts to keep confidential the fact that a request has been made, its contents and the outcome of the execution of the request, if such confidentiality is requested by the Requesting Party. If the request cannot be executed without breaching such confidentiality, the Central Authority of the Requested Party shall so inform the Central Authority of the Requesting Party, which shall then determine whether the request should nevertheless be executed.
6. The Central Authority of the Requested Party shall respond to requests by the Central Authority of the Requesting Party regarding the progress toward execution of the request.
7. The Central Authority of the Requested Party shall promptly inform the Central Authority of the Requesting Party of the outcome of the execution of the request. If the request is refused, the Central Authority of the Requested Party shall inform the Central Authority of the Requesting Party of the reasons for the refusal.

#### Article 6 Costs

1. The Requested Party shall pay all costs relating to the execution of the request, including any costs of the representation of the Requesting Party in any proceeding arising out of a request for assistance executed in the territory of the Requested Party, except for the fees of expert witnesses, the costs of translation, interpretation, and transcription, and the allowances and expenses related to travel of persons pursuant to Articles 10 and 11, which costs, fees, allowances, and expenses shall be paid by the Requesting Party.
2. In cases in which extraordinary expenses arise, the Central Authorities shall consult with each other to determine how those costs shall be borne.

#### Article 7 Limitations on Use

1. The Central Authority of the Requested Party may request that the Requesting Party not use any information or evidence obtained under this Treaty in any investigation, prosecution, or proceeding other than that described in the request without the prior consent of the Central Authority of the Requested Party. In such cases, the Requesting Party shall comply with the request to limit the use of the information or evidence.
2. The Central Authority of the Requested Party may request that information or evidence furnished under this Treaty be kept confidential or be used only subject to the terms it may specify. If the Requesting Party accepts the information or evidence subject to the specified terms, the Requesting Party shall use its best efforts to comply with those terms.
3. Notwithstanding paragraphs 1 and 2 of this Article, the use or disclosure of information shall be permitted to the extent that there is an obligation to do so under the Constitution of the Requesting Party in a criminal proceeding. The Requesting Party shall notify the Requested Party in advance of any such proposed disclosure.
4. Information or evidence that has been made public in the territory of the Requesting Party in accordance with paragraphs 1 or 2 may thereafter be used for any purpose.

**Article 8**  
**Testimony or Evidence in the Territory of the Requested Party**

1. A person in the territory of the Requested Party from whom evidence is requested pursuant to this Treaty shall be compelled, if necessary, to appear and testify or produce items, including documents, records, and articles of evidence.
2. Upon request, the Requested Party shall inform the Requesting Party in advance of the date, time, and place of the taking of the testimony or evidence. The competent authority of the Requested Party shall permit the presence of such persons as specified in the request, and shall allow such persons either to question the person giving the testimony or evidence, or to pose questions to the competent authority, which will then ask them of the person giving the testimony or evidence.
3. If the person referred to in paragraph 1 asserts a claim of immunity, incapacity, or privilege under the domestic law of the Requesting Party, the evidence shall nonetheless be taken and the claim made known to the Central Authority of the Requesting Party for resolution of the claim by the authorities of that Party.
4. Evidence produced in the territory the Requested Party pursuant to this Article or which is the subject of testimony taken under this Article may be authenticated by an attestation, including, in the case of business records, authentication consistent with Form A appended to this Treaty. Documents authenticated by Form A shall be admissible in evidence in the territory of the Requesting Party.

**Article 9**  
**Governmental Records**

1. The Requested Party shall provide the Requesting Party with copies of publicly available records, including documents or information in any form, in the possession of governmental departments and entities of the Requested Party.
2. The Requested Party may provide copies of any documents, records, or information that are in the possession of a governmental department or entity of that Party, but which are not publicly available, to the same extent and under the same terms as such copies would be available to its own law enforcement or judicial authorities. The Requested Party may in its discretion refuse a request pursuant to this paragraph entirely or in part.
3. Official records produced pursuant to this Article may be authenticated by the official in charge of maintaining them through the use of Form B appended to this Treaty. No further authentication shall be necessary. Documents authenticated under this paragraph shall be admissible in evidence under the laws of the Requesting Party.

