

**TREATY**  
**ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL**  
**MATTERS**  
**BETWEEN**  
**THE GOVERNMENT OF THE REPUBLIC OF CHINA**  
**(TAIWAN)**  
**AND**  
**THE GOVERNMENT OF SAINT LUCIA**

**TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL  
MATTERS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF  
CHINA (TAIWAN) AND THE GOVERNMENT OF SAINT LUCIA**

The Government of the Republic of China (Taiwan) and the Government of Saint Lucia, (hereinafter referred to individually as a “Party” or collectively as the “Parties”,)

Desiring to promote legal cooperation in criminal matters,

Wishing for that purpose to settle by mutual consent their relations in the area of mutual legal assistance in criminal matters, in compliance with their respective constitutional principles,

Hereby agree as follows:

**Article 1**

**Scope of Assistance**

1. The Parties shall provide mutual legal assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of criminal offenses, and in proceedings related to criminal matters.
2. The Parties shall afford each other, to the extent possible under their laws, the widest measure of mutual legal assistance at any stage of investigations, prosecutions, and judicial proceedings in relation to serious crimes.
3. Assistance shall include:
  - (a) taking the testimony or statements of persons;
  - (b) providing documents, records, and articles of evidence;
  - (c) locating or identifying persons;
  - (d) serving documents;
  - (e) executing requests for searches and seizures;
  - (f) examining objects and sites;
  - (g) assisting in proceedings related to immobilization and confiscation of assets or collection of fines; and
  - (h) all other requests relation to criminal proceedings consistent with the objects of this Treaty and with the domestic legal system of the Requested Party.

4. This Treaty is intended solely for mutual legal assistance in criminal matters between the Parties as set out in this Article. The provisions of this Treaty shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

## **Article 2**

### **Central Authorities**

1. The Central Authorities of the Parties are:
  - (a) for the Republic of China (Taiwan), the Ministry of Justice or persons designated by the Ministry of Justice;
  - (b) for Saint Lucia, the Office of the Attorney General or persons designated by the Office of the Attorney General;
2. Mutual assistance requests submitted pursuant to this Treaty, the corresponding answers and the laying of information in connection with the proceedings shall be sent directly from the Central Authority to Central Authority or through diplomatic channels.

## **Article 3**

### **Limitations on Assistance**

1. The Central Authority of the Requested State may deny assistance in whole or in part if:
  - (a) the request relates to a political offence;
  - (b) the request relates to an offense under military law which would not be an offense under ordinary criminal law;
  - (c) the execution of the request would prejudice the security, public order, or similar essential interests of the Requested State;
  - (d) the request is not made in conformity with this Treaty;
  - (e) the request is made pursuant to Article 14 or Article 16 and relates to conduct which, if committed in the Requested State, would not be an offense in that State;
  - (f) the execution of the request would be contrary to the Constitution of the Requested State; or
  - (g) assistance may be postponed if the immediate execution of the request would interfere with an ongoing investigation,

- prosecution or criminal proceedings in the Requested State.
2. Before refusing or deferring assistance, the Requested State shall:
    - (a) promptly inform the Requesting State of the grounds for considering a refusal or deferral; and
    - (b) consult the Requesting State to decide whether assistance may be granted on the terms and conditions it deems necessary. If the Requesting State accepts assistance subject to these terms and conditions, it shall comply with them.
  3. If the Requested State denies assistance, it shall inform the Requesting State in writing of the reasons for the denial of assistance.

#### **Article 4**

##### **Form and Contents of Requests**

1. A request for assistance shall be in writing. The Requested State may accept a request in other forms in urgent circumstances or any other situations agreed by the Parties in advance. In any such cases, the request shall be confirmed in writing within ten days thereafter unless the Requested State agrees otherwise. The request shall be in the language used in the Requested State unless otherwise agreed. All attachments shall be translated into the language of the Requested State.
2. The request shall include the following:
  - (a) the identity of the competent authority issuing the request;
  - (b) the name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;
  - (c) a description of the subject matter and nature of the investigation, prosecution, or proceeding, including the specific criminal offenses that relate to the matter and any punishment that might be imposed for each offense. The request should state the date, place and circumstances in which the offence was committed;
  - (d) the text of the relevant legal provision defining the offence and applicable punishment;
  - (e) a description of the evidence, information, or other assistance sought; and
  - (f) a statement of the purpose for which the evidence, information, or other assistance is sought.
3. To the extent necessary and possible, 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 or a defendant;
  - (g) a description of any particular procedure to be followed in executing the request;
  - (h) any other information that may be brought to the attention of the Requested State to facilitate its execution of the request.
4. If the Requested State considers the contents contained in the request not sufficient to enable the request to be dealt with, it may request additional information.

