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TREATY

ON

MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

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TREATY

ON

MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam (hereinafter referred to singularly as "the Party" and collectively as "the Parties"):

DESIRING to improve the effectiveness of the law enforcement authorities of the Parties in the prevention, investigation and prosecution of offences through cooperation and mutual legal assistance in criminal matters,

HAVE AGREED as follows:

ARTICLE 1
SCOPE OF ASSISTANCE

1. The Parties shall, in accordance with this Treaty and subject to their respective domestic laws, render to one another the widest possible measure of mutual legal assistance in criminal matters, namely investigations, prosecutions and resulting proceedings.

2. Mutual assistance to be rendered in accordance with this Treaty may include:

   (a) taking of evidence or obtaining voluntary statements from persons;

   (b) making arrangements for persons to give evidence or to assist in criminal matters;

   (c) effecting service of judicial documents;

(d) executing searches and seizures;

(e) examining objects and sites;

(f) providing original or certified copies of relevant documents, records and items of evidence;

(g) identifying or tracing property derived from the commission of an offence and instrumentalities of crime;

(h) the restraining of dealings in property or the freezing of property derived from the commission of an offence that may be recovered, forfeited or confiscated;

(i) the recovery, forfeiture or confiscation of property derived from the commission of an offence;

(j) locating and identifying witnesses and suspects; and

(k) the provision of such other assistance as may be agreed and which is consistent with the objects of this Treaty and the laws of the Requested Party.

3. This Treaty applies solely to the provision of mutual assistance among the Parties. The provisions of this Treaty shall not create any right on the part of any private person to obtain, suppress or exclude any evidence or to impede the execution of any request for assistance.

4. For the purposes of this Treaty, the expression "instrumentalities of crime" means property used in connection with the commission of an offence or the equivalent value of such property.

ARTICLE 2
NON-APPLICATION

1. This Treaty does not apply to -

   (a) the arrest or detention of any person with a view to the extradition of that person;

   (b) the enforcement in the Requested Party of criminal judgements imposed in the Requesting Party except to the extent permitted by the law of the Requested Party;

   (c) the transfer of persons in custody to serve sentences; and

   (d) the transfer of proceedings in criminal matters.

2. Nothing in this Treaty entitles a Party to undertake in the territory of another Party the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other Party by its domestic laws.

ARTICLE 3
LIMITATIONS ON ASSISTANCE

1. The Requested Party shall refuse assistance if, in its opinion -

   (a) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;

(b) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would have constituted a military offence under the laws of the Requested Party which is not also an offence under the ordinary criminal law of the Requested Party;

(c) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;

(d) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person -

(i) has been convicted, acquitted or pardoned by a competent court or other authority in the Requesting or Requested Party; or

(ii) has undergone the punishment provided by the law of that Requesting or Requested Party,

in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;

(e) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in the Requested Party, would not have constituted an offence against the laws of the Requested Party except that the Requested Party may provide assistance in the absence of dual criminality if permitted by its domestic laws;

(f) the provision of the assistance would affect the sovereignty, security, public order, public interest or essential interests of the Requested Party;

(g) the Requesting Party fails to undertake that it will be able to comply with a future request of a similar nature by the Requested Party for assistance in a criminal matter;

(h) the Requesting Party fails to undertake that the item requested for will not be used for a matter other than the criminal matter in respect of which the request was made and the Requested Party has not consented to waive such undertaking;

(i) the Requesting Party fails to undertake to return to the Requested Party, upon its request, any item obtained pursuant to the request upon completion of the criminal matter in respect of which the request was made;

(j) the provision of the assistance could prejudice a criminal matter in the Requested Party; or

(k) the provision of the assistance would require steps to be taken that would be contrary to the laws of the Requested Party.

2. The Requested Party may refuse assistance if, in its opinion -

(a) the Requesting Party has, in respect of that request, failed to comply with any material terms of this Treaty or other relevant arrangements;

(b) the provision of the assistance would, or would be likely to prejudice the safety of any person, whether that person is within or outside the territory of the Requested Party; or

(c) the provision of the assistance would impose an excessive burden on the resources of the Requested Party.

