

How to request Mutual Legal Assistance (MLA)
in responding to transnational human trafficking

BRUNEI DARUSSALAM

Legal basis for cooperation

International

- *United Nations Transnational Organised Crime Convention*
- *Trafficking in Persons Protocol*
- *United Nations Convention against Corruption*
- *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*

Brunei Darussalam is not party to the *Smuggling of Migrants Protocol*.

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons*

Brunei Darussalam is a member of the Commonwealth Harare Scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth.

Bilateral

Brunei Darussalam has not concluded any bilateral agreements.

Reciprocity on a reciprocal basis

Relevant Domestic Law

- *Mutual Assistance in Criminal Matters Order, 2005 (MACMO)*
- *Criminal Asset Recovery Order, 2012*
- *Anti-Trafficking in Persons Act, Cap. 230*
- *Prevention of People Smuggling Act. Cap. 229*

Central Authority

The **Attorney General** is the Central Authority for Brunei Darussalam.

Mutual Legal Assistance
Secretariat
Attorney General's
Chambers
The Law Building
KM 1, Jalan Tutong
Bandar Seri Begawan
BA1910
Brunei Darussalam

Email: mla@agc.gov.bn

Tel: +(673) 224 4872

Fax: +(673) 222 3100

Incoming request

- Requests for MLA are to be made only to the Attorney General. It is not necessary for requests to be sent through diplomatic or consular channels.
- Requests must be submitted in **English**.
- Where the request is **urgent**, the request may be made orally and confirmed subsequently in writing. Alternatively, a copy of the request may be sent via fax.
- It is advisable to consult with the Central Authority before submitting the request.

Outgoing requests

Agencies in Brunei Darussalam requesting the Central Authority of Brunei Darussalam to make an MLA request to another country, should provide clear and comprehensive information.

Download the [MLA Questionnaire checklist](#).



Brunei Darussalam's MLA Questionnaire

Agencies in Brunei Darussalam requesting the Central Authority to make an MLA request to another country, should address the following factors:

- The country the request for MLA is sought for
- Whether a request been made in this matter before
- The name of the agency making the request
- The background to the investigation / prosecution
- The suspected and alleged offences that have been committed
- The names of suspected and alleged offenders
- The personal particulars for each alleged offender
- A summary of the status of the investigation / prosecution
- The assistance sought
- Procedural requirements
- Name and contact details of Bruneian investigator
- Previous contacts
- Confidentiality
- Time limits
- Supplementary requirements

Tools and resources

Tools are available to support those who are requesting MLA from Brunei Darussalam via <https://www.agc.gov.bn>

Sample request forms:

- For [obtaining evidence](#)
- For a [production order](#)
- For [attendance of a person / prisoner](#)
- For [custody of persons in transit](#)
- For [search and seizure](#)
- For [identifying or locating persons](#)
- For [service of process](#)

The South East Asia Justice Network (SEAJust) is a UNODC-supported judicial cooperation network implemented with the support of the ASEAN Mutual Legal Assistance Treaty Secretariat. Contact SEAJust to request support in drafting, sending and following up of MLA requests.

Email: unodc-seajustsecretariat@un.org
<https://www.unodc.org/unodc/en/organized-crime/SEAJust/index.html>

How to request mutual legal assistance (MLA) in responding to transnational human trafficking

CAMBODIA

Legal basis for cooperation

International

- *United Nations Transnational Organised Crime Convention*
- *Trafficking in Persons Protocol*
- *Smuggling of Migrants Protocol*
- *United Nations Convention against Corruption.*

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons*
- *Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)*

Bilateral

Cambodia has concluded bilateral MLA treaties with:

- Republic of Korea (2021)
- Russian Federation (2021)
- Viet Nam (2020)
- India (pending)

Cambodia also has a counter-trafficking MOU with Thailand.

Cambodia has bilateral trafficking in persons MOUs with:

- Thailand (2014 and 2003)
- Viet Nam (2012 and 2005) and SOPs (2009)

Reciprocity

In the absence of a treaty, mutual legal assistance can be based on reciprocity.

Relevant domestic Law

- *Law on Mutual Legal Assistance in Criminal Matters* (2020)
- *Law on Anti-Money Laundering and Combating the Financing of Terrorism*
- *Criminal Code*
- *Criminal Procedure Code*
- *Law on Suppression of Human Trafficking and Sexual Exploitation*

Central Authority

The **Ministry of Justice** is the Central Authority for the Kingdom of Cambodia.

- **Department of the ASEAN Legal Affairs and Cooperation**
- **Department of the International Relations and Legal Cooperation**
- **General Development of the International Affairs and Judicial**
- **Ministry of Justice of the Kingdom of Cambodia**

No 14 St Samdech Sothearos
Sangkat Chey Chumneas,
Khan Daun Penh
Phnom Penh Kingdom of Cambodia

Email: info@moj.gov.kh

Tel: (+855) 23 210 760

Fax: (+855) 23 210 760

Website: www.moj.gov.kh

Incoming requests

How to request assistance of Cambodia

Requests for MLA must be submitted in writing, in Khmer and in English, to Central Authority (the Ministry of Justice) or through diplomatic channels.

Requests shall contain the following information:

- Names of authorities making request
- Description of the criminal case, including summary of facts, name(s) of the offence, and penalties to be applied, accompanied by relevant legal tests;
- Description of the purpose of the request for assistance and types of the assistance sought

The Central Authority shall review and consider the request and if it satisfies requirements, will transmit the request to implementing authorities. The Central Authority may request additional information. After implementing the request, implementing authorities shall transmit the results to the Central Authority. Who will transmit the results to the Requesting State as per the agreement existing between them. The Central Authority will take all appropriate measures to maintain confidentiality, and may request the Requesting State to do so.

Source: Law on Mutual Legal Assistance of the Kingdom of Cambodia, articles 7, 8, 11, 15, 16.

In relation to specific forms of assistance:

- Taking statements and evidence (article 17-18)
- Searches and seizures (article 19 – 20)
- Request for documents or information in control of State (articles 21-23)
- Service of Court Document (article 24)
- Transfer of detained person (article 26 – 28)
- Identifying location of person (article 29)
- Freezing or seizure of property (article 30, 32, 33)
- Confiscation of property (article 31, 32, 33, 34)

Outgoing requests

Competent authorities shall request MLA from a foreign State through the Central Authority, and comply with the formalities it specified.

The authority making the request shall not use or disclose information of evidence provided by the State for any purpose except that specified in the request, without prior consent of the Requested State.

All evidence that is obtained through MLA is admissible at court in Cambodia (article 38).

