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*1st Session* }

SENATE

{ TREATY DOC.  
104-20 }

TREATY WITH HUNGARY ON MUTUAL LEGAL  
ASSISTANCE IN CRIMINAL MATTERS

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

THE TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF HUNGARY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS, SIGNED AT BUDAPEST ON DECEMBER 1, 1994



SEPTEMBER 6, 1995.—Treaty was read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1995



## LETTER OF TRANSMITTAL

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THE WHITE HOUSE, *September 6, 1995.*

*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 Republic of Hungary on Mutual Legal Assistance in Criminal Matters, signed at Budapest on December 1, 1994. I transmit also, 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 that the United States is negotiating in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white-collar" criminals, and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) taking testimony or statements of persons; (2) providing documents, records, and articles of evidence; (3) serving documents; (4) locating or identifying persons or items; (5) transferring persons in custody for testimony or other purposes; (6) executing requests for searches and seizures; (7) assisting in forfeiture proceedings; and (8) rendering any other form of assistance not prohibited by the laws of the Requested State.

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

WILLIAM J. CLINTON.



## LETTER OF SUBMITTAL

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DEPARTMENT OF STATE,  
*Washington, August 4, 1995.*

The PRESIDENT,  
*The White House.*

I have the honor to submit to you the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Mutual Legal Assistance in Criminal Matters (the "Treaty"), signed at Budapest on December 1, 1994. I recommend that 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, similar bilateral treaties have entered into force with Argentina, The Bahamas, Canada, Italy, Jamaica, Mexico, Morocco, the Netherlands, Spain, Switzerland, Thailand, Turkey, the United Kingdom (concerning the Cayman Islands), and Uruguay. Other similar treaties have been signed and ratified by the United States (but have not yet entered into force) with Belgium, Colombia, and Panama. In addition, treaties with Nigeria, Korea, and the United Kingdom have been transmitted to the Senate and await Senate consideration. This Treaty contains many provisions similar to those in the other treaties.

It will enhance our ability to investigate and prosecute a variety of offenses, including violent crimes, drug trafficking, and fraud and other white-collar crimes. The Treaty is designed to be self-executing and will not require implementing legislation.

Article 1 contains a non-exhaustive list of the major types of assistance to be provided under the Treaty, including taking the testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons or items; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in forfeiture proceedings; and any other form of assistance not prohibited by the laws of the Requested State. The scope of the Treaty includes not only criminal offenses, but also proceedings related to criminal matters, which may be civil or administrative in nature. Moreover, the article declares that dual criminality is not required for assistance to be provided under the Treaty. In other words, assistance shall be provided without regard to whether the conduct involved would constitute an offense under the laws of the Requested State. The article makes it clear that the Treaty is designed to be utilized only by governmental authorities who seek evidence for use in criminal investigations and prosecutions. The

Treaty is not intended to create any right in a private person to seek, suppress or exclude evidence.

Article 2 provides for the establishment of Central Authorities and defines the Central Authorities for purposes of the Treaty. For the United States, the Central Authority is the Attorney General or a person designated by the Attorney General. For the Republic of Hungary, the Central Authority is the Minister of Justice and the Chief Public Prosecutor, or persons designated by them. The Central Authorities shall communicate directly between each other for purposes of the Treaty. This dual Central Authority arrangement for Hungary reflects the importance and independence of the Office of the Chief Public Prosecutor in the Hungarian criminal justice system. Although such an arrangement will be unique among U.S. treaties in the mutual assistance field, no practical problems with implementation of the Treaty are anticipated.

Article 3 sets forth the circumstances under which the Requested State may deny assistance under the Treaty. A request may be denied if it relates to a political offense, or a military offense that would not be a crime under ordinary criminal law. In addition, a request may be denied if its execution would prejudice the sovereignty, security or similar essential interests of the Requested State, or if the request does not comply with the provisions of Article 4.

