

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 or 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, the evidence or assistance in relation to the criminal matter, as the case may be, that the person whose attendance is sought in the Requesting Party can give or provide. State also how this evidence or assistance will be relevant or beneficial to the criminal matter. Other information as is required (e.g. the location of the person in Singapore) should also be stated.]

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 assist in arranging the attendance in the *[Requesting Party]* of the following person(s):

[List the names and particulars of the witnesses as well as whether they will be providing evidence or assistance in relation to the criminal matter; describe the kind of evidence or assistance each witness will provide e.g. to testify as an eye-witness in the trial of ABC.]

[State the period within which the presence of the person(s) whose attendance is requested will be required in the Requesting Party.]

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 the [*Requesting Party*] undertakes that:

- (a) the person(s) whose attendance is requested shall not
 - (i) be detained, prosecuted or punished for any offence against the law of the foreign country that is alleged to have been committed, or that was committed, before the person's departure from Singapore;
 - (ii) be subjected to any civil suit in respect of any act or omission of the person that is alleged to have occurred, or that had occurred, before the person's departure from Singapore, being a civil suit to which the person could not be subjected if that person was not in the foreign country; or
 - (iii) be required to give evidence or assistance in relation to any criminal matter in the foreign country other than the criminal matter to which the request relates,unless —
 - (A) the person(s) whose attendance is requested has left the foreign country; or
 - (B) the person(s) whose attendance is requested has had the opportunity of leaving the foreign country and has remained in the foreign country otherwise than for the purpose of giving or providing evidence or assistance in relation to the criminal matter to which the request relates;
- (b) any evidence given by the person in the criminal proceedings to which the request relates (if any) will be inadmissible or otherwise disqualified from use in the prosecution of the person for an offence against the law of the foreign country, other than for the offence of perjury, or contempt of court, in relation to the giving of that evidence;
- (c) the person will be returned to Singapore in accordance with arrangements agreed to by the Attorney-General; and
- (d) the person shall not be subjected to any penalty or liability or otherwise prejudiced in law by reason only of that person's refusal or failure to consent to attend as requested.

EXECUTION OF REQUEST

Confidentiality

[State confidentiality requirements of the Requesting Party, if any.]

Procedure to be followed

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

[State any specific procedures that the Requesting Party may wish to have followed, e.g. the sequence in which the witnesses should be approached etc..]

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 request]*.

DETAILS OF ANCILLARY ARRANGEMENTS

[Provide details of any allowances to which the person(s) whose attendance is requested will be entitled.]

[Provide details of arrangements for accommodation of the person(s) whose attendance is requested while he is in the Requesting Party.]

[Provide details of proposed arrangements for the return to Singapore of the person(s) whose attendance is requested.]

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.

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.*].²

PRIOR CONTACT / USE OF OTHER CHANNELS³

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.

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:

² Upon receipt of this request, an acknowledgment will be sent to this officer by the Attorney-General's Chambers of the Republic of Singapore.

³ This paragraph may be omitted if inapplicable.