Additional conditions may apply to specific types of assistance requested of other States:

- Requesting a person to testify or assistance (article 39, 40, 41)
- Return of detained person (article 42)

Tools and resources

The website of the Ministry of Justice of the Kingdom of Cambodia is

<http://www.moj.gov.kh/>

The Law on Mutual Legal Assistance of the Kingdom of Cambodia (2020) is available online (in English and Khmer)

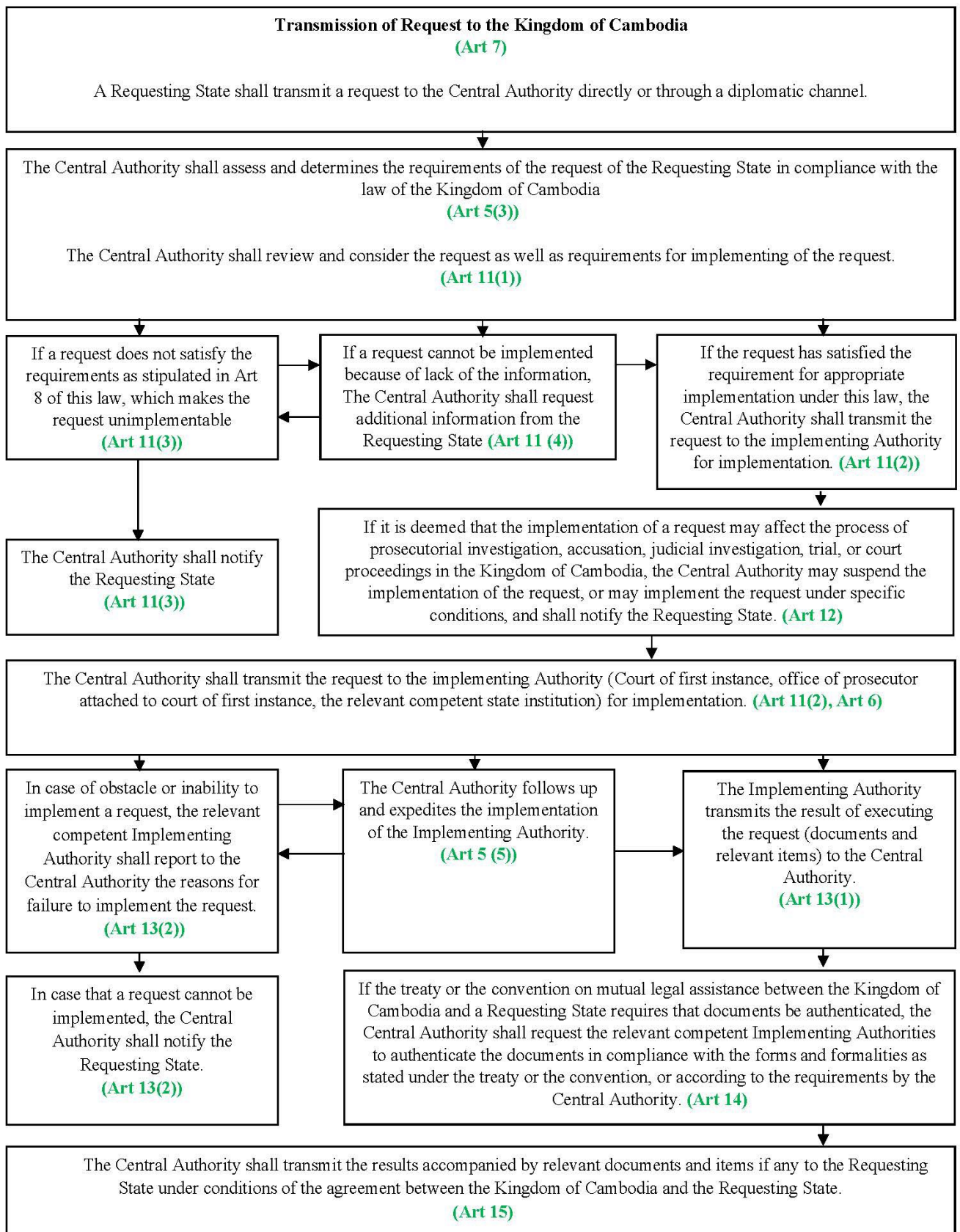


The South East Asia Justice Network (SEAJust) is a UNODC-supported judicial cooperation network implemented with the support of the ASEAN Mutual Legal Assistance Treaty Secretariat. Contact SEAJust to request support in drafting, sending and following up of MLA requests.

