



وزارة العدل

MINISTRY OF JUSTICE



المجلس القضائي الأردني

JUDICIAL COUNCIL

Guidelines for Requests for Mutual Legal Assistance



Funded by the European Union

بتمويل من الاتحاد الأوروبي

UNODC



مكتب الأمم المتحدة المعني بالمخدرات والجريمة



وَزَارَةُ الْعَدْلِ

MINISTRY OF JUSTICE

Ministry of Justice

Secretary General of
Ministry of Justice

His Excellency Judge
Ziad Al-Dumor

Director of Directorate
International Cooperation
Alia Assaf

Head of the Anti-Money
Laundering and Terrorism
Financing Department

Hiba Ghabboun



المجلس القضائي الأردني

JUDICIAL COUNCIL

Judicial Council

Amman Public Prosecutor

His Excellency Judge

D. Hasan Al-Abdallat

Director of Communication Unit
Judge Alaa Madanat

This guide was prepared under the EU/RoL Action "Support to the RoL in Jordan" in Jordan and within the activities of the project "Strengthening International Cooperation and Mutual Legal Assistance in Criminal Matters in Jordan", and in cooperation between the Ministry of Justice, the Judicial Council / Public Prosecution, and in partnership with the United Nations Office on Drugs and Crime



Guidelines for Requests for Mutual Legal Assistance

Without prejudice to the provisions of bilateral, regional or international agreements to which the Hashemite Kingdom of Jordan is a party, the judicial authorities in the requesting country shall exchange Legal assistance with counterpart judicial authorities in criminal matters through the Ministry of Justice / International Cooperation Directorate, the Central Authority to receive requests for legal assistance through diplomatic channels. Priority shall be given in the implementation of requests for legal assistance related to money laundering crimes, terrorism and its financing, and crimes related to corruption

Contents:

- I. Procedures for Submitting a Request for Legal Assistance.
- II. The Formal Conditions for Requesting Legal Assistance.
- III. Types of Legal Assistance (without limitation).
- IV. Procedures for the Jordanian Judicial Authority to Deal with Requests for Legal Assistance Received Within the Framework of International Cooperation.
- V. An illustrative Guidance Form for Requesting Legal Assistance.



I- Procedures for Submitting a Request for Legal Assistance:

1. The request for legal assistance shall be submitted by the competent judicial authority in the requesting country, using diplomatic channels, to the Ministry of Justice as it is the central authority that receives requests for legal assistance.
2. The competent directorate / Directorate of International Cooperation shall study the request for legal assistance and ensure that it fulfills its formal requirements. In the event that these requirements are met, it shall be referred to the competent judicial authority within one working day to take the required measures, taking into account giving priority to legal assistance requests related to terrorism crimes and terrorist financing, money laundering and corruption.
3. In the event there is a lack of information or clarity in the request, the Directorate of International Cooperation shall request from the requesting judicial authority any additional information it deems necessary to implement the request.
4. After implementing the request by the competent judicial authority, the request shall be returned to the requesting country through diplomatic channels.



II- The Formal Conditions for Requesting Legal Assistance:

1- It must be issued by a judicial or competent international authority or any authority with jurisdiction.

2- The request shall be in writing, and it is permissible, in case of urgency, to send it by fax or electronic means, provided that the originals are sent later by diplomatic channels.


3. The request shall be printed, clearly dated, signed and sealed by the agency requesting assistance; furthermore, it shall be translated into the language of the country required to implement it.

4. It shall include a summary of the facts of the case in which the request for legal assistance is submitted. This summary shall describe the type of case, its number, its parties, the authority from which the request was issued, a summary of the facts in terms of determining the nature of the crime and the penalty imposed on it, a summary of the evidence and the authority to implement it, and the legal texts applicable to it. The measures, which are required to be taken by the state required to implement the request for legal assistance, shall be clear and specific.



II- The Formal Conditions for Requesting Legal Assistance:

5. The time period for its implementation shall be specified with an indication of the nature of the request in terms of confidentiality or urgency.
6. The legal basis for requesting legal assistance.
7. The request shall include complete information about the identity of the person or persons subject of the request (as far as possible), the person's name, nationality, date and place of birth, place of residence and any information related to the investigation or trial procedures to which the request relates.
8. The request shall include a description of the documents, records, exhibits, or evidence required, in addition to the person concerned with submitting them, if possible.