Before denying assistance under Article 3, the Central Authority of the Requested State is required to consult with its counterpart in the Requesting State to consider whether assistance can be given subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to conditions, it shall comply with the conditions. If the Central Authority of the Requested State denies assistance, it shall inform the Central Authority of the Requesting State of the reasons for the denial.

Article 4 prescribes the form and content of written requests under the Treaty, specifying in detail the information required in each request. The article specifies further information to be provided to the extent necessary and possible to assist in locating individuals and effecting particular types of assistance. Unless otherwise agreed, all requests and supporting documents shall be in the language of the Requested State.

Article 5 requires the Requested State to comply promptly with a request, or to transmit it to the authorities with jurisdiction to do so. The competent authorities of the Requested State shall do everything in their power to execute a request. The judicial authorities of the Requested State shall have the authority to issue subpoenas, search warrants, or other orders necessary to execute the request.

Requests are to be executed in accordance with the laws of the Requested State except to the extent the Treaty provides otherwise. However, the method of execution specified in the request shall be followed except insofar as it is prohibited by the laws of the Requested State. If the Central Authority of the Requested State determines that execution of the request would interfere with an ongoing criminal investigation or proceeding, it may postpone execution or, after consultations with the Requesting State, impose con-

ditions on such execution. If the Requesting State accepts assistance subject to such conditions, it shall comply with them.

Article 5 further requires the Requested State, if so requested, to use its best efforts to keep confidential a request and its contents, and to inform the Requesting State if the request cannot be executed without breaching confidentiality.

Article 6 apportions between the two States the costs incurred in executing a request. Generally, the Requested State pays all costs relating to the execution of the request, except for the fees of expert witnesses, travel and subsistence expenses for the travel of persons pursuant to Articles 10 or 11, and the costs of translation, interpretation, and transportation.

Article 7 provides that the Central Authority of the Requested State may require that any information or evidence obtained under the Treaty not be used for investigations, proceedings, or prosecutions other than those described in the request without the prior consent of the Requested State. If the Requested State requests that information or evidence furnished be kept confidential or be used in accordance with conditions specified by its Central Authority, the Requesting State is required to use its best efforts to comply with the conditions specified. Once information is made public in the Requesting State in accordance with the Treaty, no further limitations on use apply.

Article 8 provides that the Requested State may compel, if necessary, the taking of testimony or production of documents or other evidence in its territory on behalf of the Requesting State. The article requires the Requested State, upon request, to inform the Requesting State in advance of the date and place of the taking of testimony.

Article 8 also requires the Requested State to permit the presence of any persons specified in the request (such as the accused, counsel for the accused, or other interested persons) and to permit such persons to question the person whose testimony is being taken or, if such direct questioning is not permitted, to submit questions to the appropriate authority. In the event that a person whose testimony or evidence is being taken asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting State, the testimony or evidence shall be taken and the claim made known to the Requesting State for resolution by its authorities.

Finally, Article 8 provides a mechanism for authentication of documentary evidence produced pursuant to this article and provides that no further authentication or certification shall be necessary in order for such information to be admissible in evidence in proceedings in the Requesting State.

Article 9 requires that the Requested State provides the Requesting State with copies of publicly available records or information of government departments or agencies. The Requested State may further provide copies of records or information in the possession of a governmental or judiciary authority in that State but not publicly available, to the same extent and under the same conditions as it would to its own law enforcement or judicial authorities, but the Requested State has the discretion to deny such requests entirely or in part. Article 9 provides that no further authentication is necessary for admissibility into evidence in the Requesting State

for official records authenticated in accordance with the provisions of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents dated October 5, 1961.

Article 10 provides a mechanism for the Requesting State to invite the voluntary appearance and testimony in its territory of a person located in the Requested State. The Central Authority of the Requested State is required to invite the person to appear and promptly to inform the Requesting State of the person's response.

