

中華民國（臺灣）政府

與

聖露西亞政府

刑事司法互助條約

中華民國（臺灣）政府與聖露西亞政府刑事司法互助條約

中華民國（臺灣）政府與聖露西亞政府（以下分稱「一方」，合稱「雙方」）基於彼此在刑事司法互助領域中之共識，並遵循各自之憲法原則，以提升刑事司法合作為目的，同意訂立下列條款：

第一條 協助之範圍

1. 雙方應依本條約之規定，提供有關調查、起訴、犯罪防制及相關刑事司法程序中之相互協助。
2. 雙方在各自法律所允許之範圍內，應盡其可能在重大犯罪之調查、起訴、法院程序中之任何階段，提供彼此最廣泛之司法互助。
3. 協助應包括：
 - (a) 取得證言或供述；
 - (b) 提供作為證據所用之文書、紀錄及物品；
 - (c) 確定關係人之所在或確認其身分；
 - (d) 文書送達；
 - (e) 執行搜索及扣押之請求；
 - (f) 勘驗物品及處所；
 - (g) 協助凍結、沒收或執行罰金之程序；及
 - (h) 其他與本條約目的相符，且合於受請求國國內法律體系之刑事程序相關請求。
4. 本條約僅供雙方間進行本條所定刑事司法互助之用。本條約之規定不因而使任何私人有權獲取、隱匿、排除證據或阻礙請求之執行。

第二條 中央主管機關

1. 雙方之中央主管機關係指：

- (a) 代表中華民國（臺灣）政府者，為該國法務部或該部指定之人；
 - (b) 代表聖露西亞政府者，為該國檢察總署或該署指定之人。
2. 依本條約所提出之司法互助請求、回復，及與程序相關之資訊提供，應直接經由雙方中央主管機關遞送，惟亦可經由外交管道為之。

第三條 協助之限制

1. 有下列情形之一者，受請求國之中央主管機關得拒絕全部或部分之協助：
- (a) 請求涉及政治犯行；
 - (b) 請求所涉犯行僅觸犯軍法，而未構成軍事法律以外刑事法律之犯行；
 - (c) 該請求之執行將有害受請求國之安全、公共秩序或類似之重要利益；
 - (d) 該請求與本條約不符；
 - (e) 依第十四條或第十六條規定所為之請求，其所涉行為在受請求國領域內不構成犯罪；
 - (f) 請求之執行將違反受請求國之憲法；或
 - (g) 如立即執行請求將有礙於受請求國進行中之刑事調查、起訴或刑事訴訟程序時，得延緩執行。
2. 受請求國拒絕或暫緩協助前，應：
- (a) 及時通知請求國拒絕或暫緩之理由；及
 - (b) 與請求國協商是否在附加必要之條件後，再提供協助。如請求國接受該附加條件，則應遵守該條件。
3. 受請求國如拒絕協助，應以書面將拒絕之理由通知請求國。

第四條 請求之形式及其內容

1. 請求協助，應以書面為之。但在情事急迫情形或其他雙方事先同意之情形，得以其他方式提出。以其他方式提出請求者，除經受請求國之同意外，應於提出請求後十日內以書面確認之。請求協助除經受請求國同意外，應以受請求國所使用之語文提出。所有附件均應譯為受請求國之語文。
2. 請求書應包括下列事項：
 - (a) 提出請求書之權責機關；
 - (b) 進行調查、起訴或相關訴訟程序之機關名稱；
 - (c) 請求事項及調查、起訴或訴訟程序性質之說明，包括請求事項涉及之特定刑事罪名及其法定刑責。請求書應描述犯罪發生之日期、地點及情狀；
 - (d) 犯行所涉相關法律規定及適用刑責；
 - (e) 所需調查之證據、資料或其他請求協助之項目；及
 - (f) 所請求證據、資料或其他協助事項目的之說明。
3. 於必要範圍內，請求書亦應儘可能包括下列事項：
 - (a) 提供證據者之身分及其所在；
 - (b) 應受送達者之身分及其所在，與訴訟程序之關係及送達方式；
 - (c) 受調查人之身分及所在；
 - (d) 被搜索之地點、對象及應扣押物品之詳細描述；
 - (e) 有關取得及記錄證詞或供述方式之說明；
 - (f) 訊問證人或被告之問題；
 - (g) 執行請求時，應遵守之特別程序；
 - (h) 其他有助於受請求國執行請求之相關資料。
4. 如受請求國認為請求書所載內容不足致無法執行時，得要求提供補充資料。