## **Article 5**

### **Execution of Requests**

1. The Central Authority of the Requested State shall promptly execute the request or, when appropriate, transmit it to relevant authorities for execution. The executing authorities of the Requested State shall do everything in their power to execute the request.
2. The Requested State shall make all necessary arrangements for and meet the costs of the representation in the Requested State of the Requesting State in any proceedings arising out of a request for assistance.
3. Requests shall be executed according to the laws and procedures of the Requested State except to the extent that this Treaty provides otherwise. However, the method of execution specified in the request shall be followed except insofar as it is contrary to the laws of the Requested State.
4. If the Requested State determines that execution of a request would interfere with an ongoing criminal investigation, prosecution, or proceeding in the Requested State, it may

postpone such execution, or set necessary additional conditions for such execution after consultations with the Requesting State. If the Requesting State accepts such additional conditions, it shall comply with the conditions.

5. The Requested State shall use its best efforts to keep confidential a request and its contents if such confidentiality is requested by the Requesting State. If the request cannot be executed without breaching such confidentiality, the Requested State shall so inform the Requesting State, which shall then determine whether the request should nevertheless be executed.
6. The Requested State shall respond to reasonable inquiries made by the Requesting State concerning the progress of the execution of the request.
7. The Requested State shall promptly inform the Requesting State of the result of the execution of the request. If the request is denied, the Requested State shall inform the Requesting State of the reasons for the denial of assistance in writing.

## **Article 6**

### **Costs**

1. The Requested State shall pay the costs relating to the execution of the request, but the Requesting State shall bear:
  - (a) the allowances or expenses for the travel of persons under Article 10 of this Treaty in accordance with the procedures of the Requesting State;
  - (b) the allowances or expenses for persons to travel to and from and stay in the territory of the Requested State under Article 8(3) of this Treaty;
  - (c) the costs of establishing and operating video conferencing or television links and the interpretation and transcription of such proceedings pursuant to Article 11 of this Treaty;
  - (d) the expenses and fees of expert witnesses;
  - (e) the costs of translation, interpretation, and transcription.
2. If it becomes apparent that the execution of the request would require expenses of an extraordinary nature, the Parties shall consult to determine the terms and conditions under which such request could be executed.

## **Article 7**

### **Limitations on Use**

1. The Requesting State shall not use the information or evidence obtained pursuant to this Treaty for purposes other than those specified in the request without the previous written consent of the Requested State. The authorities of the Requesting State shall comply with any conditions imposed in the further use of the information or evidence.
2. The Requested State may request that information or evidence furnished under this Treaty be kept confidential or be used only subject to terms and conditions it may specify. If the Requesting State accepts the information or evidence subject to such conditions, the Requesting State shall use its best efforts to comply with the conditions.
3. Information or evidence that has been made public in the Requesting State in accordance with paragraphs 1 or 2 may thereafter be used for any purpose.

## **Article 8**

### **Testimony or Evidence in the Requested State**

1. A person in the Requested State from whom evidence is requested pursuant to this Treaty shall, if necessary, be compelled in accordance with the laws of the Requested State, to appear and testify or produce items, including documents, records, and articles of evidence. A person, who gives false testimony or statement, either orally or in writing, in execution of a request, shall be subject to prosecution and punishment in the Requested State in accordance with its criminal laws.
2. Upon request, the Requested State shall furnish information in advance about the date and place of the taking of the testimony or evidence pursuant to this Article.
3. The Requested State shall permit the presence of such persons as specified in the request during the execution of the request, and shall insofar as the laws of the Requested State permit, allow such persons to question the person giving the testimony or evidence and to make a verbatim transcript in a manner agreed to by the Requested State.

4. If the person referred to in paragraph 1 asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting State, the evidence, including all items requested, shall nonetheless be taken and the claim made known to the Requesting State for resolution.

## **Article 9**

### **Records of the States**

1. The Requested State shall provide, as requested, the Requesting State with copies of publicly available records, including documents or information in any form, in the possession of departments and agencies of the Requested State.
2. The Requested State may provide requested copies of any documents, records, or information which are in the possession of a department or agency, but which are not publicly available, to the same extent and under the same conditions as such copies would be available to the law enforcement or judicial authorities of the Requested State. The Requested State may in its discretion deny a request pursuant to this paragraph entirely or in part.