3. For the purposes of subparagraph 1(a), the following offences shall not be held to be offences of a political nature:

(a) an offence against the life or person of a Head of State or a member of the immediate family of a Head of State;

(b) an offence against the life or person of a Head of a central Government, or of a Minister of a central Government;

(c) an offence within the scope of any international convention to which both the Requesting and Requested Parties are parties to and which imposes on the Parties thereto an obligation either to extradite or prosecute a person accused of the commission of that offence; and

(d) any attempt, abetment or conspiracy to commit any of the offences referred to in subparagraphs (a) to (c).

4. The Requested Party may restrict the application of any of the provisions made under paragraph 3 according to whether the Requesting Party has made similar provision in its laws.

5. Assistance shall not be refused solely on the ground of secrecy of banks and similar financial institutions or that the offence is also considered to involve fiscal matters.

6. The Requested Party may postpone the execution of the request if its immediate execution would interfere with any ongoing criminal matters in the Requested Party.

7. Before refusing a request or postponing its execution pursuant to this Article, the Requested Party shall consider whether assistance may be granted subject to certain conditions.

8. If the Requesting Party accepts assistance subject to the terms and conditions imposed under paragraph 7, it shall comply with such terms and conditions.

9. If the Requested Party refuses or postpones assistance, it shall promptly inform the Requesting Party of the grounds of refusal or postponement.

10. The Parties shall, subject to their respective domestic laws, reciprocate any assistance granted in respect of an equivalent offence irrespective of the applicable penalty.

ARTICLE 4
DESIGNATION OF CENTRAL AUTHORITIES

1. Each Party shall designate a Central Authority to make and receive requests pursuant to this Treaty.

2. The designation of the Central Authority shall be made at the time of the deposit of the instrument of ratification, acceptance, approval or accession to this Treaty.

3. Each Party shall expeditiously notify the others of any change in the designation of its Central Authority.

4. The Central Authorities shall communicate directly with one another but may, if they choose, communicate through the diplomatic channel.

ARTICLE 5
FORM OF REQUESTS

1. Requests for assistance shall be made in writing or, where possible, by any means capable of producing a written record under conditions allowing the Requested Party to establish authenticity. In urgent situations and where permitted by the law of the Requested Party, requests may be made orally, but in such cases the requests shall be confirmed in writing within five days.

2. Central Authorities shall deal with the transmission of all requests and any communication related thereto. In urgent situations and where permitted by the law of the Requested Party, requests and any communication related thereto may be transmitted through the International Criminal Police Organization (INTERPOL) or the Southeast Asian Police Organization (ASEANAPOL).

ARTICLE 6
CONTENTS OF REQUESTS

1. A request for assistance in criminal matters shall contain such information as the Requested Party requires to execute the request, including -

   (a) the name of the requesting office and the competent authority conducting the investigation or criminal proceedings to which the request relates;

   (b) the purpose of the request and the nature of the assistance sought;

   (c) a description of the nature of the criminal matter and its current status, and a statement setting out a summary of the relevant facts and laws;

   (d) a description of the offence to which the request relates, including its maximum penalty;

   (e) a description of the facts alleged to constitute the offence and a statement or text of the relevant laws;

   (f) a description of the essential acts or omissions or matters alleged or sought to be ascertained;

   (g) a description of the evidence, information or other assistance sought;

   (h) the reasons for and details of any particular procedure or requirement that the Requesting Party wishes to be followed;

(i) specification of any time limit within which compliance with the request is desired;

(j) any special requirements for confidentiality and the reasons for it; and

(k) such other information or undertakings as may be required under the domestic laws of the Requested Party or which is otherwise necessary for the proper execution of the request.

2. Requests for assistance may also, to the extent necessary, contain the following information:

(a) the identity, nationality and location of the person or persons who are the subject of the investigation or criminal proceedings;

(b) the identity and location of any person from whom evidence is sought;

(c) the identity and location of a person to be served, that person's relationship to the criminal proceedings, and the manner in which service is to be made;

(d) information on the identity and whereabouts of a person to be located;

(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 the documents, records or items of evidence to be produced as well as a description of the appropriate person to be asked to produce them and, to the extent not otherwise provided for, the form in which they should be reproduced and authenticated;

(h) a statement as to whether sworn or affirmed evidence or statements are required;

(i) a description of the property, asset or article to which the request relates, including its identity and location; and

(j) any court order relating to the assistance requested and a statement relating to the finality of that order.

