

LAW ENFORCEMENT

Mutual Legal Assistance

**Inter-American Optional Protocol
Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS to
the Convention of May 23, 1992**

Adopted at the Twenty-Third Regular
Session of the Organization of
American States General Assembly
Meeting at Managua, Nicaragua on
June 11, 1993

Signed by the United States at Washington
on January 10, 1995



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“...the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MULTILATERAL

Law Enforcement: Mutual Legal Assistance

*Optional Protocol to the Inter-American Convention of May 23, 1992.
Adopted at the twenty-third regular session
of the Organization of American States General Assembly
Meeting at Managua, Nicaragua on June 11, 1993;
Signed by the United States at Washington
on January 10, 1995;
Transmitted by the President of the United States of America
to the Senate September 3, 1997 (Treaty Doc. 105-25,
105th Congress, 1st Session);
Reported favorably by the Senate Committee on Foreign Relations
September 27, 2000 (Senate Executive Report No. 106-24,
106th Congress, 2d Session);
Advice and consent to ratification by the Senate
October 18, 2000;
Ratified by the President January 5, 2001;
Ratification of the United States of America deposited May 25, 2001;
Entered into force for the United States April 7, 2002.*

**OPTIONAL PROTOCOL RELATED TO THE
INTER-AMERICAN CONVENTION ON
MUTUAL ASSISTANCE IN CRIMINAL MATTERS**

The member states of the Organization of American States,

BEARING IN MIND the Inter-American Convention on Mutual Assistance in Criminal Matters adopted at Nassau on May 23, 1992 (hereinafter referred to as "the Convention"),

HAVE AGREED to adopt the following Optional Protocol related to the Inter-American Convention on Mutual Assistance in Criminal Matters:

ARTICLE 1

The states parties to this Protocol shall not exercise the right provided for in Article 9.f of the Convention to refuse a request for assistance solely on the ground that the request concern a tax crime in any case in which the request is from another state party to this Protocol.

ARTICLE 2

The states parties to this Protocol, when acting as a requested state under the Convention, shall not decline assistance which requires the measures referred to in Article 5 of the Convention, if the act specified in the request corresponds to a tax crime of the same nature under the laws of the requested state.

FINAL CLAUSES

ARTICLE 3

1. This Protocol shall be open for signature by member states of the Organization of American States at the OAS General Secretariat on and after January 1, 1994, and shall be subject to ratification or accession only by states parties to the Convention.

2. This Protocol shall remain open for accession by any other state that accedes to or has acceded to the Convention under the conditions set forth in this article.

3. The instruments of ratification and accession shall be deposited with the General Secretariat of the Organization of American States.

4. Each state may make reservations to this Protocol at the time of signature, ratification, or accession, provided that each reservation is not incompatible with the object and purpose of the Protocol.

5. This Protocol shall not be interpreted as affecting or restricting obligations in effect under other international, bilateral, or multilateral conventions that contain clauses governing any specific aspect of international criminal assistance, wholly or in part, or more favorable practices which those states might observe.

6. This Protocol shall enter into force on the thirtieth day following the date on which two states parties have deposited their instruments of ratification or accession, provided that the Convention has entered into force.

7. For each state that ratifies or accedes to the Protocol after the deposit of the second instrument of ratification or accession, the Protocol shall enter into force on the thirtieth day after deposit by such state of its instrument of ratification or accession, provided that such state is a party to the Convention.

8. If a state party has two or more territorial units in which different systems of law govern matters addressed in this Protocol, it shall state at the time of signature, ratification, or accession whether this Protocol shall apply to all of its territorial units or only to one or more of them.

9. Statements referred to in paragraph 8 of this Article may be amended by way of subsequent statements which shall expressly indicate the territorial units to which the Protocol shall apply. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall become effective thirty days after the date of receipt.

ARTICLE 4

This Protocol shall remain in force as long as the Convention remains in force, but any of the states parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of the deposit of the instrument of denunciation, the Protocol shall cease to be in effect for the denouncing state, but shall remain in effect for the other states parties.

ARTICLE 5

The original of this Protocol, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall forward authenticated copies of the text to the United Nations Secretariat for registration.

The General Secretariat of the Organization of American States shall notify the member states of the Organization and those states that have acceded to the Convention and Protocol of the signatures and deposits of instruments of ratification, accession, and denunciation as well as reservations, if any. It shall also transmit to them the statements specified in Article 3 of this Protocol.

DONE IN MANAGUA, NICARAGUA, the eleventh day of June, one thousand nine hundred and ninety-three.

I hereby certify the foregoing document is a true and faithful copy of the authentic text in Spanish, English, French and Portuguese of the Optional Protocol Related to the Inter-American Convention on Mutual Assistance in Criminal Matters, adopted at Managua, Nicaragua, on June 11, 1993, at the twenty third regular session of the General Assembly of the Organization of American States, and that the above mentioned instrument is on deposit with the General Secretariat of the Organization of American States.

June 11, 1997

A handwritten signature in black ink, appearing to be 'JMA' with a long horizontal stroke extending to the right.

Jean Michel Arrighi
Acting Assistant Secretary for Legal Affairs
Organization of American States

GENERAL SECRETARIAT

PROCÈS-VERBAL OF THE SIGNATURE BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA OF THE OPTIONAL PROTOCOL RELATED TO THE INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, DONE AT MANAGUA, NICARAGUA, ON JUNE 11, 1993.

The undersigned, Her Excellency Mrs. Harriett C. Babbitt, Ambassador, Permanent Representative of the United States of America and His Excellency Mr. César Gaviria, Secretary General of the Organization of American States, have this day met together at the Secretariat of the OAS for the purpose of proceeding to the signing by the Government of the United States of America of the Optional Protocol related to the Inter-American Convention on Mutual Assistance in Criminal Matters, done at Managua, Nicaragua, on June 11, 1993, at the Twenty-Third Regular Session of the General Assembly of the Organization of American States.

IN WITNESS WHEREOF, the undersigned have affixed their signatures to the present procès-verbal in Washington, D.C., in duplicate originals, this tenth day of January in the year nineteen hundred ninety-five.



Harriett C. Babbitt
Ambassador, Permanent Representative of
the United States of America to the
Organization of American States

César Gaviria
Secretary General
Organization of American States