第五條 請求之執行

1. 受請求國中央主管機關應立即執行請求，或於認適當時，轉由相關機關執行。受請求國之執行機關應盡力執行請求。
2. 受請求國為執行請求，而在受請求國代表請求國進行受請求之任何程序時，應為一切必要安排並負擔費用。
3. 除本條約另有規定外，應依受請求國法律及程序執行請求。惟請求書指定之執行方法，除違反受請求國法律者外，應予遵守。
4. 受請求國如認為執行請求對於受請求國進行之刑事調查、起訴或其他訴訟程序有所妨礙時，得延緩執行；或依照與請求國協商後所定之必要條件執行之。請求國如接受該附加條件，應予遵守。
5. 受請求國於請求國要求時，應對協助之請求及其內容，盡力保密。如為執行該請求而無法保密時，受請求國應通知請求國，由請求國決定是否仍執行該請求。
6. 受請求國對於請求國就執行請求進度所提出之合理詢問，應予回覆。
7. 受請求國應立即將執行結果通知請求國。如該請求遭拒絕時，受請求國應將拒絕協助理由以書面通知請求國。

第六條 費用

1. 受請求國應支付與執行請求有關之費用，但請求國應負擔下列費用：
 - (a) 根據請求國規定，支付本條約第十條所定人員之津貼或旅費；
 - (b) 有關人員依本條約第八條第三項規定前往、停留和離開受請求國所屬領域之津貼或旅費；

- (c) 依本條約第十一條規定建立及操作視訊會議、電視連線及翻譯、謄寫之費用；
 - (d) 鑑定人之費用及報酬；
 - (e) 筆譯、口譯及謄寫費用。
2. 執行請求如須支出超乎一般範圍之費用時，雙方應協商決定執行該請求之條件。

第七條 用途之限制

1. 請求國於未經受請求國書面同意前，不得將依本條約所取得之資料或證據，使用於請求書所載目的以外之用途。於此情形下，請求國之各機關應遵守進一步使用資料或證據之相關條件。
2. 受請求國對於依本條約而提供之資料或證據，得請求應予保密或僅得依其所指定之條件使用。請求國如在前述條件下接受資料或證據，應盡力遵守此條件。
3. 符合本條第一項或前項規定而在請求國公開之資料或證據，得在公開後使用於任何用途。

第八條 受請求國之證言或證據

1. 依本條約對受請求國內之人取得證據者，必要時應依受請求國法律強制其出庭、作證或提供文書、紀錄及物品等證據。在執行請求時，該人無論以口頭或書面方式為虛偽證言或供述者，應依受請求國之刑事法律起訴及處罰。
2. 受請求國於受請求時，應先提供有關依本條規定取得證言或證據之日期及地點之資料。
3. 受請求國執行請求時，應准許請求書中所指明之人在場，並在受請求國法律允許範圍內，准許該人依受請求國同意之方式，詢問證人或提供證據之人，並進行逐字紀錄。

4. 第一項所定之人依請求國法律之規定，提出有豁免權、無行為能力或特權之主張時，受請求國仍應取得所有請求國請求之證據，但受請求國應使請求國知悉該人之主張，以供後續處理。