3. Requests, supporting documents and other communications made pursuant to this Treaty shall be in the English language and, if necessary, accompanied by a translation into the language of the Requested Party or another language acceptable to the Requested Party.

4. If the Requested Party considers that the information contained in the request is not sufficient to enable the request to be dealt with, the Requested Party may request additional information. The Requesting Party shall supply such additional information as the Requested Party considers necessary to enable the request to be fulfilled.

ARTICLE 7
EXECUTION OF REQUESTS

1. Requests for assistance shall be carried out promptly, in the manner provided for by the laws and practices of the Requested Party. Subject to

its domestic laws and practices, the Requested Party shall carry out the request in the manner specified by the Requesting Party.

2. The Requested Party shall, if requested to do so and subject to its domestic laws and practices, make all necessary arrangements for the representation of the Requesting Party in the Requested Party in any criminal proceedings arising out of a request for assistance and shall otherwise represent the interests of the Requesting Party.

3. The Requested Party shall respond as soon as possible to reasonable inquiries by the Requesting Party concerning progress toward execution of the request.

4. The Requested Party may ask the Requesting Party to provide information in such form as may be necessary to enable it to execute the request or to undertake any steps which may be necessary under the laws and practices of the Requested Party in order to give effect to the request received from the Requesting Party.

ARTICLE 8
LIMITATIONS ON USE OF EVIDENCE OBTAINED

1. The Requesting Party shall not, without the consent of the Requested Party and subject to such terms and conditions as the Requested Party considers necessary, use or disclose or transfer information or evidence provided by the Requested Party for purposes other than those stated in the request.

2. Notwithstanding paragraph 1, in cases where the charge is amended, the information or evidence provided may be used, with the prior consent of

the Requested Party, in so far as the offence, as charged, is an offence in respect of which mutual legal assistance could be provided under this Treaty, and which is made out by the facts on which the request was made.

ARTICLE 9
PROTECTION OF CONFIDENTIALITY

1. The Requested Party shall, subject to its domestic laws, take all appropriate measures to keep confidential the request for assistance, its contents and its supporting documents, the fact of granting of such assistance and any action taken pursuant to the request. If the request cannot be executed without breaching confidentiality requirements, the Requested Party shall so inform the Requesting Party, which shall then determine whether the request should nevertheless be executed.

2. The Requesting Party shall, subject to its domestic laws, take all appropriate measures to -

   (a) keep confidential information and evidence provided by the Requested Party, except to the extent that the evidence and information is needed for the purposes described in the request; and

   (b) ensure that the information and evidence is protected against loss and unauthorized access, use, modification, disclosure or other misuse.

ARTICLE 10
OBTAINING VOLUNTARY STATEMENTS

Where a request is made to obtain a statement from a person for the purpose of a criminal matter in the Requesting Party, the Requested Party shall endeavor, with the consent of that person, to obtain that statement.

ARTICLE 11
OBTAINING OF EVIDENCE

1. The Requested Party shall, subject to its domestic laws, arrange to have evidence, including sworn or affirmed testimony, documents or records taken or obtained from witnesses for the purpose of a criminal matter for transmission to the Requesting Party.

2. Where sworn or affirmed testimony is to be taken under this Article, the parties to the relevant criminal proceedings in the Requesting Party or their legal representatives may, subject to the domestic laws of the Requested Party, appear and question the person giving that evidence.

3. Nothing in this Article shall prevent the use of live video or live television links or other appropriate communications facilities in accordance with the laws and practices of the Requested Party for the purpose of executing this Article if it is expedient in the interests of justice to do so.

ARTICLE 12
RIGHT TO DECLINE TO GIVE EVIDENCE

1. A person who is required to give sworn or affirmed testimony or produce documents, records or other evidence under Article 11 of this Treaty in the

Requested Party pursuant to a request for assistance may decline to do so where -

(a) the law of the Requested Party permits or requires that person to decline to do so in similar circumstances in proceedings originating in the Requested Party; or

(b) the law of the Requesting Party permits or requires that person to decline to do so in similar circumstances in proceedings originating in the Requesting Party.

