

HOW TO MAKE A REQUEST FOR MUTUAL LEGAL ASSISTANCE FROM THE UNITED STATES OF AMERICA

A Mutual Legal Assistance Request from the United States of America is made pursuant to Treaty and Domestic Law 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 in Criminal Matters (Belize/USA) Act, Chapter 103:01*** ("the Act"). The Act establishes a framework for rendering legal assistance in Criminal Matters to the United States of America, based on the ***Treaty between the Government of Belize and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters*** ("the Treaty") (**Section 3**).

TYPES OF ASSITANCE

In accordance with the provisions of the Treaty, in connection with the investigation, prosecution, and prevention of criminal offences, and in proceedings related to criminal matters, types of assistance that may be provided include (**Article 1**):

- a. taking of evidence or obtaining statements from persons;
- b. providing original or certified true copies of documents, records and articles of evidence;
- c. locating and identifying persons
- d. effecting service of documents;
- e. transferring persons in custody for testimony or other purposes
- f. executing searches and seizures of properties or items of evidence;
- g. assisting in proceedings related to immobilization and forfeiture of assets; restitution; collection of fines; and
- h. any other type of assistance not prohibited by the laws of Belize.

TO WHOM SHOULD REQUESTS BE SENT?

The Attorney General is the designated Central authority in Belize for the purposes of the Act (**Section 4(1)**). As such, the Attorney General is empowered, by the Treaty, to receive requests for Mutual Legal Assistance directly (**Article 2(1)**).

Generally, 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

However, a Mutual Legal Assistance request received may be sent to a duly authorized agency or authority in Belize other than the Attorney General of Belize (**Article 2(3)**).

WHO CAN MAKE THE REQUEST FOR ASSISTANCE?

A request for assistance from Belize shall be made by the Attorney General of the United States of America, being the designated Central Authority of the Requesting State. The Attorney General of Belize may also receive a request for assistance from another authority provided that the latter establishes that it is duly authorized, by the Attorney General of the United States of America, to make such request (**Article 2**).

FORM OF REQUEST:

All requests for Mutual Legal Assistance must:

- a. be in relation to a Criminal matter
- b. be in writing
- c. bear an original signature and seal of the person authorized by the Requesting State; and
- d. must not be transmitted by electronic means.

EMERGENCY REQUESTS

In urgent cases, the Attorney General may accept:

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

these must be confirmed by a written request within ten (10) days of receipt of request for assistance unless the Requested State agrees otherwise (**Article 4(1)**).

CONTENT OF REQUEST

1. The request for assistance should provide the following information:
 - a. the name of the Central Authority
 - b. the name of the authority conducting the investigation, prosecution or proceeding to which the request relates;
 - c. a description of the subject matter including:
 - i. the nature of the investigation;
 - ii. the criminal offences which relate to the matter; and
 - iii. its current status and maximum imposable penalty.
 - d. a description of the evidence, information or other assistance sought;
 - e. basis of the request;

- f. a statement of the purpose of the request and the assistance sought;
- g. a statement of the connection between the evidence requested and the offense being prosecuted;
- h. a statement setting out a summary of the relevant facts constituting the offences and laws violated;
- i. 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;
- j. specification of any time limit for the execution of the request, including the dates (e.g., date of court hearing/appearance);
- k. if request is marked as urgent, reason for the urgency or giving priority to the request;
- l. any requirements for confidentiality of the request and the reason/s for it
- m. details of person/s, including legal or juridical person/s, named in the request;
- n. a statement whether the person/s named in the request are victims, witnesses, or suspects/ accused;
- o. 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;
- p. name, telephone number, and email address of the contact person in the Requesting State for the request; and
- q. 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. a precise description of the property, asset, or article to which the request relates, including its location;
- g. 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;
- h. information as to the allowances and expenses to which a person appearing in the Requesting State will be entitled;
- i. any other information which can assist the Belizean authorities to execute the request.

CIRCUMSTANCES FOR REFUSAL OF REQUEST:

- a. the offence relates to an offence under military law that would not be an offence under ordinary criminal law;
- b. the execution of the request would prejudice the security or essential public interests of Belize;
- c. the request is not made in conformity with the treaty;
- d. the request relates to a political offense;
- e. the execution of the request require compulsory measure in Belize and the request does not establish reasonable grounds for believing that the criminal offence specified in the request has been committed; or
- f. the execution of the requests would be contrary to the Constitution of Belize.

CONDITIONAL ASSISTANCE

Before denying assistance the Central Authority of the Requested State must consult with the Requesting State to consider whether assistance given can be subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to these conditions, the assistance shall be rendered accordingly (**Article 3(2)**).

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 (**Article 3(3)**).