Article 11 provides for the voluntary transfer to one State of a person in custody in the other State for purposes of assistance under the Treaty, provided that the person in question and both States agree. The article establishes the express authority and the obligation of the Requesting State to maintain the person transferred in custody unless otherwise authorized by the Requested State. It further obligates the Requesting State to return the person to the Requested State as soon as circumstances permit or as otherwise agreed by both Central Authorities, without the need for extradition proceedings.

Article 12 provides that the Central Authority of the Requesting State may, in its discretion, determine that a person appearing in the Requesting State pursuant to Article 10 or 11 shall not be subject to service of process, or be detained or subjected to any restriction of personal liberty. This "safe conduct" is limited to acts or convictions that preceded the person's departure from the Requested State. Any safe conduct provided under this article shall cease 15 days after the person's presence is no longer required in the Requesting State or whenever the person voluntarily reenters the Requesting State after leaving it.

Article 13 requires the Requested State to use its best efforts to ascertain the location or identity of persons or items specified in a request.

Article 14 requires the Requested State to use its best efforts to effect service of any documents relating to or forming part of a request under the Treaty. The article further requires that any request for the service of a document inviting a person to appear in the territory of the Requesting State be transmitted by the Requesting State a reasonable time before the scheduled appearance. The Requested State is required to return proof of service.

Article 15 obligates the Requested State to execute requests for 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. If required by the Central Authority of the Requesting State, the article further provides for the certification (using Form B appended to the Treaty) by every official of the Requested State who has had custody of a seized item of the continuity of custody, its identity, and the integrity of its condition. No further certification is required under the Treaty, and any such certificates shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein. In addition, Article 15 provides that the Central Authority of the Requested State may impose conditions on the transfer of the seized items to protect third-party interests in the property.

Article 16 obliges the Requesting State to return to the Requested State as soon as possible any documents, records, or arti-



cles of evidence furnished under the Treaty, if the Requested State so requests.

Article 17 provides that, if one State becomes aware of proceeds or instrumentalities of offenses that are located in the territory of the other State and may be forfeitable or otherwise subject to seizure under the laws of the other State, it may so inform the other State. Article 17 also obligates the States to assist one another to the extent permitted by their respective laws in proceedings involving the forfeiture of the proceeds and instrumentalities of crime, restitution to the victims of crime, and the collection of fines imposed as sentences in criminal prosecutions. The article further permits the States to agree to share forfeited assets, or the proceeds of their sale, to the extent permitted by applicable laws and upon such terms as they deem appropriate.

Article 18 states that assistance and procedures provided in the Treaty shall not prevent the granting of assistance under any other international agreement between the two States, or through the provisions of its national laws. The article also states that the Treaty shall not prevent the granting of assistance pursuant to any bilateral arrangement, agreement, or practice which may be applicable.

Article 19 provides that the Central Authorities of the Contracting Parties shall consult, at times mutually agreed upon, concerning the most effective means to implement the provisions of the Treaty.

Article 20 provides that the Treaty shall be ratified and shall enter into force upon the exchange of instruments of ratification. In addition, Article 20 allows either Contracting Party to terminate the Treaty with six months written notice to the other Party.

A Technical Analysis explaining in detail the provisions of the Treaty is being prepared by the United States negotiating delegation, consisting of representatives from the Departments of Justice and State, and will be transmitted separately to the Senate Committee on Foreign Relations.

The Department of Justice joins the Department of State in recommending approval of this Treaty by the Senate as soon as possible.

Respectfully submitted.

PETER TARNOFF.

TREATY  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF HUNGARY  
ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The Government of the United States of America and the  
Government of the Republic of Hungary;

Desiring to improve their cooperation in the prevention,  
investigation, and prosecution of crime through mutual legal  
assistance in criminal matters;

Have agreed as follows:

Article 1

Scope of Obligation to Provide Assistance

1. The Contracting Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the prevention, investigation, and prosecution of offenses, and in proceedings related to criminal matters.
2. Assistance shall include:
  - (a) taking the testimony or statements of persons;
  - (b) providing documents, records, and articles of evidence;
  - (c) serving documents;
  - (d) locating or identifying persons or items;
  - (e) transferring persons in custody for testimony or other purposes;
  - (f) executing requests for searches and seizures;
  - (g) immobilizing assets;
  - (h) assisting in proceedings related to forfeiture, restitution, and collection of fines; and
  - (i) any other form of assistance not prohibited by the laws of the Requested State.
3. Assistance shall be provided without regard to whether the conduct which is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offense under the laws of the Requested State.