2. If the person claims that there is a right to decline to give sworn or affirmed testimony or produce documents, records or other evidence under Article 11 of this Treaty under the law of the Requesting Party, the Requesting Party shall, if so requested, provide a certificate to the Requested Party as to the existence or otherwise of that right.

ARTICLE 13
PROVISION OF PUBLICLY AVAILABLE DOCUMENTS AND OTHER RECORDS

1. The Requested Party shall provide to the Requesting Party copies of publicly available documents or records in the possession of government departments and agencies.

2. The Requested Party may, subject to its domestic laws and practices, provide the Requesting Party with copies of any documents or records in the possession of government departments and agencies that are not publicly available. The Requested Party may in its discretion deny, entirely or in part, a request pursuant to this paragraph.

ARTICLE 14

ATTENDANCE OF PERSON IN THE REQUESTING PARTY

1. The Requested Party may, subject to its domestic laws and practices, assist in arranging the attendance of a person in the Requested Party, subject to his consent, in the Requesting Party-

   (a) to assist in the investigations in relation to a criminal matter in the Requesting Party; or

   (b) to appear in proceedings in relation to a criminal matter in the Requesting Party unless that person is the person charged.

2. The Requested Party shall, if satisfied that satisfactory arrangements for that person's safety will be made by the Requesting Party, invite the person to give or provide evidence or assistance in relation to a criminal matter in the Requesting Party. The person shall be informed of any expenses or allowances payable.

3. The Requested Party shall promptly inform the Requesting Party of the person's response and, if the person consents, take any steps necessary to facilitate the person's attendance in the Requesting Party.

4. Nothing in this Article shall prevent the use of live video or live television links or other appropriate communications facilities in accordance with the laws and practices of the Requested Party if it is expedient in the interests of justice to do so.

ARTICLE 15

ATTENDANCE OF PERSON IN CUSTODY IN THE REQUESTING PARTY

1. The Requested Party may, subject to its domestic laws and practices, agree to allow a person in custody in the Requested Party, subject to his consent, to be temporarily transferred to the Requesting Party to give evidence or to assist in the investigations.

2. While the person transferred is required to be held in custody under the law of the Requested Party, the Requesting Party shall hold the person in custody and shall return that person in custody to the Requested Party at the conclusion of the matter in relation to which transfer was sought or at such earlier time as the person's presence is no longer required.

3. Where the Requested Party advises the Requesting Party that the transferred person is no longer required to be held in custody, that person shall be released from custody and be treated as a person referred to in Article 14 of this Treaty.

4. The Requesting Party shall not require the Requested Party to initiate extradition proceedings for the return of the person transferred.

5. The period during which such person was under the custody of the Requesting Party shall count towards the period of his imprisonment or detention in the Requested Party.

6. No transfer under this Article shall be effected unless the Requesting Party gives an undertaking -

   (a) to bear and be responsible for all the expenses of the transfer of custody;

(b) to keep the person under lawful custody throughout the transfer of his custody; and

(c) to return him into the custody of the Requested Party immediately upon his attendance before the competent authority or court in the Requesting Party is dispensed with.

7. Nothing in this Article shall prevent the use of live video or live television links or other appropriate communications facilities in accordance with the laws and practices of the Requested Party if it is expedient in the interests of justice to do so.

ARTICLE 16
SAFE CONDUCT

1. Subject to paragraph 2, where a person is present in the Requesting Party pursuant to a request made under Article 14 or 15 of this Treaty -

(a) that person shall not be detained, prosecuted, punished or subjected to any other restriction of personal liberty in the Requesting Party in respect of any acts or omissions or convictions for any offence against the law of the Requesting Party that is alleged to have been committed, or that was committed, before the person's departure from the Requested Party;

(b) that person shall not, without that person's consent, be required to give evidence in any criminal matter in the Requesting Party other than the criminal matter to which the request relates; or

(c) that person shall not be subjected to any civil suit in respect of any act or omission of the person that is alleged to have occurred, or that had occurred, before the person's departure from the Requested Party.

2. Paragraph 1 shall cease to apply if that person, being free and able to leave, has not left the Requesting Party within a period of 15 consecutive days after that person has been officially told or notified that his presence is no longer required or, having left, has voluntarily returned.

