

- (b) if the offence for which proceedings are carried out is considered by the Requested State as a political offence or as an exclusively military offence;
- (c) if the Requested State has substantial grounds to believe that the proceedings might be adversely affected by considerations relating to race, religion, nationality or political opinions;
- (d) if a final judgment has been obtained in the Requested State against the same person in respect of the same conduct for which the assistance is sought, provided that this person has not evaded the execution of the penalty imposed.

2. In considering whether to refuse assistance pursuant to subparagraphs (b), (c) and (d) of paragraph 1, the Requested State shall take into account the consent of the person in respect of whom proceedings are carried out.

3. The Requested State shall promptly inform the Requesting State of a decision of the Requested State not to comply in whole or in part with a request for assistance, and shall give reasons for that decision.

#### **Article 4 - Modalities of Execution**

1. Requests for assistance shall be executed promptly in accordance with the law of the Requested State and, insofar as it is not prohibited by that law, in the manner requested by the Requesting State.

2. Upon request, the Requested State shall inform the Requesting State of the date and place of execution.

3. If the execution of the request would interfere with criminal proceedings in the Requested State, the Requested State may either postpone such execution or give effect to it on conditions specified by the Requested State. The Requested State shall promptly inform the Requesting State of such postponement or conditions and the reasons therefor.

#### **Article 5 - Presence of Persons Involved in the Proceedings**

To the extent not inconsistent with the law of the Requested State, judges or officials of the Requesting State and other persons concerned in the investigation or proceedings may be permitted to be present at the execution of the request and to participate in the proceedings in the Requested State. This includes permitting the defence and the prosecution to propose questions.

#### **Article 6 - Confidentiality**

1. The Requested State shall, to the extent requested, keep confidential a request for assistance, its content and any supporting documents, and the fact of granting such assistance, except to the extent necessary to execute the request.

2. Subject to paragraph 1, if the request cannot be executed without breaching confidentiality, the Requested State shall so inform the Requesting State which shall then determine the extent to which it wishes the request to be executed.

3. The Requesting State shall, if so requested, keep confidential any evidence and information provided by the Requested State, except to the extent that its disclosure is necessary for the investigation or proceeding described in the request.