## **Article 10**

### **Appearance of Persons in the Requesting State**

1. When the Requesting State requests the appearance of a person in the Requesting State, the Requested State shall invite the person to appear before the appropriate authority in the Requesting State. The Requested State shall promptly inform the Requesting State of the response of the person.
2. In the case provided for under paragraph 1 of this Article, the request or the summons shall indicate the approximate compensation payable and the refundable travelling and subsistence expenses.
3. If a specific request is made, the Requested State may grant the witness or expert an advance. The amount of the advance shall be mentioned in the request or the summons and shall be refunded by the Requesting State.
4. A person who consents to provide assistance pursuant to the preceding paragraph of this Article:
  - (a) shall not be prosecuted, detained, subject to service of process

- or of any other restriction of personal liberty in the territory of the Requesting State for any acts, omissions or convictions which preceded such person's entry into the Requesting State;
- (b) shall not be obliged to give evidence or assist in any investigation, prosecution, or proceeding other than that to which the request relates except with the prior consent of the Requested State and such person; and
  - (c) shall not be subject to prosecution based on his testimony except that such person shall be subject to charges for contempt or perjury.
5. The person whose presence is requested may decline to comply with the request if the Requesting State does not grant such assurances.
  6. The assurances provided for by paragraph 4 of this Article shall cease seven days after the Requesting State has notified the Requested State that the person's presence is no longer required, or when the person, having left the Requesting State, voluntarily returns. The Requesting State may, in its discretion, extend this period up to fifteen days if it determines that there is good cause to do so.

## **Article 11**

### **Examining Witness by Video Conference**

1. A person within the Requested State may give evidence in proceedings in the Requesting State by video conference.
2. Where a witness is to be examined by video conference, the procedures shall be conducted before an appropriate authority in the Requested State.
3. The examining of a witness shall be supervised by a competent authority of the Requesting State and evidence shall be given:
  - (a) in accordance with the domestic laws of the Requesting State, taking into account the formalities and the procedures set out by the Requested State; and
  - (b) in accordance with any other measures for the protection of the witness which have been agreed between the Parties.
4. At the examining procedure, the appropriate authority of the Requested State shall be responsible for:
  - (a) ensuring there is appropriate interpretation of proceedings;
  - (b) establishing the identity of the witness;

- (c) intervening, where necessary, to safeguard the rights and protection of the witness;
  - (d) drawing up a record of the examining which shall include the following information:
    - a. the date and place of the hearing;
    - b. the identity of the person heard;
    - c. the identities and functions of anyone else participating in the hearing;
    - d. details of any oaths taken; and the technical conditions under which the examining took place; and
  - (e) transmitting the record of the examining as referred to in this Article as soon as is practicable after the conclusion of the examining.
5. Costs related to establishing the video link and making it available in the Requested State, the remuneration of interpreters provided by it and compensation paid to witness and experts and their travelling expenses in the Requested State shall be paid by the Requesting State to the Requested State, unless the latter waives the payment of all or some of the expenses.

## **Article 12**

### **Location or Identification of Persons or Items**

If the Requesting State seeks the location or identity of persons or items in the Requested State, the Requested State shall use its best efforts to ascertain the location or identity of the persons or items specified in the request.

## **Article 13**

### **Service of Documents**

1. The Requested State 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 State under the provisions of this Treaty.
2. The Requesting State shall transmit any request for the service of a document requiring the appearance of a person before an authority in the Requesting State within a reasonable time before the scheduled appearance.

3. The Requested State shall return a proof of service in the manner specified in the request.

## **Article 14**

### **Search and Seizure**

1. The Requested State shall execute a request for the search, seizure, and delivery of any item to the Requesting State if the request includes the information justifying such action under the laws of the Requested State.
2. The Requested State shall provide such information as may be required by the Requesting State concerning the result of any search, the place of seizure, the circumstances of seizure and the subsequent custody of the evidence seized.