3. A person who attends before a competent authority or court in the Requesting Party pursuant to a request made under Article 14 or 15 of this Treaty shall not be subject to prosecution based on such testimony except that that person shall be subject to the laws of the Requesting Party in relation to contempt of court and perjury.

4. A person who does not consent to attend in the Requesting Party pursuant to a request made under Article 14 or 15 of this Treaty shall not by reason only of such refusal or failure to consent be subjected to any penalty or liability or otherwise prejudiced in law notwithstanding anything to the contrary in the request.

ARTICLE 17
TRANSIT OF PERSONS IN CUSTODY

1. The Requested Party may, subject to its domestic laws and practices, authorize the transit through its territory of a person held in custody, by the Requesting Party or a third State, whose personal appearance has been requested by the Requesting Party in a criminal matter.

2. Where the aircraft, vessel or train by which the person is being transported lands or calls or stops in the Requested Party, the custodial or escorting officers of the Requesting Party or, if applicable, the third State that is assisting the Requesting Party to facilitate the transfer shall continue to be responsible for the custody of the person being transported while he is on transit in the Requested Party, unless otherwise agreed by the Requested Party.

3. Without prejudice to paragraph 2 and where the Requested Party agrees, the person being transported may be kept temporarily in the custody of a competent authority of the Requested Party until his transportation is continued.

4. Where a person is being held in custody in the Requested Party on transit and the person's transportation is not continued within a reasonable time, the Requested Party may direct that the person be transported in custody to the State from which the person was first transported.

5. All costs and expenses incurred by the Requested Party in respect of paragraphs 3 and 4 shall be reimbursed by the Requesting Party.

ARTICLE 18
SEARCH AND SEIZURE

1. The Requested Party shall, subject to its domestic laws, execute a request for the search, seizure and delivery of any documents, records or items to the Requesting Party if there are reasonable grounds for believing that the documents, records or items are relevant to a criminal matter in the Requesting Party.

2. The Requesting Party shall observe any conditions imposed by the Requested Party in relation to any seized documents, records or items which may be delivered to the Requesting Party that are considered necessary by the Requested Party to protect the documents, records or items to be transferred.

3. The Requested Party shall as soon as practicable inform the Requesting Party of the result of any search, the place and circumstances of seizure, and the subsequent custody of the documents, records or items seized.

ARTICLE 19
RETURN OF EVIDENCE

1. The Requesting Party shall at the conclusion of the criminal matter in respect of which the request for assistance was made return to the Requested Party any documents, records or items provided to the Requesting Party pursuant to a request under this Treaty.

2. Notwithstanding paragraph 1, the Requesting Party shall at any time, upon request, temporarily return to the Requested Party any documents, records or items provided to the Requesting Party pursuant to a request under this Treaty if these are needed for a criminal matter in the Requested Party.

ARTICLE 20
LOCATION OR IDENTIFICATION OF PERSONS

The Requested Party shall, subject to its domestic laws, use its best endeavors to ascertain the location or identity of a person specified in the request and who is reasonably believed to be within its territory.

ARTICLE 21
SERVICE OF DOCUMENTS

1. The Requested Party shall, subject to its domestic laws, use its best endeavors to effect service of any document in respect of a criminal matter issued by any court in the Requesting Party.

2. The Requesting Party shall transmit any request for the service of a document which requires a response or appearance in the Requesting Party not later than thirty days before the scheduled response or appearance.

3. The Requested Party shall return a proof of service in the manner mutually agreed by the Parties concerned.

4. For the purposes of paragraph 3, the expression "proof of service" includes information in the form of an affidavit on when and how the document was served and, where possible, a receipt signed by the person on whom it was served and if the serving officer has not been able to cause the document to be served, that fact and the reason for the failure.

ARTICLE 22
ASSISTANCE IN FORFEITURE PROCEEDINGS

1. The Requested Party shall, subject to its domestic laws, endeavor to locate, trace, restrain, freeze, seize, forfeit or confiscate property derived from the commission of an offence and instrumentalities of crime for which such assistance can be given provided that the Requesting Party provides all information which the Requested Party considers necessary.

2. Where a request is made under paragraph 1, the request shall be accompanied by the original signed order, or a duly authenticated copy of it.