**Article 10**  
**Appearance before Authorities of the Requesting Party**

1. When the Requesting Party requests the appearance of a person in the territory of that Party, or before the competent authorities of the Requesting Party in a third state, the Requested Party shall invite the person to appear voluntarily before the appropriate authorities of the Requesting Party. The Requesting Party shall indicate the extent to which the expenses relating to such an appearance will be paid. The Central Authority of the Requested Party shall promptly inform the Central Authority of the Requesting Party of the response of the person.
2. The Central Authority of the Requesting Party may, in its discretion and on notice to the Requested Party, determine that a person appearing in the territory of the Requesting Party pursuant to this Article shall not be subject to service of process, or be detained or subjected to any restriction of personal liberty in the territory of the Requesting Party, by reason of any acts or convictions that preceded the person's departure from the territory of the Requested Party.

3. The protection provided for in paragraph 2 of this Article shall cease fifteen (15) days after the Central Authority of the Requesting Party has notified the Central Authority of the Requested Party that the person's presence is no longer required, or when the person, having left the territory of the Requesting Party, voluntarily returns. The Central Authority of the Requesting Party may, in its discretion, extend this period up to an additional seven (7) days if it determines that there is good cause to do so.

#### Article 11 Transfer of Persons in Custody

1. A person in the custody of the Requested Party includes a person in pretrial detention or serving a sentence.
2. A person in the custody of the Requested Party whose presence in the territory of the Requesting Party is sought for purposes of assistance under this Treaty shall be transferred from the Requested Party to the Requesting Party for that purpose if the person consents and if the Central Authorities of both Parties agree.
3. A person in the custody of the Requesting Party whose presence in the territory of the Requested Party is sought for purposes of assistance under this Treaty may be transferred from the Requesting Party to the Requested Party if the person consents and if the Central Authorities of both Parties agree.
4. For purposes of this Article:
  - a) the receiving Party shall have the authority and the obligation to keep the person transferred in custody unless permitted by the sending Party to do otherwise;
  - b) the receiving Party shall return the person transferred to the custody of the sending Party as soon as circumstances permit or as otherwise agreed by both Central Authorities;
  - c) the receiving Party shall not require the sending Party to initiate extradition proceedings for the return of the person transferred;
  - d) the person transferred shall receive credit for service of the sentence imposed in the sending Party for time served in the custody of the receiving Party; and
  - e) the protections of Article 10, paragraphs 2 and 3, shall apply.

#### Article 12 Location or Identification of Persons or Items

If the Requesting Party seeks the location or identity of persons or items in the territory of the Requested Party, the Requested Party shall use its best efforts to ascertain the location or identity of those persons or items.

#### Article 13 Service of Documents

1. The Requested Party shall use its best efforts to effect service of any document relating, in whole or in part, to any request for assistance made by the Requesting Party under the provisions of this Treaty.
2. The Requesting Party shall transmit any request for the service of a document requiring the appearance of a person before a competent authority of the Requesting Party a reasonable time before the scheduled appearance.
3. The Requested Party shall return a proof of service in the manner specified in the request. When service of documents is not effected, the Requested Party shall

promptly inform the Requesting Party of the reasons for not effecting service.

**Article 14**  
**Search and Seizure**

1. The Requested Party shall execute a request for the search, seizure and delivery of any item to the Requesting Party if the request includes sufficient information justifying such action under the law of the Requested Party and the offense at issue would also constitute an offense under the law of the Requested Party.
2. Upon request, every official who has custody of a seized item shall certify, through the use of Form C appended to this Treaty, the continuity of custody, the identity of the item, and the integrity of its condition. No further certification shall be required. The certificates shall be admissible in evidence in the territory of the Requesting Party.
3. The Requested Party may require that the Requesting Party agree to terms deemed necessary to protect third-party interests, including the interests of victims and legitimate owners, in the item(s).

**Article 15**  
**Return of Items**

The Requested Party may require that the Requesting Party return any items, including documents, records, or articles of evidence furnished to it in execution of a request under this Treaty.

**Article 16**  
**Assistance in Forfeiture Proceedings**

1. The Requested Party shall, upon request, assist the Requesting Party in conviction-based forfeiture proceedings, and in non-conviction based forfeiture proceedings premised on criminal conduct regardless of whether the offender is prosecuted for that conduct. Assistance shall relate to the restraint, seizure or forfeiture of property that:
  - a) is an instrumentality of or otherwise used in an offense;
  - b) constitutes, or is derived directly or indirectly from, the proceeds of an offense; or
  - c) in conviction-based forfeiture proceedings, is property of equivalent or corresponding value to property described in paragraph (a) or (b), that is the subject of an order of restraint or seizure, or a judgment or order of forfeiture.
2. Assistance provided under this Article shall include, but is not limited to:
  - a) freezing, restraining, seizing or forfeiting property described in paragraph (1);
  - b) giving effect, unless contrary to the Requested Party's law, to orders to freeze, restrain or seize property described in paragraph (1), and final orders or judgments of forfeiture with respect to such property, issued by judicial or other competent authorities of the Requesting Party; and
  - c) any other type of assistance described in this Treaty for the purpose of the asset forfeiture.
3. Property frozen, restrained, seized, or forfeited pursuant to this Article shall not be disposed of without consultation with the Requesting Party.
4. A Party that has custody over forfeited property may transfer all or part of the forfeited property to the other Party, or, upon consultation between the Parties, to

