

No. 55358*

**Poland
and
Thailand**

Treaty between the Republic of Poland and the Kingdom of Thailand on mutual assistance in criminal matters (with appendix). Bangkok, 26 February 2004

Entry into force: *4 October 2009, in accordance with article 20*

Authentic texts: *English, Polish and Thai*

Registration with the Secretariat of the United Nations: *Poland, 20 September 2018*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Pologne
et
Thaïlande**

Traité entre la République de Pologne et le Royaume de Thaïlande concernant l'assistance mutuelle en matière pénale (avec appendice). Bangkok, 26 février 2004

Entrée en vigueur : *4 octobre 2009, conformément à l'article 20*

Textes authentiques : *anglais, polonais et thaï*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Pologne, 20 septembre 2018*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY
BETWEEN
THE REPUBLIC OF POLAND
AND
THE KINGDOM OF THAILAND
ON
MUTUAL ASSISTANCE IN CRIMINAL MATTERS**

THE REPUBLIC OF POLAND AND THE KINGDOM OF
THAILAND,

Desiring to maintain and to strengthen the ties which unite the two
countries, and to improve effective mutual assistance in criminal matters,

Have agreed as follows:

**ARTICLE 1
Obligation to Assist**

1. The Contracting States agree, in accordance with the provisions of this Treaty, to provide mutual assistance in criminal matters in connection with investigations, prosecutions, or other proceedings.

2. Assistance shall include but not be limited to:
- (a) taking the testimony and statement of persons;
 - (b) providing documents, records, and evidences;
 - (c) serving documents;
 - (d) executing requests for searches and seizures;
 - (e) transferring persons in custody for testimonial purposes;
 - (f) locating persons and items;
 - (g) initiating criminal proceedings upon request; and
 - (h) assisting in restraint and forfeiture proceedings.

3. Assistance shall be provided without regard to whether the acts which are the subject of the investigation, prosecution, or other proceedings in the Requesting State constitute offences under the law in the Requested State, or whether the Requested State would have jurisdiction with respect to such acts in corresponding circumstances.

ARTICLE 3
Central Authorities

1. A Central Authority shall be established by each Contracting State.
2. For the Republic of Poland, the Central Authority shall be the Minister of Justice – Attorney General or a person designated by him.
3. For the Kingdom of Thailand, the Central Authority shall be the Attorney General or a person designated by him.
4. Requests under this Treaty shall be made directly by the Central Authority of the Requesting State to the Central Authority of the Requested State.

ARTICLE 4
Mode and Contents of Requests

1. A request for assistance shall be submitted in writing. In urgent circumstances or where otherwise permitted by the Requested State, a request may be made by facsimile but shall be confirmed in writing promptly thereafter.
2. The request and accompanying documents shall be transmitted:
 - (a) in the language of the Requested State or English; or
 - (b) in the language of the Requesting State accompanied by a translation into the language of the Requested State or English. Such translations shall be certified by a sworn or approved translator in accordance with the laws or practices of the Requesting State.
3. The request shall include the following:
 - (a) the name of the authority conducting the investigation, prosecution, or other proceedings to which the request relates;
 - (b) the subject matter and nature of the investigation, prosecution, or other proceedings to which the request relates;
 - (c) the text of the applicable law;
 - (d) a description of the evidence, information, or other assistance sought; and
 - (e) a statement of the purpose for which the evidence, information, or other assistance is sought.

ARTICLE 6

Costs

The Requested State shall pay all costs relating to the execution of a request, except for the following:

- (a) the fees of experts;
- (b) the costs of interpretation and translation;
- (c) the allowances and expenses related to travel of persons pursuant to Article 12 or Article 16.

ARTICLE 7

Limitations on Use

1. Information and evidence obtained under this Treaty shall not be used for any investigation, prosecution, or proceedings other than those stated in the request without the prior consent of the Central Authority of the Requested State.

2. The Central Authority of the Requesting State may require that the request for assistance, its contents and related documents, and the granting of assistance be kept confidential. If the request cannot be executed without breaching the required confidentiality, the Central Authority of the Requested State shall so inform the Central Authority of the Requesting State which shall then determine whether the request should nevertheless be executed.

3. The Central Authority of the Requested State may require that information or evidence furnished be kept confidential in accordance with conditions which it shall specify. In that case, the Central Authority of the Requesting State shall comply with the conditions, except to the extent that the information or evidence is needed in a public trial resulting from the investigation, prosecution, or other proceedings described in the request.

ARTICLE 8

Taking Testimony and Statements and Producing Other Evidence in the Requested State

1. Upon a request that a person be summoned to give testimony, make a statement, or produce documents, records, or evidence in the Requested

evidence in the Requesting State as proof of the truth of the matters set forth therein.

ARTICLE 10

Service of Documents

1. The Requested State shall effect service of any legal document transmitted for this purpose by the Requesting State.

2. Any request for the service of a document requiring the appearance of a person before an authority in the Requesting State shall be transmitted a reasonable time before the scheduled appearance.

3. The Requested State shall return as proof of service a dated receipt signed by the person served or declaration signed by the officer effecting service, specifying the form and date of service.

4. A person, who has been served pursuant to this Article with a legal document calling for his appearance in the Requesting State, shall not be subjected to any civil or criminal forfeiture, or other legal sanction or measure of restraint, because of his failure to comply therewith.

ARTICLE 11

Search and Seizure

1. A request for search, seizure, and delivery of any item to the Requesting State shall be executed if it includes the information justifying that action under the laws of the Requested State.

2. Every official of the Requested State who has custody of a seized item shall certify, through the use of the Form 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. Such certificate shall be admitted in evidence in the Requesting State as proof of the truth of the matters set forth therein.