

TO: The Central Authority of the Republic of Singapore

FROM: The Central Authority of the [Requesting Party]

REQUEST FOR MUTUAL LEGAL ASSISTANCE IN A CRIMINAL MATTER

CERTIFICATE ON BEHALF OF THE [REQUESTING PARTY]

I, [name, appointment/ position of person certifying], on behalf of [name of Central Authority], who is responsible for [state area of responsibility e.g. criminal prosecutions, investigations] in the [Requesting Party] and who is also authorised to make requests for mutual legal assistance in criminal matters, certify that the Government of the [Requesting Party] respectfully requests the assistance of the Government of the Republic of Singapore in a [criminal matter].¹

REQUEST

This request is made by the Government of the [Requesting Party] for assistance to be extended under the Mutual Assistance in Criminal Matters Act 2000 (Statutes of the Republic of Singapore).

NATURE OF REQUEST

This request relates to [describe subject of criminal matter]. The authority having the conduct of the criminal matter is [describe authority concerned with the criminal matter].

CRIMINAL OFFENCES / APPLICABLE LEGISLATION / PENALTIES

[Set out the offences alleged to have been contravened in relation to the criminal proceedings as well as the maximum penalties for these offences and attach copies of applicable legislative provisions. State identity of suspect / accused person, if known.]

¹ State whether it is an investigation, prosecution or an ancillary criminal matter. An “ancillary criminal matter” as defined in section 2 of Singapore’s Mutual Assistance in Criminal Matters Act 2000, means the restraining of dealing with, or the seizure, forfeiture or confiscation of, property in connection with a foreign offence. An electronic version of this Act is available at <https://sso.agc.gov.sg/>.

STATEMENT OF FACTS

[Describe the material facts of the criminal matter including, in particular, those necessary to establish circumstances in the Requesting Party connected to the evidence sought, and the relevance of the Singapore evidence to the criminal matter in the Requesting Party. Indicate whether and how any person has carried on or benefited from the offence(s) committed in the Requesting Party. State how the thing sought to be produced by this Request (whether by itself or with another thing) will be of substantial value to the criminal matter. Any other information specific to the request should also be stated (e.g. the identity / location / address of the party from whom production of the thing is sought).]

PURPOSE OF THE REQUEST

By this request it is intended to *[state purpose which is intended to be achieved by the assistance sought, e.g. to secure admissible evidence to be used in the trial of]*.

ASSISTANCE REQUESTED

The Government of the Republic of Singapore is requested to take such steps as are necessary to produce the following:

[List the documents / things / information / evidence required].

MANDATORY ASSURANCES & UNDERTAKINGS

It is confirmed that this request:

- (a) does not relate to the investigation, prosecution or punishment of a person for a criminal offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character;
- (b) is not made for the purposes of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of that person's race, religion, sex, ethnic origin, nationality or political opinions;
- (c) does not relate to the investigation, prosecution or punishment of a person for an offence in a case where the person has been convicted, acquitted or pardoned by a court or other competent authority of the *[Requesting Party]* (and all rights of appeal against the conviction, acquittal or pardon have expired or are exhausted) or has undergone the punishment provided by the laws of the *[Requesting Party]*, in respect of that offence or of another offence constituted by the same act or omission as that offence.

The Central Authority of *[Requesting Party]* further undertakes that:

- (a) any thing obtained pursuant to this request will not be used for a matter other than the criminal matter in respect of which the request was made, except with the consent of the Attorney-General of the Republic of Singapore; and
- (b) upon the conclusion of the criminal matter in respect of which this request is made, any thing obtained pursuant to the request shall, if the Attorney-General of the Republic of Singapore so requests, be:
 - (i) returned to the Attorney-General of the Republic of Singapore;
 - (ii) disposed; or
 - (iii) otherwise handled in accordance with the request of the Attorney-General of the Republic of Singapore.

FOREIGN LAW IMMUNITY CERTIFICATE

A certificate² declaring that, under the law of the *[Requesting Party]*, namely *[state legal provision(s) and enclose copies]*, a person can be required to produce the equivalent of the *[documents / things / information / evidence]* sought by this Request, is enclosed with this Request.

EXECUTION OF REQUEST

Confidentiality

[State confidentiality requirements of the Requesting Party, if any, and also specify whether the Requesting Party has any objections to disclosure of the Request to the Court and / or other parties to any legal proceedings that may be instituted under the Mutual Assistance in Criminal Matters Act 2000 pursuant to the Request.]

Procedure to be followed

It is requested that the following procedures be observed in the execution of the request:

² A sample of the certificate is provided as an Annex.

[State details of manner and form³ in which the documents / things / information / evidence produced pursuant to this Request is to be set out and transmitted to the Requesting Party, if relevant]

[State any special requirements as to certification / authentication of documents]

Period of Execution

It is requested that the request be executed within *[state period giving reasons, e.g. specify likely trial or hearing dates or any other dates / reasons relevant to execution of the Request]*.

RECIPROCITY UNDERTAKING

The Government of *[Requesting Party]* undertakes that it will comply with a future request by the Government of the Republic of Singapore for similar assistance in a criminal matter involving an offence that corresponds to the foreign offence for which assistance is sought.

TRANSMISSION OF EVIDENCE

Any thing obtained in response to this Request should be sent to *[provide details of addressee and address to which the evidence should be sent]*.

LIAISON OFFICER

The case officer in *[the enforcement agency or authority in the Requesting Party]* who has knowledge of this matter is *[name of officer]*.

The officer in *[the Central Authority of the Requesting Party]* who is in charge of this matter is *[name of officer]*, and he / she can be contacted at *[provide details of address, telephone number, email etc.]*.⁴

PRIOR CONTACT / USE OF OTHER CHANNELS⁵

There has been previous contact between *[state the relevant authority of the Requesting Party, e.g., Interpol]* and *[state the relevant authority of the Requested Party]* on this matter.

³ E.g. if the documents/things/information is to be produced under the cover of an affidavit, please provide a sample affidavit or form of words as appropriate.

⁴ Upon receipt of this request, an acknowledgment will be sent to this officer by the Attorney-General's Chambers of the Republic of Singapore.

⁵ This paragraph may be omitted if inapplicable.

This Request is also being sent to [*the Requested Party*] by [*state the other channel through which the Request is being sent, e.g., diplomatic channel*].

[Signature]

Name:

Office:

Date:

[Letterhead here]

FOREIGN LAW IMMUNITY CERTIFICATE⁶

I, [name & designation], on behalf of the Government of the [Requesting Party] certify that under the law of the [Requesting Party], persons generally or a specified person could, either generally or in specified proceedings and either generally or in specified circumstances, be required to produce the equivalent of the [documents / things / information / evidence] sought by this Request.

[Signature and / or seal]

[Name]

[Designation]

[Office]

[Date]

⁶ This certificate may be tendered in evidence in legal proceedings that may be instituted under the Mutual Assistance in Criminal Matters Act 2000 pursuant to the Request.