## **Article 15**

### **Return of Items**

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

## **Article 16**

### **Restraint, Forfeiture and Confiscation of Property**

1. The Parties shall assist each other in proceedings involving the identification, tracing, restraint, seizure and confiscation of the proceeds and instrumentalities of crime in accordance with the domestic laws of the Requested State. This may include action to immobilize temporarily the proceeds or instrumentalities pending further proceedings.
2. In addition to the provisions contained in Article 4 of this Treaty, a request for assistance in restraint or confiscation proceedings shall also include:
  - (a) details of the property in relation to which cooperation is sought;
  - (b) the location of the property and its connection with the subjects of the request;
  - (c) the connection, if any, between the property and the offences;

and

- (d) a true copy of the restraint or confiscation order made by the competent authority and statement of the grounds on which the order was made, if they are not indicated in the order itself.
3. The Parties may, on a case by case basis conclude agreements or mutually acceptable arrangements for final disposal of confiscated property or for sharing the proceeds of sale of confiscated property.

## **Article 17**

### **Third Party**

1. As to the search and seizure set out under Article 14 of this Treaty, the Requested State may require the Requesting State's agreement to the terms and conditions deemed necessary to protect third party's interests over the items to be transferred.
2. In the case of assisting restraint or confiscation of proceedings set out under Article 16 of this Treaty, details of any third party's interests in the property shall be included in the request.
3. With respect to asset sharing set out under Article 18 of this Treaty, the rights of victims and bona fide third parties shall take precedence over asset sharing between the Parties.

## **Article 18**

### **Asset Sharing**

1. The Requested State may make a request for asset sharing to the other Party where such assistance materially led, or is expected to lead, to confiscation pursuant to assistance offered based on Article 1(3)(g) of this Treaty.
2. A request for asset sharing shall be made no later than one year from the date of final confiscation was made, unless otherwise agreed between the Parties.
3. The Requesting State shall determine the proportion of the assets to be shared in accordance with the extent of the assistances afforded by the Requested State unless the value of the realized assets or the assistance rendered by the Requested State is de minimis.
4. In appropriate cases, where there are identifiable victims and bona fide third parties, consideration of these rights shall take precedence over asset sharing between the Parties.

## **Article 19**

### **Compatibility with Other Agreements**

Assistance and procedures set forth in this Treaty shall not prevent either of the Parties from granting assistance to the other Party through the provisions of other applicable agreements, or through the provisions of its domestic laws. The Parties may also provide assistance pursuant to any bilateral arrangement, agreement, or practice which may be applicable.

## **Article 20**

### **Consultation**

The Central Authorities of the Parties 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 this Treaty.

## **Article 21**

### **Settlement of Disputes**

Any dispute arising from the implementation or interpretation of this Treaty shall be settled by consultations through diplomatic channels.

## **Article 22**

### **Entry into Force; Amendment and Termination**

1. This Treaty shall enter into force on the thirtieth day from the date of the last notification on the fulfillment by the Parties of their internal procedures necessary for its entry into force. Such notification shall be made in writing.
2. This Treaty applies to any request presented after its entry into force even if the relevant offenses occurred before this Treaty enters into force.
3. This Treaty may be amended by the mutual consent between the Parties. The amendments shall enter into force in accordance with the procedure set out in paragraph 1 of this Article.
4. Either Party may terminate this Treaty by means of written notice to the other Party. Termination shall enter into force six months

- following the date of receipt of such notification.
5. If either Party gives a termination notice, cooperation and assistance in accordance with this Treaty shall continue or information provided, for requests submitted before the effective date of notification until the Requesting Party terminates the requested assistance. In the event of the termination of this Treaty, information, documents or items of evidence obtained under this Treaty shall continue to be treated confidentially in the manner prescribed under Article 7(2) of this Treaty.

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

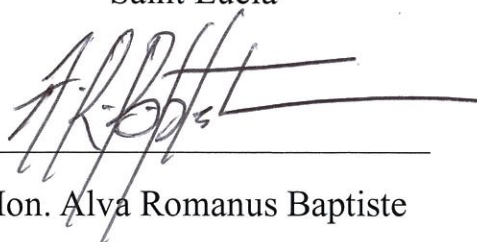
DONE IN DUPLICATE, in the Chinese and English languages, both texts being equally authentic.

For the Government of the  
Republic of China (Taiwan)



Ching-Hsiang Tsai  
Minister of Justice

For the Government of  
Saint Lucia



Hon. Alva Romanus Baptiste  
Minister for External Affairs,  
International Trade, Civil  
Aviation and Diaspora Affairs

Date: 2023.8.16

Date: 26.10.2023

Place: Taipei

Place: Castries