III-Types of Legal Assistance (for example, but not limited to):

1. Taking evidence and obtaining statements of persons.
2. Executing letters rogatory
3. Determining the location and identity of persons.
4. Executing requests for inspection and seizure.
5. Determining the location and identity of the suspected person.
6. Investigation, seizure and confiscation of proceeds or tools of crime.
7. Hearing witnesses.
8. Service of documents
9. Collecting samples of forensic evidence.
10. Any type of assistance, provided that the request does not violate the national sovereignty or the public order of the state from which it is requested to implement the request for assistance, while observing human rights international standards.



IV- Procedures for the Jordanian Judicial Authority to Deal with Requests for Legal Assistance Received Within the Framework of International Cooperation:

The judicial authority deals with requests for legal assistance that it receives from the Ministry of Justice (the central authority), either based on the existence of a bilateral, regional or international agreement to which the country requesting legal assistance and Jordan are parties. In the event of there is no agreement, the request for assistance shall be dealt with according to the rules of international courtesy and the principle of reciprocity.

After completing the procedures related to the request for legal assistance at the Ministry of Justice and referring the request by the Ministry of Justice to the Office of the Attorney General / Amman, the following procedures shall be taken:

1. The request for assistance received from the Ministry of Justice shall be registered in the (electronic and paper) records at the International Cooperation Office in the Attorney General's Department within one day from the date of its receipt, and the record must include the following information:

- The date on which the request was received.
- Name of the country requesting assistance.
- Type of legal assistance required.



IV- Procedures for the Jordanian Judicial Authority to Deal with Requests for Legal Assistance Received Within the Framework of International Cooperation:

2. After registering the request in the aforementioned way, the Attorney General shall, ***within one day from the date of filing the request, send it to the Public Prosecutor.***

3. The Public Prosecutor shall register the request for legal assistance in the paper and electronic records of the requests for legal assistance on the day it is received. Then the Public Prosecutor shall refer the request to the Competent Public Prosecutor to duly implement the requests for legal assistance within one day.

4. The Competent Public Prosecutor shall proceed with the implementation of the request procedures. Legal assistance requests shall be classified as urgent, and priority in the implementation of legal assistance requests shall be given to cases related to money laundering, terrorist financing and corruption.

5. The Competent Public Prosecutor shall submit weekly reports to the Attorney General to inform him/her of the progress of work on all requests for legal assistance and whether there are any obstacles that delay the implementation of the request.



IV- Procedures for the Jordanian Judicial Authority to Deal with Requests for Legal Assistance Received Within the Framework of International Cooperation:

6. The request must be executed by the Competent Public Prosecutor within a period not exceeding one month from the date of receiving the request, except in exceptional cases approved by the Attorney General.

7. After duly completing the procedures by the Public Prosecutor and implementing the contents of the required assistance, the Public Prosecutor shall send the request for assistance within one day from the date of its implementation to the Office of the Attorney General in Amman.

8. In the event that the Public Prosecutor considers that the content of the assistance request has been properly implemented, he/she shall duly send it to the Ministry of Justice (The Central Authority).



V- An illustrative Guidance Form for Requesting Legal Assistance

The Requesting Party (the Authority Requesting Legal Assistance):

Name:

Address:

Phone No.:..... Fax no.:.....

E-mail Address :

The Party to Which the Request is Sent (the Authority from Which Legal Assistance is Requested): The competent judicial authority through the Ministry of Justice - Address: Amman, Third Circle

www.moj.gov.jo

Phone: 0096224603630

E-mail address: Directorate of International Cooperation

Intl.Coop@moj.gov.jo

Anti.Terr@moj.gov.jo



V- An illustrative Guidance Form for Requesting Legal Assistance

**Request for legal assistance in the case (type of case
number ... between the parties**

Legal basis for the request:

- Multilateral Agreement
- Regional Agreement
- Bilateral Agreement
- Principle of Reciprocity

