

3. if, in the case of a request for the execution of a search or seizure, the acts or omissions which constitute the offence giving rise to the request would be punishable in the requested State by a sentence of imprisonment of less than two years, had those acts or omissions been committed within its jurisdiction.

#### Article 5

#### CARRYING OUT INVESTIGATIONS AND GATHERING EVIDENCE

1. The requested State shall, in accordance with its law, execute requests for mutual assistance in a penal matter addressed to it by the competent authorities of the requesting State and seeking to have investigations carried out or evidence gathered, including searches, seizures, the hearing of witnesses, or the transmission of exhibits, records or documents.

2. Requests shall be executed in accordance with the law of the requested State and, where the law does not preclude it, in accordance with the terms set out in the request. In particular, the requesting State may request that the request be executed by a judicial authority, or that evidence of witnesses and experts be taken under oath.

3. The requested State shall inform the requesting State, upon the latter's request, of the date and place for the execution of the request for mutual assistance. If the requested State so consents, the authorities of the requesting State and those persons referred to in the request who are involved in the matter giving rise to the request may attend at the hearing of witnesses and, in the appropriate case, at the execution of other requests, and may, to the extent permitted by the law of the requested State, examine the witnesses or cause them to be examined.