第九條 官方紀錄

1. 請求國提出請求時，受請求國對其政府部門所持有得公開之紀錄副本，包括任何形式之文書或資料，應提供予請求國。
2. 受請求國經受請求時，就其政府部門持有之不公開文書、紀錄或資料之副本，得在與提供本國執法、司法機關相同程度及條件下，提供予請求國。受請求國得依本項規定，拒絕全部或部分之請求。

第十條 人員至請求國應訊

1. 請求國請求特定人員至該國應訊時，受請求國應要求該人員至請求國之適當機關應訊。受請求國應立即通知請求國有關該人員之回應。
2. 於本條第一項情形之案件，請求書或傳票應載明可請領之補助、旅費及雜支之預估金額。
3. 經特定請求，受請求國得預支款項予證人或專家。請求國應於請求書或傳票中載明預支款項之金額，並應由請求國支應。
4. 對於依前項同意至請求國領域內應訊之人員：
 - (a) 不得因該人於進入請求國領域前之任何作為、不作為或有罪判決而予以起訴、羈押、傳喚或以其他形式限制其人身自由；
 - (b) 不應強制該人在該請求所未涉及之任何其他調查、起訴或訴訟程序中作證或協助，除非事先取得受請求國與該人之同意；及

- (c) 除藐視法庭及偽證外，該人不因其證言而遭受起訴。
5. 如請求國不能作出上述保證，則被要求前往之人可拒絕該請求。
 6. 依本條第四項所定之保證，應於請求國通知受請求國該人已無需應訊之七日後，或該人離開請求國而自願返回時，終止之。請求國認有正當理由時，得依職權延長該期間至十五日。

第十一條 視訊訊問

1. 位在受請求國之人，得藉由視訊方式在請求國訴訟程序中作證。
2. 以視訊方式訊問證人時，相關程序應由受請求國之適當機關為之。
3. 以視訊方式訊問證人時，應在請求國權責機關監督下進行，而證據取得方法應依下列規定：
 - (a) 依請求國之國內法，並參酌受請求國所要求之方式與程序；及
 - (b) 雙方所同意保護證人之其他方法。
4. 以視訊進行訊問時，受請求國之適當機關應負責下列事項：
 - (a) 確保程序進行中有適當的翻譯；
 - (b) 確定證人身分；
 - (c) 為確保對證人之保護及其權利，而於必要時中止；
 - (d) 製作訊問之書面紀錄，紀錄應包括下列資訊：
 - a. 訊問之日期及地點；
 - b. 被訊問人之身分；
 - c. 其他參與訊問者之身分及職稱；
 - d. 具結之細節及訊問處所之科技狀況；及
 - (e) 依本條進行訊問後，在實際可行之情況下儘速傳送訊問紀錄。

5. 受請求國設置及使用視訊設備之費用、翻譯費、證人及專家之補貼、旅費，除經受請求國免除一部或全部，均應由請求國給付與受請求國。

第十二條 人或證物之所在或其辨識

如請求國尋求在受請求國內之人或證物之所在，或為身分、物件之辨識時，受請求國應盡力確定請求書所指明之人或證物之所在，或為身分、物件之辨識。

第十三條 文書送達

1. 受請求國應盡力有效送達請求國依本條約所提出，與請求全部或部分有關之文書。
2. 請求國請求送達之文書係要求特定人員至請求國機關應訊時，應於指定應訊時間前之合理期間內，提出送達該文書之請求。
3. 受請求國應依請求所指定之方式檢還送達證明。

第十四條 搜索及扣押

1. 請求國所提出搜索、扣押及移轉證物之請求，符合受請求國之法律規定時，受請求國即應執行此等請求。
2. 受請求國應依請求國之請求，提供有關搜索結果、扣押地、扣押情況及扣案證物之後續保管資訊。