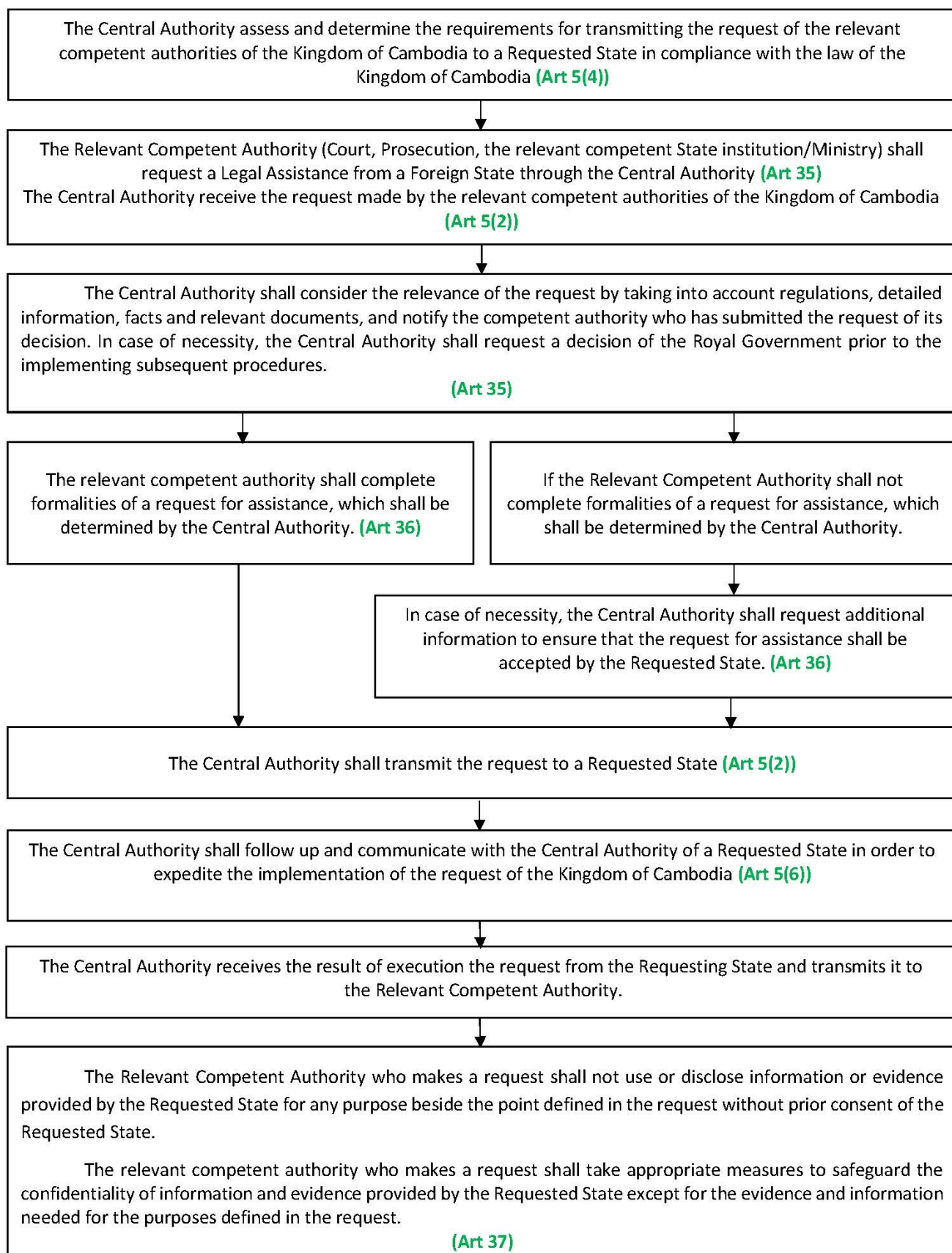
Email: unodc-seajustsecretariat@un.org

<https://www.unodc.org/unodc/en/organized-crime/SEAJust/index.html>

Flowchart of Incoming Request



FLOWCHART OF OUTGOING REQUEST



How to request Mutual Legal Assistance (MLA) in responding to transnational human trafficking

Republic of INDONESIA

Legal basis for cooperation

International

- *United Nations Transnational Organised Crime Convention*
- *Trafficking in Persons Protocol*
- *Smuggling of Migrants Protocol*
- *United Nations Convention against Corruption*

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons*

Bilateral

Indonesia has entered into bilateral treaties with:

- Australia (1995)
- China (2000)
- Hong Kong (2008)
- India (2011)
- Iran (2016)
- Republic of Korea (2002)
- Russian Federation (2019)
- Switzerland (2019)
- United Arab Emirates (2014)
- Viet Nam (2013)

Reciprocity

Reciprocity may be as the basis of ILC in the absence of treaty.

Relevant Domestic Law

- *Law of the Republic of Indonesia Number 1 Year 2006 Concerning Mutual Assistance in Criminal Matters*
- *Law on Eradication of Trafficking in Persons, Law No. 21 Year 2007*

Central Authority

The **Ministry of Law** is the Central Authority for the Republic of Indonesia

Minister of Law of the Republic of Indonesia
Jl. HR. Rasuna Said kav 6-7
Kuningan, South Jakarta, DKI
Jakarta Indonesia 12940

otoritaspusat@kemenkumham.go.id
Tel/Fax: 021 525 3004

Web: www.kemenkumham.go.id/

Incoming requests

Requests must be made by Central Authority of Requesting State, directly to the Indonesian Central Authority or through diplomatic channels.

Advice on draft requests may be sought from the Central Authority.

Content of MLA requests to the Republic of Indonesia

A request to the Republic of Indonesia must be made in writing and may be in the language of the requesting State and/or in English, and include:

- a. The purpose of request and description of requested assistance
- b. The name of the Agency and Official conducting investigation, prosecution or examination before the court related to said request
- c. Description of the crime, case settlement phase, statutory provisions, content of articles and sanctions imposed
- d. Description of the act or condition being alleged as criminal (unless requesting service of process)
- e. Relevant judgment and information that such judgment has been final and binding related to request for assistance to execute a judgment
- f. Details of specific procedures or requirements desired to be complied with, including information concerning whether or not legal means of proof are required to be made under oath or pledge
- g. Requirement, if any, concerning confidentiality and reason therefore
- h. Desired time limit for carrying out request

Additionally, to the extent necessary and possible:

- a. Identity, citizenship, domicile of relevant person
- b. Description of requested statement or deposition
- c. Description of required documents or other legal means of proof articles to be submitted, including description of person to provide evidence
- d. Information concerning expenses and accommodations required from person requested to be present in foreign State

How requests are executed

- The Minister of Law who receives the request, may ask for **additional information** for specific types of assistance if the request does not contain sufficient information.
- Where the request is made in a language other than Indonesian, an **Indonesian translation** thereof shall be made.
- Where requests meet requirements, the Central Authority will **coordinate** with
 - the Indonesian National Police (INP) or
 - the Attorney General's Office. to follow up the request.
- In the event that the request for assistance is refused, the Competent Authority will provide reasons to the Requesting State.

Tools and resources

Download the [Guidelines for Handling of Mutual Legal Assistance \(MLA\) in Criminal Matters in Indonesia](#)



Outgoing requests

Content of MLA requests from Indonesia to other jurisdictions

A request from the Republic of Indonesia must be made in writing and may be in the language of the requesting State and/or in English, and include:

- a. identity of the requesting authority;
- b. a description of subject matter and importance of the investigation, prosecution or examination before the court pursuant to said request, as well as the name and functions of a competent authority conducting investigation, prosecution and judicial process;
- c. a summary of relevant facts except for the request for Assistance related with judicial documents;
- d. provisions of relevant laws, contents of articles, and criminal sanctions;
- e. a description of the Assistance requested and details of certain procedures applied for, including confidentiality;
- f. purpose of the request for Assistance; and
- g. other requirements determined by the Requested State.

How requests are executed

- The Minister of Law and Human Rights may convey the request for Assistance to the foreign states to locate or identify persons believed to be in said foreign states.
- Minister may ask for Assistance to the Foreign State to obtain evidence related to investigation, prosecution, and examination before the court in Indonesia.
- Minister may convey a request for Assistance to make an arrangement to present a Person in Indonesia to provide statement, documents or other legal means of proof or to provide other Assistance in the investigation, prosecution and examination before the court.
- The Minister may convey the request for Assistance to freeze, search, seizure, confiscate assets or proceeds of crime.
- In case of corruption crime, the request for Assistance to the Minister may be submitted by the Chairman of the Commission for the Eradication of Corruption, in addition to the Head of Indonesian National Police and the Attorney General.

