

HOW TO MAKE A REQUEST FOR MUTUAL LEGAL ASSISTANCE FROM FOREIGN STATES

A Mutual Legal Assistance request can be made pursuant to a Domestic law, Treaty, or the Doctrine of Reciprocity and should comply with the requirements listed below. However, the Requested State may also have additional requirements for specific types of assistance, please be guided accordingly.

Requests for Mutual Legal Assistance are governed by the ***Mutual Legal Assistance and International Co-operation Act, Chapter 103:04*** (“the Act”). The Act establishes a broad framework for rendering legal assistance to other countries, this can be based on a treaty or not (**Section 3(2)**).

TYPES OF ASSISTANCE

The types of assistance that may be provided include:

- a. taking of evidence or obtaining statements from persons;
- b. making arrangements for persons to give evidence or facilitating the personal appearance of persons;
- c. effecting the temporary transfer of persons deprived of liberty;
- d. effecting service of documents;
- e. locating and identifying persons;
- f. providing or obtaining information, original or certified true copies of documents, or other evidentiary items;
- g. executing searches and seizures of properties or items of evidence;
- h. freezing, forfeiture or confiscation of assets, property, or instrumentality used in the commission of a crime; and
- i. any other type of assistance that are not prohibited by the Laws of Belize.

WHO CAN MAKE THE REQUEST FOR ASSISTANCE?

A request for assistance from Belize shall be made by the designated Central Authority of the Requesting State. The Attorney General of Belize may receive a request for assistance from another authority of the Requesting State provided that the latter establishes that it is an appropriate authority to make the request for assistance.

TO WHOM SHOULD REQUESTS BE SENT?

The Attorney General is the designated Central authority in Belize for the purposes of the Act. As such, the Attorney General is empowered to receive requests for Mutual Legal Assistance directly (**Section 4(2)(a)**).

However, in the case of a Mutual Legal Assistance request received by an agency or authority in Belize other than the Attorney General the request must be referred as soon as possible to the Attorney General (**Section 4(3)(b)**).

A request will not be deemed invalid for the reason that the Attorney General did not receive the request from directly from the Foreign State.

Accordingly, all requests for assistance should be addressed to the Honourable Attorney General, as follows:

**Mrs. Magali Marin Young
Attorney General and Minister of Legal Affairs
Attorney General's Ministry
6120 Raccoon Street
City of Belmopan
Belize, Central America**

FORM OF REQUEST:

All Requests for Mutual Legal Assistance must:

- a. be in writing
- b. bear an original signature and seal of the person authorized by the Requesting State; and

- c. must not be transmitted by electronic means.

URGENT REQUESTS

In urgent cases, the Attorney General may accept:

- a. an oral request, or
- b. a request communicated by facsimile, or
- c. email

however, these must be confirmed by a written request within seven (7) days of receipt of request for assistance.

CONTENT OF REQUEST

1. The request for assistance should provide the following information:
 - a. name of the Central Authority;
 - b. name of the authority conducting the investigation, prosecution or proceeding related to a criminal matter to which the request relates (law enforcement or prosecution);
 - c. basis of the request;
 - d. purpose of the request and the assistance sought;
 - e. a description of the nature of the criminal matter and its current status,
 - f. a statement setting out a summary of the relevant facts constituting the offenses and law/s violated;
 - g. description of the offense/s under investigation or prosecution to which the request relates, including the maximum imposable penalty;
 - h. a description of the evidence, information or other assistance sought;
 - i. details of the person/s, including legal or juridical person/s, named in the request;
 - j. a statement whether the person/s named in the request are victims, witnesses, or suspects/accused;

- k. connection between the evidence requested and the offense being investigated or prosecuted;
- l. where necessary, any procedure that the Requesting State wishes to be followed in giving effect to the request, including details of the manner and form by which any information or item is to be provided;
- m. specification of any time limit for the execution of the request, including the dates (e.g., date of court hearing/appearance);
- n. if request is marked as urgent, reason for the urgency or giving priority to the request;
- o. any requirements for confidentiality of the request and the reason/s for it;
- p. name, telephone number, and email address of the law enforcement or prosecution officer or officer in the Requesting State with whom prior coordination may have been made relating to the request or who may be able to facilitate the execution of the request;
- q. name, telephone number, and email address of the contact person in the Requesting State for the request; and
- r. such other information or undertaking as may be required by the Requesting State for the execution of the request.

2. The request for assistance may also contain, to the extent necessary, the following information:

- a. the identity, nationality, and location of the person who is the subject of the investigation or criminal proceedings or who may have information relevant to the assistance being sought;
- b. the identity and location of any person from whom evidence is sought;
- c. the identity and location of a person to be served with documents, that person's connection to the investigation or criminal proceedings, and the manner by which service is to be made;
- d. information on the identity and whereabouts of a person to be located;

- e. any court order relating to the assistance requested and a statement relating to the finality of that order;
- f. information as to the allowances and expenses to which a person appearing in the Requesting State will be entitled;
- g. a description of the property, asset, or article to which the request relates, including its location;
- h. Manner of execution, including but not limited to:
 - i. a description of the manner by which the testimony or statement is to be taken or recorded;
 - ii. a list of the questions to be asked;
 - iii. a description of the documents, records, or items of evidence to be produced as well as information on the appropriate person to be asked to produce them;
 - iv. a statement as to whether a sworn or affirmed evidence or statement is required;
 - v. a statement as to whether video or live links or other appropriate communication facilities will be required and an undertaking to shoulder the cost;
- i. in the case of making available a person deprived of liberty, the name of the person or authority who will have custody during the transfer, the place of custody of the person deprived of liberty in Belize or is to be transferred, and the date of that person's return to Belize; and
- j. any other information which can assist the Belizean authorities to execute the request.

CIRCUMSTANCES FOR REFUSAL OF REQUEST:

- a. the execution of the request would be contrary to the fundamental principles of the Laws of Belize
- b. the cost of execution exceeds \$500.00 (BZE) and the Requesting State does not agree to pay the difference.

- c. the request is not in writing
- d. the request is not translated in English
- e. in relation to a summary jurisdiction matter, twelve (12) months have passed in relation to offence committed
- f. the information requested is not in possession or control of the person named or does not relate to the person specifically named.
- g. the information requested is protected from disclosure on the ground of Legal professional Privilege.
- h. the Requesting State would not be able to obtain the requested information under its own laws or where the requested information does not fall within the purview of the act.
- i. Where the request would prejudice sovereignty, security and is contrary to public interest or policy of Belize.
- j. Where the Central Authority is not satisfied that the Requesting State will keep the information confidential.

NOTICE OF REFUSAL

Where the Attorney General declines, in whole or in part, a request the Requesting State shall be notified of said refusal and reasons for the refusal (**Section 11**).