第十五條 返還證物

受請求國得要求請求國，儘速返還依本條約執行請求時所提供之任何物證，包括文書、紀錄或得作為證物之物品。

第十六條 財產之限制處分及沒收

1. 雙方應依受請求國國內法，彼此協助有關犯罪所得及犯罪工具之識別、追蹤、限制處分、扣押及沒收程序。上述協助應包括暫時凍結犯罪所得及犯罪工具以便進行後續之程序。
2. 除本條約第四條所規定者外，有關限制處分或沒收之請求應另包括下列項目：
 - (a) 該財產之詳細說明；
 - (b) 該財產之所在及與本請求事項之關連性；
 - (c) 該財產與所涉犯行所具之可能關連性；及
 - (d) 請求國權責機關所核發之限制處分或沒收命令之副本。於處分或命令未載明理由時，應另敘明核發此處分或命令之理由。
3. 雙方得以個案為基礎，就沒收財產之最終處分方式，或就沒收財產變價後之分享，作成協議或為相互可接受之安排。

第十七條 第三人

1. 關於本條約第十四條之搜索及扣押，受請求國得要求請求國同意遵守必要條件，以保護第三人對於被移轉證物之權益。
2. 在依據本條約第十六條協助限制處分或沒收之程序中，第三人關於該財產之利益應於請求書中敘明。
3. 依本條約第十八條資產分享時，雙方應優先考量被害人及善意第三人之權利。

第十八條 資產分享

1. 受請求國依本條約第一條第三項第 g 款提供之協助，如對另一方沒收有所助益或將有助益，得請求另一方分享資產。
2. 除雙方另有約定外，該請求應於完成沒收之一年內提出。

3. 請求國應基於受請求國提供協助之程度，決定請求國資產分享之比例，但可執行之財產價值低微，或受請求國之協助程度輕微時，得不予分享。
4. 若該案件有可得確定之被害人及善意第三人時，雙方於資產分享時，應優先考量被害人及善意第三人之權利。

第十九條 與其他協定之關係

本條約所規定之協助及程序，並不禁止任何一方依其他協定或其國內法規定，對另一方提供協助。雙方亦得依任何可行之雙邊協議、協定或實務作法，提供協助。

第二十條 諮商

雙方之中央主管機關於相互同意時，應諮商以促進本條約之有效執行。中央主管機關亦得同意採取有助於履行本條約所必要之作法。

第二十一條 爭議之解決

任何因適用或解釋本條約所產生之爭議，應透過外交途徑諮商解決。

第二十二條 生效、修正與終止

1. 本條約應於雙方通知對方完成使本條約生效之內部必要程序後，自最後通知日起第三十日生效。該通知應以書面為之。
2. 本條約適用於生效後提出之所有請求，縱有關犯行係發生於本條約生效前，亦同。
3. 本條約得經雙方同意後修正。修正規定應完成本條第一項所定程序始生效力。
4. 任一方得以書面通知另一方後，終止本條約。本條約應自收

受通知日起六個月後失效。

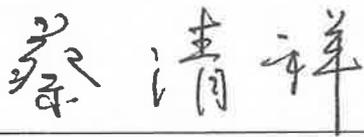
5. 若請求係於任一方通知另一方終止本條約生效前提出，在請求國終止請求協助前，雙方之合作及協助仍應依本條約持續進行，或提供相關資料。在終止本條約之情形下，依本條約取得之資料、文件或物證仍應依本條約第七條第二項規定予以保密。

為此，雙方代表各經其政府合法授權，爰於本條約簽署，以昭信守。

本條約以中文及英文簽署一式兩份，兩種文本同一作準。

中華民國（臺灣）政府代表

聖露西亞政府代表

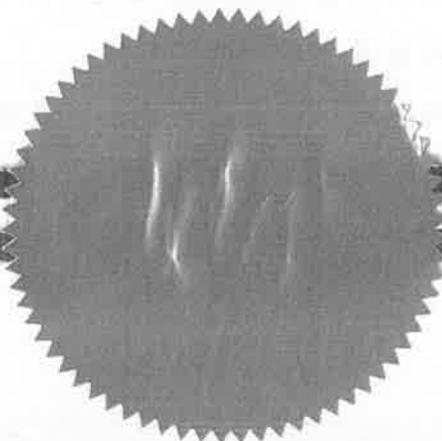


蔡清祥
法務部長

包提斯
外交、國際貿易、民航暨
僑務部長

時間：2023.8.16
地點：台北

時間：26.10.2023
地點：Castries



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

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

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

Desiring to promote legal cooperation in criminal matters,

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

Hereby agree as follows:

Article 1

Scope of Assistance

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

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

Article 2

Central Authorities

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

Article 3

Limitations on Assistance

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

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

Article 4

Form and Contents of Requests

1. A request for assistance shall be in writing. The Requested State may accept a request in other forms in urgent circumstances or any other situations agreed by the Parties in advance. In any such cases, the request shall be confirmed in writing within ten days thereafter unless the Requested State agrees otherwise. The request shall be in the language used in the Requested State unless otherwise agreed. All attachments shall be translated into the language of the Requested State.
2. The request shall include the following:
 - (a) the identity of the competent authority issuing the request;
 - (b) the name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;
 - (c) a description of the subject matter and nature of the investigation, prosecution, or proceeding, including the specific criminal offenses that relate to the matter and any punishment that might be imposed for each offense. The request should state the date, place and circumstances in which the offence was committed;
 - (d) the text of the relevant legal provision defining the offence and applicable punishment;
 - (e) a description of the evidence, information, or other assistance sought; and
 - (f) a statement of the purpose for which the evidence, information, or other assistance is sought.
3. To the extent necessary and possible, a request shall also include:

- (a) information on the identity and location of any person from whom evidence is sought;
 - (b) information on the identity and location of a person to be served, that person's relationship to the proceedings, and the manner in which service is to be made;
 - (c) information on the identity and whereabouts of a person to be located;
 - (d) a precise description of the place or person to be searched and of the articles to be seized;
 - (e) a description of the manner in which any testimony or statement is to be taken and recorded;
 - (f) a list of questions to be asked of a witness or a defendant;
 - (g) a description of any particular procedure to be followed in executing the request;
 - (h) any other information that may be brought to the attention of the Requested State to facilitate its execution of the request.
4. If the Requested State considers the contents contained in the request not sufficient to enable the request to be dealt with, it may request additional information.

Article 5

Execution of Requests

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

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

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

Article 6

Costs

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

Article 7

Limitations on Use

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

Article 8

Testimony or Evidence in the Requested State

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

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

Article 9

Records of the States

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

Article 10

Appearance of Persons in the Requesting State

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

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

Article 11

Examining Witness by Video Conference

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

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

Article 12

Location or Identification of Persons or Items

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

Article 13

Service of Documents

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

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

Article 14

Search and Seizure

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

Article 15

Return of Items

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

Article 16

Restraint, Forfeiture and Confiscation of Property

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

and

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

Article 17

Third Party

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

Article 18

Asset Sharing

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

Article 19

Compatibility with Other Agreements

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

Article 20

Consultation

The Central Authorities of the Parties shall consult, at times mutually agreed to by them, to promote the most effective use of this Treaty. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of this Treaty.

Article 21

Settlement of Disputes

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

Article 22

Entry into Force; Amendment and Termination

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

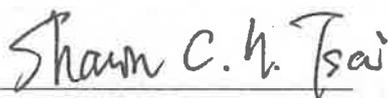
following the date of receipt of such notification.

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

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

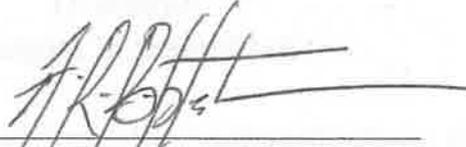
DONE IN DUPLICATE, in the Chinese and English languages, both texts being equally authentic.

For the Government of the
Republic of China (Taiwan)



Ching-Hsiang Tsai
Minister of Justice

For the Government of
Saint Lucia



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

Date: 2023.8.16

Date: 26.10.2023

Place: Taipei

Place: Castries