Comprehensive and Brief Presentation of Facts and Legal Texts

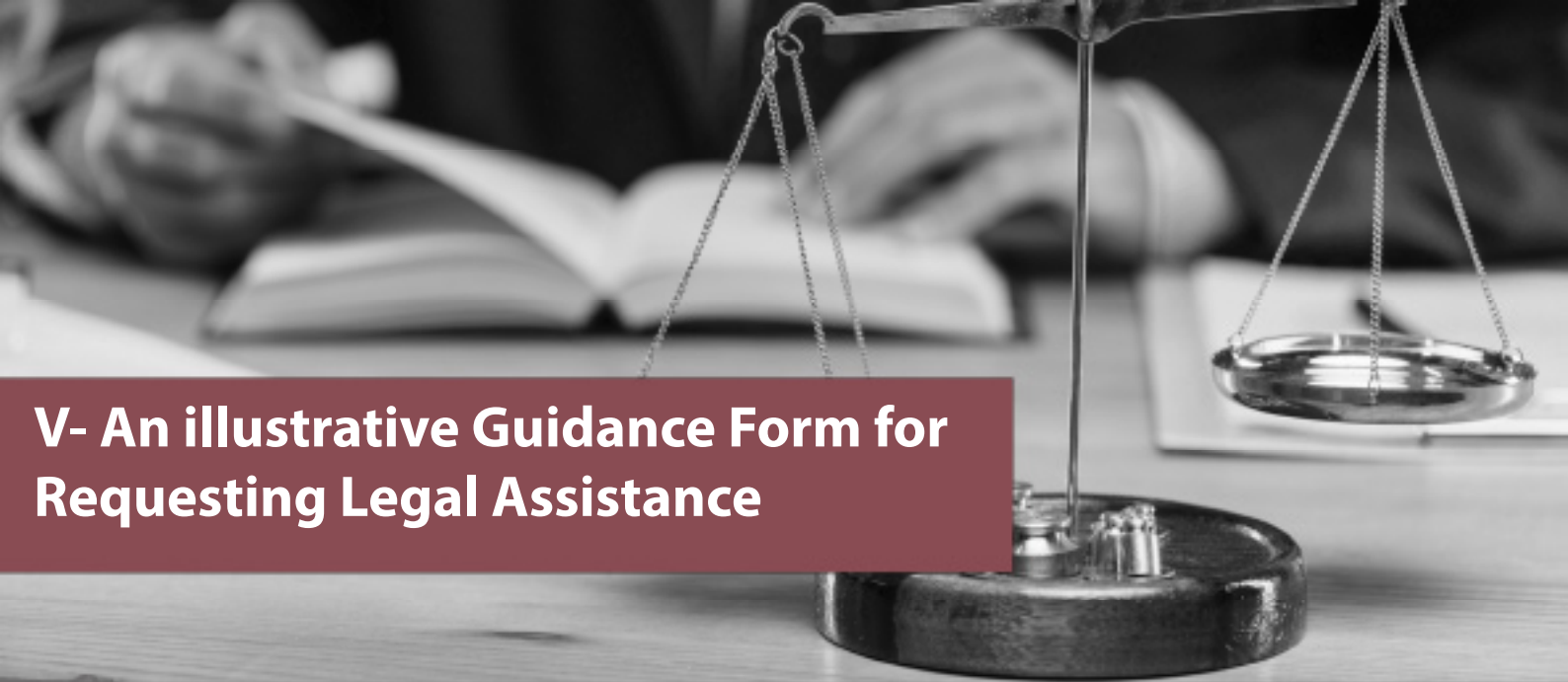
Urgent Nature: (When required)

The submitted request is urgent for the following reasons:

Confidentiality: The request is confidential for the following reasons: ...

Measures and actions to be taken:

- Hearing the Testimony of witnesses
- Executing Letters rogatory
- Inspection, seizure and delivery
- Seizure and confiscation of proceeds or tools of crime
- Determining the location and identity of persons
- Monitoring calls
- Service of documents
- Checking a bank account
- Collecting samples of forensic evidence
- Other Measures.....



V- An illustrative Guidance Form for Requesting Legal Assistance

Notice: The complete information related to the person to be heard (name, date of birth, nationality, address, description of them as a witness or victim, any information related to the investigation or trial procedures to which the request relates, and the questions to be directed to the person whose testimony is required to be heard) shall be included..

Attachments: Legal texts, notification notes, origin of the request

Determining a time limit to implement the request:

The Authority requesting legal assistance:

Signature:..... Date: Official Seal:



This guide was prepared under the EU/RoL Action “Support to the RoL in Jordan” in Jordan and within the activities of the project “Strengthening International Cooperation and Mutual Legal Assistance in Criminal Matters in Jordan”, and in cooperation between the Ministry of Justice, the Judicial Council / Public Prosecution, and in partnership with the United Nations Office on Drugs and Crime