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Email: unodc-seajustsecretariat@un.org
<https://www.unodc.org/unodc/en/organized-crime/SEAJust/index.html>

How to request Mutual Legal Assistance (MLA) in responding to transnational human trafficking **LAO People's Democratic Republic**

Legal basis for cooperation

International

- *United Nations Transnational Organised Crime Convention*
- *Trafficking in Persons Protocol*
- *Smuggling of Migrants Protocol*
- *United Nations Convention against Corruption*

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons*

Bilateral

Lao PDR has bilateral MLA agreements with:

- People's Republic of China 1999
- Democratic People's Republic of Korea (North Korea) 2008
- Socialist Republic of Viet Nam 2020

Lao PDR has bilateral trafficking in persons MOUs with:

- Thailand (2005 and 2017)
- Viet Nam (2010 and 2014)

Reciprocity

There is no reciprocity requirement; however, the requesting state is expected to commit to a similar manner when requested by the Lao PDR on the basis of international cooperation. (See Article 6 of Law on Mutual Legal Assistance in Criminal Matters 2020).

Relevant Domestic Law

- *Law on Mutual Legal Assistance in Criminal Matters* (2020)
- *Law on Criminal Procedure* (2017)
- *Law on Anti-Money Laundering and Counter Financing of Terrorism (AML/CFT)* (2024)
- *Penal Law* (2017)
- *Juvenile Justice Law* (2013)
- *Law on Anti-Trafficking in Persons* (2015)
- *Law on Development and the Protection of Women*
- *Protection of the Rights and Interests of Children*

Central Authority

The **Supreme People's Procuracy (SPP)** is the Central Authority for the Lao People's Democratic Republic.

Supreme People's Procuracy

Km3, Thaduea Road,
Beungkayong Village, Sisattanak
District, Vientiane Capital, Lao
PDR, P.O. Box 3841
Tel/Fax: (+856) 21 316590
Website: <http://spp.gov.la/>

Incoming requests

For States that have a bilateral treaty on mutual legal assistance in criminal matters with Lao PDR, the MLA request is submitted in accordance with that arrangement. For States that do not have a bilateral treaty with Lao PDR, the request shall be submitted to the Central Authority via the diplomatic channel.

Once MLA requests have been accepted, the Central Authority (the OSPP) coordinates with related stakeholders including the Ministry of Public Security, the Ministry of Foreign Affairs, and local administration authorities.

Source: *Law on Mutual Legal Assistance in Criminal Matters* (2020), articles 9, 10

Outgoing requests

Requests made of other States by Lao PDR shall comply with Articles 9 and 10 of the *Law on Mutual Legal Assistance in Criminal Matters* (2020).

- The relevant authority that considers it necessary to request MLA to another state, shall approach the Central Authority to consider and make the request.
- The Central Authority shall review the proposal based on the treaty between Lao PDR and the Requesting State, and if the request is consistent, it shall submit it to the requested State.

Source: *Law on Mutual Legal Assistance in Criminal Matters* (2020), articles 9, 10, 31, 32, 33, 34

Tools and resources

Procedures Manual of the Public Prosecutor's Office for Monitoring Trafficking

Contents of MLA requests to Lao PDR

Requests for MLA in criminal matters shall be submitted in Lao or other language as stipulated in the treaty. It shall consist of the following information:

1. Name and location of the competent organization of the requesting state;
2. Purpose and reasons of the request and types or categories of the required assistance;
3. Requesting issue or any specific request;
4. Explanation about the characteristics of criminal matters, the situation and statement or a summary of the case related to the request, such as the case content, offence and relevant laws of the requesting state including the maximum penalty;
5. The time limit for implementation of the request.
6. Address of the person required for taking testimony and the issues that requires the testimony for;
7. Place for keeping the exhibit or evidence.

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Email: unodc-seajustsecretariat@un.org

<https://www.unodc.org/unodc/en/organized-crime/SEAJust/index.html>

How to request Mutual Legal Assistance (MLA) in responding to transnational human trafficking

MALAYSIA

Legal basis for cooperation

International

- *United Nations Transnational Organised Crime Convention*
- *Trafficking in Persons Protocol*
- *United Nations Convention against Corruption*

Malaysia is not party to the *Smuggling of Migrants Protocol*.

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons*

Bilateral

Malaysia has entered into bilateral agreements on mutual assistance in criminal matters with (as of February 2025):

- Australia
- Hong Kong
- China
- India
- Republic of Korea
- Ukraine
- United Kingdom and Northern Ireland
- United States of America
- Romania

Reciprocity

In the absence of a treaty, reciprocity can be the basis of MLA

Relevant Domestic Law

- *Mutual Assistance in Criminal Matters Act 2002* [Act 621] (MACMA)
- *Mutual Assistance in Criminal Matters Regulations 2003* [P.U.(A)194/2003]
- *Anti-Trafficking in Persons and Smuggling of Migrants Act 2007* (ATIPSOM)

Central Authority

The **Attorney General** is the Central Authority for Malaysia.

Attorney General of Malaysia c/o
Transnational Crimes Unit, Prosecution
Division,
Attorney General's Chambers Malaysia,
No 45, Persiaran Perdana,
Precinct 4, 62100, Putrajaya
MALAYSIA

Email: icu@agc.gov.my

Tel: +60 38 872 2592

Web: www.agc.gov.my

Incoming requests

Requesting MLA of Malaysia

MLA requests should be submitted by appropriate authority / Central Authority of requesting State through diplomatic channel. Request should contain the following information:

- Authority (legal basis) for request
- Nature of request
- Statement of facts
- Criminal offences / applicable legislation / penalties
- Purpose of request
- Mandatory undertakings
- Description of assistance requested
- Execution of request
 - Confidentiality
 - Particular procedures to be followed
 - Period of execution
 - Where requested material is to be transmitted
 - Detail of allowances, arrangements for security and accommodation
- Liaison (case officers)
- Supplementary request
- Reciprocity undertaking
- Specialty undertaking

Tools and resources

Obtaining Assistance from Malaysia in Criminal Case

Incoming requests:

[Model form for requests to Malaysia](#)

Outgoing requests

Model Form for Request by Malaysia From the Attorney General of Malaysia

All requests for MLA are to be made by the Central Authority, via diplomatic channels. Request for MLA from the Attorney General of Malaysia (as Central Authority) shall include:

- The legal basis / authority for cooperation
- The nature of the request (a description of the criminal matter; personal details of persons / property)
- Statement of facts
- Criminal offences / applicable legislation / penalties
- Purpose of request
- Mandatory undertakings
- Description of the assistance requested
- Execution of request (confidentiality, procedures, period of execution, transmission of requested materials, allowances, security and accommodation arrangements)
- Liaison (officers handling request)
- Supplementary requests
- Reciprocity undertaking

Source: [Model form for request by Malaysia](#)



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Email: unodc-seajustsecretariat@un.org

<https://www.unodc.org/unodc/en/organized-crime/SEAJust/index.html>

How to request Mutual Legal Assistance (MLA) in responding to transnational human trafficking **Republic of the Union of MYANMAR**

Legal basis for cooperation

International

- *United Nations Convention against Transnational Organized Crime*
- *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*
- *United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air*
- *United Nations Convention against Corruption*

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons, Especially Women and Children*

Bilateral

Myanmar has a bilateral MLA treaty with:

- India

Reciprocity

In the absence of a treaty, mutual legal assistance can be provided on the basis of reciprocity.