any other State that assisted in the forfeiture of the property in a manner proportionate to the other Party's or other State's assistance. Where appropriate and upon request, priority should be given to returning the property to the Requesting Party for the purpose of compensating victims of an offense or returning property to legitimate owners. Victims may include the Parties, governmental entities, other legal entities, and any other persons. The Parties may, if necessary, enter into specific agreements regarding the terms of transfer of forfeited property.

5. The Parties shall assist each other, to the extent permitted by their respective laws, in proceedings relating to restitution to victims of crime.
6. The Requested Party may decline to provide assistance under this Article if the value of the property in question does not substantially exceed the resources reasonably anticipated to be expended in providing assistance. Before denying assistance pursuant to this paragraph, the Central Authority of the Requested Party shall consult with the Central Authority of the Requesting Party.

#### Article 17

##### Compatibility with Other Agreements and Other Assistance

1. This Treaty is not intended to be the sole mechanism for the Parties to provide assistance to each other. A Party may also provide assistance to the other Party through any other available means, including, but not limited to, bilateral and multilateral agreements to which both are Parties, the provisions of its national laws, and other arrangements, agreements or practices.
2. No request under this Treaty shall be required where one Party wishes spontaneously to share information or evidence with the other Party when it considers the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings, or might lead to a request by the receiving Party under this Treaty.

#### Article 18

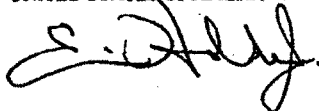
##### Ratification, Entry into Force, and Termination

1. This Treaty shall be subject to ratification by each Party according to the procedures required by its Constitution.
2. This Treaty shall enter into force upon the exchange of instruments of ratification.
3. Either Party may terminate this Treaty by means of written notice to the other Party through diplomatic channels. Termination shall take effect six months following the date of notification.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

DONE at Washington this 1<sup>st</sup> day of October  
20 13, in duplicate, in the English and Arabic languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE  
HASHEMITE KINGDOM OF JORDAN:



## Form A

## CERTIFICATE OF AUTHENTICITY OF BUSINESS RECORDS

I, \_\_\_\_\_, attest on penalty of criminal punishment for  
[Name]

false statement or attestation that I am employed by \_\_\_\_\_

\_\_\_\_\_  
[Name of business from which documents are sought]

and that my official title is \_\_\_\_\_  
[Title]

I further state that each of the records attached hereto is the original or a duplicate of the  
original record in the custody of \_\_\_\_\_  
[Name of business from which documents are sought]

I further state that:

- A) such records were made at or near the time of the occurrence of the matters set forth by (or from information transmitted by) a person with knowledge of those matters;
- B) such records were kept in the course of a regularly conducted business activity;
- C) the business activity made such records as a regular practice; and
- D) if any such record is not the original, it is a duplicate of the original.

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Date]



I, \_\_\_\_\_, attest on penalty of criminal punishment

is \_\_\_\_\_ and that in that position I am authorized

described below are true and accurate copies of the original official records that are recorded or filed in \_\_\_\_\_, which is a government

**Description of Documents:**

[Date] \_\_\_\_\_

## Form C

## ATTESTATION WITH RESPECT TO SEIZED ARTICLES

I, \_\_\_\_\_, attest on penalty of criminal punishment for  
[Name]

false statement or attestation that my position with the Government of

\_\_\_\_\_ [Country]

is \_\_\_\_\_ [Official Title]. I received custody of the articles listed or

described below from \_\_\_\_\_ on \_\_\_\_\_, at  
[Name of person] [Date]

\_\_\_\_\_ [Place]

The articles listed (or described) below are in the same condition as when I received them  
(or, if different, as noted below).

List (or description) of Articles:

Changes in condition of listed (described) articles  
while in my custody (if any):

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Title]

Official Seal

\_\_\_\_\_  
[Date]