3. A request for assistance under this Article shall be made only in respect of orders and judgements that are made after the coming into force of this Treaty.

4. Subject to the domestic laws of the Requested Party, property forfeited or confiscated pursuant to this Article may accrue to the Requesting Party unless otherwise agreed in each particular case.

5. The Requested Party shall, subject to its domestic laws, pursuant to any agreement with the Requesting Party transfer to the Requesting Party the agreed share of the property recovered under this Article subject to the payment of costs and expenses incurred by the Requested Party in enforcing the forfeiture order.

ARTICLE 23
COMPATIBILITY WITH OTHER ARRANGEMENTS

Nothing in this Treaty shall prevent the Parties from providing assistance to each other pursuant to other treaties, arrangements or the provisions of their national laws.

ARTICLE 24
CERTIFICATION AND AUTHENTICATION

1. Each Party shall, upon request, authenticate any documents or other material to be transmitted to the other Party under this Treaty.

2. A document is duly authenticated for the purposes of this Treaty if -

(a) it purports to be signed or certified by a judge, magistrate, or officer in or of the Party transmitting the document duly authorized by the law of that Party; and

(b) either -

(i) it is verified by the oath or affirmation of a witness, or of an officer of the government of that Party; or

(ii) it purports to be sealed with an official or public seal of that Party or of a Minister of State, or of a department or officer of the government, of that Party.

3. Nothing in this Article shall prevent the proof of any matter or the admission in evidence of any document in accordance with the law of the Requesting Party.

4. Subject to the domestic laws of each Party -

(a) a document signed with a digital or electronic signature in accordance with the laws of the Party concerned shall be as legally binding as a document signed with a handwritten signature, an affixed thumb-print or any other mark; and

(b) a digital or electronic signature created in accordance with the laws of the Party concerned shall be deemed to be a legally binding signature.

ARTICLE 25
COSTS

1. The Requested Party shall assume all ordinary expenses of fulfilling the request for assistance except that the Requesting Party shall bear -

   (a) the fees of counsel retained at the request of the Requesting Party;

   (b) the fees and expenses of expert witnesses;

   (c) the costs of translation, interpretation and transcription;

   (d) the expenses associated with conveying any person to or from the territory of the Requested Party and the fees, allowances and expenses payable to the person concerned while that person is in the Requesting Party pursuant to a request made under Article 14 or 15 of this Treaty; and

   (e) the expenses associated with conveying custodial or escorting officers.

2. The cost of establishing live video or television links or other appropriate communications facilities, the costs related to the servicing of live video or television links or other appropriate communications facilities, the remuneration of interpreters provided by the Requested Party and allowances to witnesses and their traveling expenses in the Requested Party shall be refunded by the Requesting Party to the Requested Party, unless the Parties mutually agree otherwise.

3. If during the execution of the request it becomes apparent that expenses of an extraordinary or substantial nature are required to fulfill the request,

the Parties shall consult to determine the terms and conditions under which the execution of the request is to be effected or continued.

ARTICLE 26
CONSULTATION

1. The Central Authorities of the Parties shall consult, at times mutually agreed upon by them, to promote the most effective use of this Treaty.

2. The Parties may develop such practical measures as may be necessary to facilitate the implementation of this Treaty.

ARTICLE 27
AMENDMENT

1. This Treaty may be modified or amended at any time by mutual written consent of the Parties. Such modification or amendment will enter into force on such date as may be mutually agreed upon by the Parties and will form part of this Treaty.

2. Any modification or amendment will be without prejudice to the rights and obligations arising from or based on this Treaty before or up to the date such modification or amendment enters into force.

ARTICLE 28
SETTLEMENT OF DISPUTES

Any difference or dispute between the Parties arising from the interpretation or implementation of the provisions of this Treaty shall be settled amicably through consultation or negotiation between the Parties through diplomatic channels or

any other peaceful means for the settlement of disputes as agreed between the Parties.

ARTICLE 29
RESERVATIONS

This Treaty shall not be subject to reservations.

ARTICLE 30
SIGNATURE, RATIFICATION, ACCESSION, DEPOSIT AND REGISTRATION

1. This Treaty shall be subject to ratification, acceptance, approval or accession in accordance with the constitutional procedure of the signatory States.