Domestic Law

- *Mutual Assistance in Criminal Matters Law (2004)*
- *Mutual Assistance in Criminal Matters Rules (2004)*
- *Anti-Corruption Law (2013)*
- *Anti-Money Laundering Law (2014)*
- *The Prevention and Suppression of Trafficking in Persons Law (2022)*
- *The Extradition Law*

The *Prevention and Suppression of Trafficking in Persons Law (2022)* establishes a Central Body for the Suppression of Trafficking in Persons, which is mandated to coordinate with countries to provide mutual legal assistance in accordance with the Mutual Assistance in Criminal Matters Law (section 6(q)).

Central Authority

The Central Authority for Myanmar is the **Ministry of Home Affairs**

Ministry of Home Affairs
Building No.10
Administrative Zone, Naypyitaw
Republic of The Union of Myanmar

Tel: +95 67 412135
Fax: +95 67 412015
Email: ccmc2020office@gmail.com
www.moha.gov.mm

Requesting assistance of Myanmar

Any foreign State may, in making a request under the *Mutual Assistance in Criminal Matters Law, 2004*, with respect to investigation, prosecution and judicial proceedings in criminal matters, include and request the following matters:

- (a) Taking evidence or statement from any person;
- (b) rendering service so that judicial documents shall have effect;
- (c) examining objects and sites;
- (d) Identifying or tracing money or property to be used for evidentiary purpose to be relevant to the offence;
- (e) executing searches, seizures, control, issuing restraining order and confiscation of exhibit;
- (f) obtaining information, documents to be used for evidentiary purpose, records and expert opinion;
- (g) providing originals or certified copies of relevant documents and records to be used for evidentiary purpose;
- (h) exposing the residential address of offender, location of the exhibit and other necessary information;
- (i) other matters in respect of which the Central Authority has agreed to give assistance.

The requesting State shall, in making a request, mention the following facts in Myanmar language or English language:

- (a) name and designation of the authority making the request
- (b) statement setting out a summary and nature of the case relevant to the request;
- (c) necessary identity, address and nationality of the person concerned;
- (d) procedures for rendering assistance in matters for obtaining evidence;
- (e) period and limitation during which the request is to be complied with;
- (f) information to be exposed and evidence to be obtained;
- (g) statement to perform confidentially if the matter is required to be performed confidentially;
- (h) extract of relevant laws, rules and procedures exercised in one's own State in respect of the assistance of requested and reasons thereof;
- (i) name, function and responsibility of the person conducting investigation, prosecution and judicial proceedings in one's own State;
- (j) other necessary information

The requesting State may, in urgent circumstances, make request orally by telephone facsimile electronic mail or other electronic means including computer network. In making such request the original letter of request shall be sent to the Central Authority without delay.

Incoming Requests

- If the incoming request is based on an international convention, regional treaty or bilateral agreement, the request is to be made directly to the Central Authority
- If the incoming request is coming from a State that is not party to a relevant international convention, regional treaty or bilateral agreement, the request must be made to the Central Authority through diplomatic channels

Tools and resources

A MLA Request Form Draft for requesting assistance relating to Mutual Assistance in Criminal Matters from the Central Authority of the Republic of the Union of Myanmar is available here:

<https://asean.org/wp-content/uploads/2022/06/MLA-Request-form-Draft.pdf>



Source: Sections 33 and 34, *Mutual Assistance in Criminal Matters Law 2004*
https://www.unodc.org/res/organized-crime/CASC/seajust_documents-and-guides_html/MLA_Law_Myanmar.pdf

Myanmar is a member of the South East Asia Justice Network (SEAJust), a UNODC-supported judicial cooperation network implemented with the support of the ASEAN Secretariat. Contact SEAJust to request support in drafting, sending and following up of MLA requests.

Outgoing requests

The government department or organisation in Myanmar that is seeking assistance from any foreign State shall request permission to the Central Authority, mentioning:

- (a) name and designation of the authority making the request
- (b) statement setting out a summary and nature of the case relevant to the request;
- (c) necessary identity, address and nationality of the person concerned;
- (d) procedures for rendering assistance in matters for obtaining evidence;
- (e) period and limitation during which the request is to be complied with;
- (f) information to be exposed and evidence to be obtained;
- (g) statement to perform confidentially if the matter is required to be performed confidentially;
- (h) extract of relevant laws, rules and procedures exercised in one's own State in respect of the assistance of requested and reasons thereof;
- (i) name, function and responsibility of the person conducting investigation, prosecution and judicial proceedings in one's own State;
- (j) other necessary information

If the Central Authority grants permission for the government department or organization to request permission, the Central Authority shall make such a request

- via treaty (if the requested State is party to a relevant international, regional or bilateral agreement) or
- through diplomatic channels if no such relevant agreement is in place with the requested State.

Email: unodc-seajustsecretariat@un.org

<https://www.unodc.org/unodc/en/organized-crime/SEAJust/index.html>

How to request Mutual Legal Assistance (MLA) in responding to transnational human trafficking

The Republic of the PHILIPPINES

Legal basis for cooperation

International

- *United Nations Transnational Organised Crime Convention*
- *Trafficking in Persons Protocol*
- *Smuggling of Migrants Protocol*
- *United Nations Convention against Corruption*
- *Budapest Convention on Cybercrime of the Council of Europe*

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons*
- *ASEAN Convention on Counter Terrorism*

Bilateral

The Philippines has bilateral MLAT with

- Australia
- China
- Hong Kong
- The Republic of Korea
- The Russian Federation
- Spain
- Switzerland
- The United Arab Emirates
- The United Kingdom
- The United States of America

There is also a bilateral trafficking in persons MoU in place with:

- United Arab Emirates (2019)
- Qatar (2024)

Reciprocity

The Philippines can cooperate on the basis of reciprocity, depending on the type of assistance requested.

Domestic Law

There is no domestic Mutual Legal Assistance Law in the Philippines.

Relevant legislations:

- *Expanded Anti-Trafficking in Persons Act of 2022* (Republic Act [R.A.] No. 11862), further amending the *Expanded Anti-Trafficking in Persons Act of 2012* (R.A. No. 10364), expanding the *Anti-Trafficking in Persons Act of 2003* (R.A. No. 9208)
- *Special Protection of Children against Abuse, Exploitation and Discrimination Act* (R.A. No. 7610)
- *Cybercrime Prevention Act of 2012* (R.A. No. 10175)
- *Anti-Money Laundering Act of 2001* (R.A. No. 9160), as amended
- *Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act of 2022* (R.A. No. 11930)

Central Authority

The Central Authority for the Philippines is the **Department of Justice (DoJ)**

The Secretary of Justice
Attn: The Chief State Counsel
Department of Justice
Padre Faura Street,
Ermita, Manila 1000
PHILIPPINES

Email: DOJLegalStaff@doj.gov.ph
ocsc@doj.gov.ph

Tel: + (632) 8523 8481 to 98 Loc.