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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 any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

Article 2

Central Authorities

1. Each Contracting Party shall have a Central Authority to make and receive requests pursuant to this Treaty.
2. For the United States of America, the Central Authority shall be the Attorney General or such persons designated by the Attorney General. For the Republic of Hungary, the Central Authority shall be the Minister of Justice and the Chief Public Prosecutor or such persons designated by them.
3. The Central Authorities shall communicate directly with one another for the purposes of this Treaty.

Article 3  
Limitations on Assistance

1. The Central Authority of the Requested State may deny assistance if:
  - (a) the request relates to a political offense;
  - (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 is likely to prejudice the sovereignty, security or similar essential interests of the Requested State; or
  - (d) the request does not comply with the provisions of Article 4.
  
2. Before denying assistance pursuant to this Article, the Central Authority of the Requested State shall consult with the Central Authority of the Requesting State to consider whether assistance can be given subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with the conditions.
  
3. If the Central Authority of the Requested State denies assistance, it shall inform the Central Authority of the Requesting State of the reasons for the denial.

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## Article 4

## Form and Contents of Requests

1. A request for assistance shall be in writing except that the Central Authority of the Requested State may accept a request in another form in urgent situations. In any such situation, the request shall be confirmed in writing within ten days unless the Central Authority of the Requested State agrees otherwise. The request shall be in the language of the Requested State unless agreed otherwise.

2. The request shall include the following:

- (a) the name of the 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 the specific criminal offenses which relate to the matter;
- (c) a description of the evidence, information, or other assistance sought; and
- (d) 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 or item to be located;
- (d) a precise description of the place or person to be searched and of the items to be seized;
- (e) a description of the manner in which any testimony or statement is to be taken and recorded;
- (f) a description of the testimony sought, which may include a list of questions to be asked of a witness;
- (g) a description of any particular procedure to be followed in executing the request;
- (h) information as to the allowances and expenses to which a person asked to appear in the Requesting State will be entitled; and
- (i) any other information which may be brought to the attention of the Requested State to facilitate its execution of the request.

Article 5  
Execution of Requests

1. The Central Authority of the Requested State shall promptly execute the request or, when appropriate, transmit it to the authority having jurisdiction to do so. The competent authorities of the Requested State shall do everything in their power to execute the request. The judicial authorities of the Requested State shall have authority to issue subpoenas, search warrants, or other orders necessary to execute the request.
2. When necessary, the request shall be presented to the appropriate authority by the persons appointed by the Central Authority of the Requested State.
3. Requests shall be executed in accordance with the laws of the Requested State except to the extent that this Treaty provides otherwise. The method of execution specified in the request shall be followed except insofar as it is prohibited by the laws of the Requested State.
4. If the Central Authority of the Requested State determines that execution of a request would interfere with an ongoing criminal investigation, prosecution, or proceeding in that State, it may postpone execution, or make execution subject to conditions determined to be necessary after consultations with



the Central Authority of the Requesting State. If the Requesting State accepts the assistance subject to the 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 Central Authority of the Requesting State. If the request cannot be executed without breaching the requested 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.

6. The Central Authority of the Requested State shall respond to reasonable inquiries by the Central Authority of the Requesting State concerning progress toward execution of the request.

7. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the outcome of the execution of the request. If execution of the request is delayed or postponed, the Central Authority of the Requested State shall inform the Central Authority of the Requesting State of the reasons for such delay or postponement.

Article 6

Costs

The Requested State shall pay all costs relating to the execution of the request 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 fees, costs, allowances, and expenses shall be paid by the Requesting State.