2. Any State may accede to this Treaty upon consensus by the original Parties.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Government of Malaysia which is designated as the Depositary State.

4. The Depositary State shall inform the other States that are Parties to this Treaty on the deposit of instruments of ratification, acceptance, approval or accession.

5. The Depositary State shall register this Treaty pursuant to Article 102 of the Charter of the United Nations.

ARTICLE 31
ENTRY INTO FORCE, APPLICATION AND TERMINATION

1. This Treaty shall enter into force for each Party ratifying, accepting, approving or acceding to it on the date of the deposit of its instrument of ratification, acceptance, approval or accession.

2. This Treaty shall apply to requests presented after the date of its entry into force for both the Parties concerned whether the relevant acts or omissions constituting the offence occurred before or after that date.

3. Any Party may denounce this Treaty by written notification to the Depositary State. Denunciation shall take effect six months following the date on which notification is received by the Depositary State.

4. Denunciation of this Treaty shall be without prejudice to the rights and obligations arising from or based on this Treaty and to the completion of any requests made pursuant to this Treaty before or up to the date of denunciation.

5. The denunciation of this Treaty shall have effect only as regards the Party that has notified it. The Treaty shall remain in force for the other Parties.

ARTICLE 32
DEPOSITARY OF TREATY

The original of this Treaty shall be deposited with the Depositary State which shall send certified copies of it to all the Parties.

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

Done at Kuala Lumpur on this 29th day of November 2004 in one original copy in the English language.

FOR THE GOVERNMENT OF
BRUNEI DARUSSALAM

.....

Dato' Seri Paduka Haji Kifrawi
Dato' Paduka Haji Kifli
Attorney General

FOR THE GOVERNMENT OF THE
KINGDOM OF CAMBODIA

.....

Ang Vong Vathana
Minister of Justice

FOR THE GOVERNMENT OF THE
REPUBLIC OF INDONESIA

.....

Dr. Hamid Awaludin
Minister of Law and Human Rights

FOR THE GOVERNMENT OF THE
LAO PEOPLE'S DEMOCRATIC
REPUBLIC

.....

Khamn Ouane Boupha
Minister of Justice

FOR THE GOVERNMENT OF
MALAYSIA

.....

Tan Sri Abdul Gani Patail
Attorney General

FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES

.....

Macabangkit Lanto
Undersecretary, Department of Justice

FOR THE GOVERNMENT OF THE
REPUBLIC OF SINGAPORE

.....

Chan Sek Keong
Attorney General

FOR THE GOVERNMENT OF THE
SOCIALIST REPUBLIC OF VIETNAM

.....

Le The Tiem
Vice Minister of Public Security

AND FURTHER TO the consensus of the existing signatory States that the Union of Myanmar and the Kingdom of Thailand should also sign and ratify the Treaty as original Parties, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

Signed at Kuala Lumpur on this 17th day of January 2006.

FOR THE GOVERNMENT OF THE UNION OF MYANMAR

.....

U Myint Aung
Ambassador of the Union of Myanmar to Malaysia

FOR THE GOVERNMENT OF THE KINGDOM OF THAILAND

.....

Pachara Yutidhammadamrong
Attorney General

TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS [SIGNED ON 29 NOVEMBER 2004]

LIST OF MODIFICATIONS

Provision	*Modifications*	*In force from*
Preamble	The Preamble is modified - (a) by inserting after the words "Malaysia," the words "the Union of Myanmar,"; and (b) by inserting after the words "Republic of Singapore" the words ", the Kingdom of Thailand".	17 January 2006
Signature block	The Treaty is modified by inserting after the existing signature block the following signature block: "AND FURTHER TO the consensus of the existing signatory States that the Union of Myanmar and the Kingdom of Thailand should also sign and ratify the Treaty as original Parties, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty. Signed at Kuala Lumpur on this 17th day of January 2006. FOR THE GOVERNMENT OF THE UNION OF MYANMAR ..... U Myint Aung *Ambassador of the Union of Myanmar to Malaysia* FOR THE GOVERNMENT OF THE KINGDOM OF THAILAND ..... Pachara Yutidhamma-damrong *Attorney General*".	17 January 2006