317

Fax: + (632) 8525-2218

Incoming requests

Requesting assistance in the Philippines

Request submitted to the Philippines, should include the following information:

- a) Name of Central Authority
- b) Name of authority conducting the investigation, prosecution, or proceeding related to the request
- c) Basis of request
- d) Purpose of request and assistance sought
- e) Description of the nature of the criminal matter and its current status
- f) Statement summarizing relevant facts constituting offences and law(s) violated
- g) Description of offence(s) under investigation or prosecution to which request relates, including maximum imposable penalty
- h) Description of evidence, information or other assistance sought
- i) Details of the person(s) including legal or juridical person(s) named in request
- j) Statement whether person(s) named are victims, witnesses, suspects / accused
- k) Connection between evidence requested and offence being investigated / prosecuted
- l) Procedure that the requesting Party wishes to be followed including manner / form by which information or item is to be provided, when necessary
- m) Specification of any time limit for execution of request and dates
- n) If request is urgent, reason for urgency
- o) Confidentiality requirements and reasons for it
- p) Contact information of any law enforcement or prosecution officer in Philippines with whom there has been prior communication relating to the request
- q) Contact information for contact person in requesting State
- r) Any other information / undertaking that may be required to execute the request

Source: *Mutual Legal Assistance in Criminal Matters: A Guide for Domestic and Foreign Central and Competent Authorities* (DoJ, Jan 2021), pp. 15-18.

Outgoing requests

Authorities in foreign countries seeking to request assistance from the Philippines are advised to consult with the DOJ-OCSC prior to submitting requests

- Requests pursuant to bilateral MLAT to be made by the Central Authority, to DoJ-OCSC.
- The Department of Foreign Affairs can directly receive all types of MLA requests from foreign States or jurisdictions, whether pursuant to convention, international agreement or reciprocity.
- Requests must be in writing.
- Requests and supporting documents shall be in English.
- Urgent requests may be emailed as PDFs; requesting party should confirm within 30 days of receipt.

Requesting assistance from other jurisdictions

Letter-requests submitted to DoJ-OCSC by law enforcement or prosecution authorities seeking assistance from a foreign State, must be in writing, in English, and contain all the information contained on the following page (regarding requesting assistance of the Philippines), as well as the name and contact details of the person making the request who should be capable of responding to enquiries.

The DoJ-OCSC shall consider whether it shall make the request, giving priority involve crimes that are high risk, involve high proceeds, proceeds from a high-risk jurisdiction; high risk targets, and/or transnational crime.

Source: *Mutual Legal Assistance in Criminal Matters: A Guide for Domestic and Foreign Central and Competent Authorities* (DoJ, Jan 2021), pp. 10-15.

Tools and resources

Mutual Legal Assistance in Criminal Matters: A Guide for Domestic and Foreign Central and Competent Authorities (Department of Justice, January 2021).

<https://www.doj.gov.ph/files/2021/MLACM/Guidelines%20on%20Mutual%20Legal%20Assistance%20in%20Criminal%20Matters.pdf>

This resource includes standard forms for requests to the Central Authority of the Philippines.



The South East Asia Justice Network (SEAJust) is a UNODC-supported judicial cooperation network implemented with the support of the ASEAN Mutual Legal Assistance Treaty Secretariat. Contact SEAJust to request support in drafting, sending and following up of MLA requests.

Email: unodc-seajustsecretariat@un.org

<https://www.unodc.org/unodc/en/organized-crime/SEAJust/index.html>

How to request Mutual Legal Assistance (MLA) in responding to transnational human trafficking

Republic of SINGAPORE

Legal basis for cooperation

International

- *United Nations Convention against Transnational Organized Crime*
- *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*
- *United Nations Convention against Corruption*

Singapore is not party to the *Smuggling of Migrants Protocol*.

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons, Especially Women and Children*

Bilateral

Singapore has bilateral MLA agreements with:

- France
- Hong Kong SAR
- India
- The United States of America

Reciprocity

In the absence of a treaty, Singapore may render MLA on the basis of reciprocity.

Domestic Law

- *Children and Young Persons Act 1993*
- *Mutual Assistance in Criminal Matters Act 2000 (MACMA)*
- *Penal Code 1871*
- *Prevention of Human Trafficking Act 2014*
- *Women's Charter 1961*
- *Prevention of Corruption Act 1960*
- *Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992*
- Etc.

Trafficking in persons and other related offences are 'serious offences' for the purposes of the MACMA.

Central Authority

The Central Authority for Singapore is the **Attorney-General's Chambers (AGC)**

Chief Prosecutor
Crime Division
Attorney-General's Chambers
1 Upper Pickering Street
Singapore 058288
Republic of Singapore

AGC_CentralAuthority@agc.gov.sg
Tel: +65 6908 9000

Incoming Requests

- The Central Authority of the requesting country is to submit MLA requests to the AGC.
- In case of urgent requests, a copy of the request may also be sent by email, although hard copies should still be sent to the address above.
- Queries in relation to MLA may be sent to the address above, via email.
- Requests should be made in English, or with an English translation attached.

Every request must be made to the Attorney-General of Singapore and include the following information:

- a) Purpose of the request and nature of assistance sought
- b) The person or authority that initiated the request
- c) Be accompanied by:
 - i. A certificate from the appropriate authority that the request is made in respect of a criminal matter within the meaning of the MACMA
 - ii. A description of the nature of the criminal matter and a summary of the relevant facts and laws
 - iii. Where the request relates to
 - A. The location of a person suspected to be involved in or to have benefited from the commission of an offence, or
 - B. The tracing of property suspected to be connected with an offence, the name, identity, nationality, location or description of that person, or the location and description of the property (if known) and a statement setting forth the basis for suspecting the matter referred to in sub-paragraph A or B
 - iv. Description of the offence to which the criminal matter relates, including its maximum penalty
 - v. Details of the procedure the requesting state wishes to be followed by Singapore, including the manner and form in which any information or thing is to be supplied to the requesting state pursuant to the request
 - vi. Where the request is for assistance relating to an ancillary criminal matter and judicial proceedings, or proceedings before a competent authority, to obtain a foreign confiscation order have not been instituted in the requesting state, a statement indicating when they are likely to be instituted
 - vii. Statement setting out the wishes of the requesting state concerning the confidentiality of the request and the reason for those wishes;
 - viii. Details of the period within which the request is to be met
 - ix. If the request involves any person travelling from Singapore to the requesting state, details of allowances; and accommodation arrangements while the person is in the requesting state
 - x. Any other information required to be included with the request under treaty, MoU or other agreement between Singapore and the requesting state
 - xi. Any other information that may assist in giving effect to the request or which is required under the MACMA

Source: Section 19, *Mutual Assistance in Criminal Matters Act 2000*.