Article 7

Limitations on Use

1. The Central Authority of the Requested State may require that any information or evidence obtained under this Treaty not be used in any investigation, prosecution, or proceeding other than that described in the request without the prior consent of the Requested State.
2. The Central Authority of the Requested State may request that information or evidence furnished under this Treaty be kept confidential or be used in accordance with conditions which its Central Authority shall specify. In that case, the

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Requesting State shall use its best efforts to comply with the conditions specified.

3. Information or evidence which has been made public in the Requesting State in accordance with paragraph 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 be compelled, if necessary, to appear and testify or produce any item, including, but not limited to, documents, records, and articles of evidence.
2. Upon request, the Central Authority of 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 allow such persons to question the person whose testimony or evidence is being taken.

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4. A claim by a person referred to in paragraph 1 of immunity, incapacity, or privilege under the laws of the Requested State shall be resolved by the judicial authorities of the Requested State. However, if such person asserts a claim of immunity, incapacity, or privilege under laws of the Requesting State, the testimony or evidence shall nonetheless be taken and the claim made known to the Central Authority of the Requesting State for resolution by the authorities of that State.

5. If required by the Central Authority of the Requesting State, any items produced in the Requested State pursuant to this Article or which are the subject of testimony taken under this Article may be authenticated by an attestation, including, in the case of business records, authentication in the manner indicated in Form A, appended to this Treaty. Documents authenticated by Form A shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

#### Article 9

##### Official Records

1. The Requested State shall provide the Requesting State with copies of publicly available documents, records, or

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information recorded in any form in the possession of a governmental or judicial authority in the Requested State.

2. The Requested State may provide copies of any documents, records, or information recorded in any form which are in the possession of a governmental or judicial authority in that State but which are not publicly available, to the same extent and under the same conditions as such copies would be available to its own law enforcement or judicial authorities. The Requested State may in its discretion deny a request pursuant to this paragraph entirely or in part.

3. Official records produced pursuant to this Article may be authenticated under the provisions of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents dated 5 October 1961. No further authentication shall be necessary. Documents authenticated under this paragraph shall be admissible in evidence in the Requesting State.

#### Article 10

##### Invitation to Appear in the Requesting State

The Requested State shall invite a person in that State to appear before the appropriate authority in the Requesting

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State. The Requesting State shall indicate the extent to which the expenses will be paid. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the person's response.

Article 11

Transfer of Persons in Custody

1. A person in the custody of the Requested State whose presence in the Requesting State is needed for purposes of assistance under this Treaty shall be transferred from the Requested State for that purpose if both the person and the Central Authority of the Requested State consent to the transfer.
2. A person in the custody of the Requesting State whose presence in the Requested State is needed for purposes of assistance under this Treaty may be transferred to the Requested State if the person consents and if the Central Authorities of both States agree.
3. For purposes of this Article:
  - (a) the receiving State shall have the authority and the obligation to keep the person transferred in custody unless otherwise authorized by the sending State;

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- (b) the receiving State shall return the person transferred to the custody of the sending State as soon as circumstances permit or as otherwise agreed by both Central Authorities;
- (c) the receiving State shall not require the sending State to initiate extradition proceedings for the return of the person transferred; and
- (d) the person transferred shall receive credit for service of the sentence imposed in the sending State for time served in the custody of the receiving State.

Article 12  
Safe Conduct

1. The Central Authority of the Requesting State may, in its discretion, determine that a person appearing in the Requesting State pursuant to Articles 10 and 11 shall not be subject to service of process, or be detained or subjected to any restriction of personal liberty, by reason of any acts or convictions which preceded his departure from the Requested State.
2. The safe conduct shall cease 15 days after the Central Authority of the Requesting State has notified the Central Authority of the Requested State that the person's presence is

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no longer required, or if the person has left the Requesting State and voluntarily returned to it.

