

- (a) the Requested State is of the opinion that the request, if granted, would prejudice its sovereignty, security, public order (ordre public) or other essential public interests;
 - (b) the request for assistance relates to conduct which would not constitute an offence under the law of the Requested State;
 - (c) the offence is regarded by the Requested State as being a political offence or an offence only under military law.
- (2) Assistance may be postponed by the Requested State if the execution of the request would interfere with an ongoing investigation or prosecution in the Requested State.
- (3) Before refusing to grant a request or postponing its execution, the Requested State shall consider whether assistance may be granted subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with them.
- (4) Reasons shall be given for any refusal or postponement of mutual assistance.

ARTICLE 4

Presence of Persons involved in the Proceedings

- (1) The Requested State shall, upon request, inform the Requesting State of the time and place of execution of the request for assistance.
- (2) Judges or officials of the Requesting State and other persons involved in the investigation or proceedings may be permitted, to the extent not prohibited by the law of the Requested State, to be present at the execution of the request and to participate in the proceedings in the Requested State, in cases where, in their absence, the purpose of the request would not be achieved.
- (3) The right to participate in the proceedings shall include the right of any person present to propose questions and other investigative measures. The persons present at the execution of a request shall be permitted to make a verbatim transcript of the proceedings. Officials of the Requesting State shall be permitted to use technical means to make such a verbatim transcript. Visual records shall be permitted only with the consent of the persons concerned.