Tools and resources

The AGC website offers MLA templates:

<https://www.agc.gov.sg/our-roles/public-prosecutor/mutual-legal-assistance>

Sample request forms can be found in the above URL or by scanning the QR code:



Outgoing requests

Requests can be made to any foreign country under Part 2 of the MACMA, only by the Attorney-General. The Attorney-General may request the appropriate authority of a foreign country for evidence to be taken in that country, and the evidence to be sent to the Attorney-General, if the Attorney-General is satisfied that there are reasonable grounds for believing the evidence is relevant to any criminal proceedings in Singapore.

- Requests for taking evidence (section 8)
- Requests for attendance of a person in Singapore (sections 9 - 12)
- Requests for enforcement of Singapore confiscation order (section 13)
- Assistance in locating or identifying persons (section 14)
- Assistance in service of process (section 15)

Trafficking in persons and receiving payments in connection with exploitation of trafficked victims including in Section 3 and Section 6 of the *Prevention of Human Trafficking Act 2014* respectively, are included in the Second Schedule of the Mutual Assistance in Criminal Matters Act 2000 as 'serious offences'.

Source: *Mutual Assistance in Criminal Matters Act 2000*, Sections 6-15.

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Email: unodc-seajustsecretariat@un.org
<https://www.unodc.org/unodc/en/organized-crime/SEAJust/index.html>

How to request Mutual Legal Assistance (MLA) in responding to transnational human trafficking

Kingdom of THAILAND

Legal basis for cooperation

International

- *United Nations Convention against Transnational Organised Crime (UNTOC)*
- *Trafficking in Persons Supplementary Protocol to UNTOC*
- *United Nations Convention against Corruption*

Thailand has signed but not yet ratified the *Smuggling of Migrants Supplementary Protocol to UNTOC*.

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons, Especially Women and Children*

Bilateral

Thailand has bilateral agreements in place with:

- | | |
|---------------------|------------------------|
| • Australia | Thailand has bilateral |
| • Belgium | MoUs and |
| • Canada | Agreement |
| • China | on trafficking in |
| • France | persons in place |
| • India | with: |
| • Republic of Korea | • Cambodia |
| • Norway | (2014) |
| • Peru | • Lao (2017) |
| • Poland | • Viet Nam (2008) |
| • Sri Lanka | • Myanmar (2009) |
| • Ukraine | • PR China (2018) |
| • United Kingdom | • United Arab |
| • United States of | Emirates (2018) |
| America | |

Reciprocity

If there is no MLA treaty with Thailand, the requesting State shall commit to provide similar assistance.

Relating Documents

- Optional Protocol to the Convention on the Rights of the Child (UNCRC), Child Prostitution and Child Pornography
- Worst Forms of Child Labour Convention (ILO Convention No.182)
- Declaration on the Protection of Children from all Forms of Online Exploitation and Abuse in ASEAN
- ASEAN Guidelines for Harmonized and Comprehensive National Legislation Against All Forms of Online Child Sexual Exploitation and Abuse

Central Authority

The Central Authority for Thailand is the Attorney General

The Attorney General
Central Authority,
Office of the Attorney General
Rajaburi Direkkriddhi Building,
Government Complex
Chaeng Watthana Road, Khet Laksi
Bangkok 10210 THAILAND

Email: inter@ago.mail.go.th
Tel: +662 142 1637
Fax: +622 143 9791
+662 143 9792

Domestic Law

- *Act on Mutual Assistance in Criminal Matters* B.E. 2535 (1992) amended by *Act on Mutual Assistance in Criminal Matters (No.2)* B.E. 2559 (2016)
- *Regulation of the Central Authority on Providing and Seeking Assistance under the Act on Mutual Assistance in Criminal Matters* B.E. 2537 (1994)
- *Anti-Trafficking in Persons Act* B.E. 2551 (2008) amended by *Anti-Trafficking Act (No. 2)* B.E. 2558 (2015), *Anti-Trafficking Act (No. 3)* B.E. 2560 (2017) and *Emergency Decree Amending the Anti-Human Trafficking Act* B.E. 2551, B.E. 2562 (2019)

Tools and resources

- *Act on Mutual Assistance in Criminal Matters* B.E. 2535 (1992), amended by the *Act on Mutual Assistance in Criminal Matters (No. 2)* B.E. 2559 (2016)
- *Ministerial Regulation* B.E. 2537 (1994) *Issued under the Act on Mutual Assistance in Criminal Matters* B.E. 2535 (1992)
- *Ministerial Regulation No.2* B.E. 2537 (1994) *Issued under the Act on Mutual Assistance in Criminal Matters* B.E. 2535 (1992)
- *Regulation of the Central Authority on Providing and Seeking Assistance under the Act on Mutual Assistance in Criminal Matters* B.E. 2537 (1994)

<https://asean.org/wp-content/uploads/2022/04/MLA-Laws-and-Related-Matter.pdf>



Requesting assistance from Thailand

Incoming Requests

- Countries with MLA treaties with Thailand can send requests directly to the Central Authority. Countries with no treaties with Thailand, can send requests through diplomatic channels.
- If the request is made other than in Thai or English, it shall be accompanied by an authenticated Thai or English translation.

****Kindly note that UNTOC and UNCAC shall not be relied upon as the sole legal basis for requests for MLA. For States that are not parties to a bilateral treaty or the ASEAN MLAT, requests must be transmitted through diplomatic channels and accompanied by an assurance of reciprocity, in accordance with Sec. 9(1).*