Article 13

Location or Identification of Persons or Items

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

Article 14

Service of Documents

1. The Requested State shall use its best efforts to effect service of any documents relating to or forming part of any request for assistance made by the Requesting State under the provisions of this Treaty.
2. The Requesting State shall transmit a request for the service of a document requiring the appearance of a person before an authority in the Requesting State 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 15

Search and Seizure

1. The Requested State shall execute a request for the search, seizure, and delivery of any item, including but not limited to any document, record, or article of evidence, to the Requesting State if the request includes the information justifying such action under the laws of the Requested State.
2. If required by the Central Authority of the Requesting State, every official of the Requested State who has had custody of a seized item shall certify, through the use of Form B 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 Requesting State as proof of the truth of the matters set forth therein.
3. The Central Authority of the Requested State may require that the Requesting State agree to terms and conditions deemed necessary to protect third party interests in the item to be transferred.

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Article 16  
Return of Items

If required by the Central Authority of the Requested State, the Central Authority of the Requesting State shall return as soon as possible any documents, records, or articles of evidence furnished to it in execution of a request under this Treaty.

Article 17  
Assistance in Forfeiture Proceedings

1. If the Central Authority of one Contracting Party becomes aware of proceeds or instrumentalities of offenses which are located in the territory of the other Party and may be forfeitable or otherwise subject to seizure under the laws of that Party, it may so inform the Central Authority of the other Party. If the other Party has jurisdiction in this regard, it may present this information to its authorities for a determination as to whether any action is appropriate. These authorities shall issue their decision in accordance with the laws of their country, and shall, through their Central Authority, report to the other Party on the action taken.

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2. The Contracting Parties shall assist each other to the extent permitted by their respective laws in proceedings relating to the forfeiture of the proceeds and instrumentalities of offenses, restitution to the victims of crime, and the collection of fines imposed as sentences in criminal prosecutions. This may include action to temporarily restrain the disposition of the proceeds or instrumentalities of offenses pending further proceedings.

3. A Requested State in control of forfeited proceeds or instrumentalities shall dispose of them in accordance with its law. To the extent permitted by its laws and upon such terms as it deems appropriate, either Party may transfer forfeited assets or the proceeds of their sale to the other Party.

#### Article 18

##### Compatibility with Other Treaties, Agreements, or Arrangements

Assistance and procedures set forth in this Treaty shall not prevent either Contracting Party from granting assistance to the other Party through the provisions of other international agreements to which it may be a State Party, or through the provisions of its national laws. The Contracting

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Parties may also provide assistance pursuant to any bilateral arrangement, agreement, or practice which may be applicable.

Article 19  
Consultation

The Central Authorities of the Contracting Parties shall consult, at times mutually agreed to by them, to enable the most effective use to be made of this Treaty.

Article 20  
Ratification, Entry Into Force, and Termination

1. This Treaty shall be subject to ratification, and the instruments of ratification shall be exchanged at Washington as soon as possible.
2. This Treaty shall enter into force upon the exchange of instruments of ratification.
3. Either contracting Party may terminate this Treaty by means of written notice to the other Party. Termination shall take effect six months following the date of notification through the diplomatic channel.

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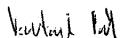
IN WITNESS WHEREOF, the undersigned, being duly authorized  
by their respective Governments, have signed this Treaty.

DONE at Budapest this *first* day of *December*  
1994, in duplicate, in the English and Hungarian languages,  
both texts being equally authentic.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF  
THE REPUBLIC OF HUNGARY:





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Form B

ATTESTATION WITH RESPECT TO SEIZED ARTICLES

I, (name) attest on penalty of criminal punishment for false statement or attestation that my position with the Government of (country) is (title). I received custody of the articles listed below from (name of person) on (date), at (place). I relinquished custody of the articles listed below to (name of person) on (date), at (place) in the same condition as when I received them (or, if different, as noted below).

Description of Articles:

Changes in Condition while in my Custody:

Official Seal

Signature

Title

Place

Date