1. Requests for assistance from Thailand under the *Act on Mutual Assistance in Criminal Matters* must contain, at a minimum, the following details:
2. The name of the authorities seeking assistance
3. The matter of the request, including details and other information which may be useful for the execution of the request
4. The purpose of and necessity for seeking assistance
5. Such other details as required for each category of request
 - *Conducting an inquiry or taking evidence* (Art 6): name and habitation of person who has in possession documents or articles requires for use as evidence, or list of questions for interrogation. In case of taking evidence in Thai Court, a copy of the indictment shall also be attached.
 - *Production and provision of documents or information in the possession of the state agency* (Art 7): description of documents or information and name of agency having them in possession, and purpose for which such documents or information will be used
 - *Serving legal documents* (Art 8): name and habitation of person to be served
 - *Search and seizure* (Art 9): facts or evidence for issuing a search warrant, conducting the search of or carrying out the seizure of the article, and the identity and location of the article or the habitation of the person having it in possession, including the purpose for which such article will be used
 - *Transfer of person kept in custody for testimonial purposes* (Art 10): name of person, particle will be used lace of custody, facts of case, rights and duties under the law, treaties or commitments of the Requesting State towards Thailand
 - *Locating a person* (Art 11): name, identity and residence of the person to be located and connection with criminal matters in the Requesting State.
 - *Initiating criminal proceedings* (Art 12): evidence that Requesting State is competent to initiate criminal proceedings with respect to the case in its territory but wishes to initiate such case which is subject to the jurisdiction of Thai Court. Also describe evidence with sufficient information including the name, identity and habitation of the person against whom the criminal proceeding in Thailand will be initiated.
 - *Forfeiture or seizure* (Art 13): description and location of property, habitation of person having it in possession, authenticated copy of final judgment / Court order of the Court of the Requesting State forfeiting such property

Source: Articles 5-13, *Regulation of the Central Authority on Providing and Seeking Assistance under the Act on Mutual Assistance in Criminal Matters* B.E. 2537 (1994)

Outgoing requests

Requests for assistance from a foreign State shall include, at minimum:

- The name of the agency seeking assistance
- The matters of the request including details and other information which may be useful for the execution of the request
- The purpose and necessary for seeking assistance
- Other details required, depending on the type of request
- Supporting documents, translated into the language of the Requested State or English.

Source: Article 17, *Regulation of the Central Authority on Providing and Seeking Assistance under the Act on Mutual Assistance in Criminal Matters BE 2537 (1994)*

Agencies in Thailand seeking assistance from foreign States shall present their request to the Central Authority (the Attorney General), and shall submit documents in line with the forms, rules, means and conditions defined by the Central Authority (Articles 36 and 37).

The Central Authority shall consider whether it is appropriate to request assistance from the foreign State and will inform the requesting agency of its decision. Its decision is to be final, unless instructed otherwise by the Prime Minister (Article 38).

Where assistance is provided by a foreign state the requesting agency shall comply with the commitment made by Thailand towards the Requested State regarding the use of the information or evidence, and confidentiality as specified in the request (Article 39).

A person coming to Thailand to give statements or to testify, shall not to be served with summons for any case against him or her, be detained, or be subject to any other restriction of personal liberty by reason of any acts which preceded his or her departure from the Requesting State, while he or she is in Thailand, unless he or she remains in Thailand for longer than fifteen days after being notified that his or her presence in Thailand is no longer required (Article 40).

Regarding the admissibility of evidence obtained from a foreign state, the provisions of the Criminal Procedure Code shall be applied *mutatis mutandis* (Article 41).

Source: Part 10, Sections 36 to 41, *Mutual Assistance in Criminal Matters Act*, B.E. 2535 (1992)

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How to request Mutual Legal Assistance (MLA) in responding to transnational human trafficking

Socialist Republic of VIET NAM

Legal basis for cooperation

International

- *United Nations Transnational Organised Crime Convention*
- *Trafficking in Persons Protocol*
- *United Nations Convention against Corruption*

Viet Nam is not party to the *Smuggling of Migrants Protocol*.

Regional

- *ASEAN Treaty on Mutual Legal Assistance in Criminal Matters*
- *ASEAN Convention against Trafficking in Persons*

Bilateral

Viet Nam has bilateral MLA treaties with:

- | | |
|------------------|----------------|
| • Algeria | • Democratic |
| • Australia | People's |
| • Belarus | Republic of |
| • Bulgaria | Korea |
| • Cambodia | • Poland |
| • China | • Russian |
| • Czech Republic | Federation |
| • Cuba | • Slovakia |
| • France | • Republic of |
| • Hungary | Korea |
| • India | • Spain |
| • Indonesia | • Taiwan-China |
| • Lao People's | • Ukraine |
| Democratic | • United |
| Republic | Kingdom |
| • Mongolia | |

Viet Nam has bilateral trafficking in persons treaties with:

- Cambodia (2015, 2012) and SOPs (2009),
- Lao (2010, 2014
- Thailand (2008)

Process for making MLA request

- Requests are to be in the language specified in applicable treaty, or Vietnamese

Relevant Domestic Law

- *Law on Mutual Legal Assistance 2007 (Law No. 8/2007/QH12)*
- *Draft Law on mutual legal assistance in criminal matters 17.12.2021*
- *Penal Code*
- *Criminal Procedure Code (No 101/2015/QH13)*

Central Authority

The Central Authority for the Socialist Republic of Viet Nam is the **Supreme People's Procuracy**

Supreme People's Procuracy
Department of International
Cooperation and Mutual Legal
Assistance in Criminal Matters
09 Pham Van Bach Street
Cau Giay District Hanoi
VIET NAM

Email:

Tel: (+84) 43825 5058

Fax: (+84) 43825 5400

MLA requests can also be received by the **Ministry of Public Security**

Ministry of Public Security
Department of Legal Affairs and
Administrative Judicial Reforms
No. 92 Nguyen Du Street
Hai Ba Trung district
Hanoi, VIET NAM

Incoming requests

Requesting MLA from Viet Nam

Requests sent to Viet Nam must be made in the language specified in the applicable treaty, or in Vietnamese. The following information must be included :

- Date, month, year and place request is made
- Name and address of requestor, and individuals in making the request
- Purpose of the request, summary of case, related circumstances, legal basis, schedule of investigation, prosecution and trial, mandate of performance duration

Depending on specifics of the case, the following information may also be included:

- Identity, nationality and residence of persons
- Matters to be asked, documents, dossiers material evidence and description of persons requested to produce documents, dossiers and material evidence
- Questions and requests for summoned witnesses and experts
- Description of assets and places where assets need to be searched for; grounds for determining that criminal assets fall within jurisdiction of requesting country; court judgments or rulings for search and seizure and confiscation of assets
- Measures for detection or recovery of assets
- Request or procedures required for supplying information, evidence, documents and articles to requesting country
- Requests for confidentiality
- Purpose, expected time and itinerary of person required to be in requested country
- Criminal judgment or court ruling and other documents, evidence or other information necessary for fulfillment of request.

Source: Article 19 of the *Law on Legal Assistance* (Law No. 09/2007/QH12)

Outgoing requests

Requesting MLA from other countries

Agencies seeking requests for assistance to other countries, must make requests to the Central Authority of Viet Nam, by providing the information as stated above at p.3. They must send documents to the Supreme Peoples Procuracy, which will submit them to the requested State via their Central Authority or through diplomatic channels, or revert to the agency making the request for further information.

Source: Article 18-22 of the *Law on Legal Assistance* (Law No. 09/2007/QH12)

Note; all this may change draft MLA of 2021

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