

**SUBJECT: INCOMING REQUEST FOR MUTUAL LEGAL ASSISTANCE
IN CRIMINAL MATTERS**

**STEPS TO FOLLOW WHEN SEEKING MUTUAL LEGAL ASSISTANCE FROM
ISLAMIC REPUBLIC OF PAKISTAN UNDER MUTUAL LEGAL ASSISTANCE
(CRIMINAL MATTERS) ACT, 2020, NATIONAL ACCOUNTABILITY
ORDINANCE, 1999 AND UNITED NATIONS CONVENTION AGAINST
CORRUPTION**

FROM: The Central Authority of the Requesting State

TO: The Chairman, National Accountability Bureau, Shahrah-e-Jamhuriat, G-5/1,
Islamabad, Pakistan.

In general, when seeking mutual legal assistance from Islamic Republic of Pakistan through National Accountability Bureau ("NAB") under Mutual Assistance (Criminal Matters) Act, 2020, National Accountability Ordinance ("NAO"), 1999, and United Nations Convention against Corruption ("UNCAC"), the steps outlined below should be followed:

**Step 1: CONSIDER WHETHER THE INFORMATION OR EVIDENCE COULD BE
OBTAINED VIA INFORMAL CHANNELS**

Law enforcement authorities should consider seeking informal (agency-to-agency, or police to-police) assistance before making a formal mutual legal assistance request, as information can generally be provided more quickly on an informal basis.

**Step 2: CONSULT WITH THE CENTRAL AUTHORITY BEFORE SUBMITTING
THE REQUEST**

The National Accountability Bureau encourages foreign Central Authorities to make contact before making a request, particularly in urgent cases and in proceeds of crime of corruption requests, to ensure the assistance sought is available under National Accountability Ordinance, 1999, Mutual Assistance (Criminal Matters) Act, 2020 and the request will meet NAB's requirements.

Step 3: INDICATE THE MECHANISM USED TO SEEK ASSISTANCE

The request should identify the basis on which it is made including any bilateral or multilateral treaty/convention (e.g. UNCAC).

**Step 4: IDENTIFY THE AUTHORITY CONDUCTING THE INVESTIGATION/
PROSECUTION**

The request should identify the relevant investigating and/or prosecuting authority particularly NAB.

Step 5: SUMMARISE THE CASE

The request should describe the nature of the criminal matter and summarise the relevant facts if there is an element of corruption/corrupt practices through money laundering. The

summary of facts should clearly establish the connection between the foreign investigation or proceeding and the assistance sought.

The summary of facts should:

- include sufficient information to enable NAB to undertake a dual criminality assessment; provide information about why the investigating and/or prosecuting authorities believe relevant evidence is located in Pakistan;
- identify the suspect(s) Name, Passport/ National Identity Card Number, address and other identifiers, such as corporate title, of the person in Islamic Republic of Pakistan from whom evidence is to be compelled;
- A list of questions to be asked, where applicable, generally in the form of written interrogatories.

Step 6: SET OUT THE APPLICABLE LEGAL PROVISIONS

The request should include the full text of all relevant offence and penalty provisions related to the investigation and/or prosecution, including applicable penalties.

Step 7: IDENTIFY THE ASSISTANCE BEING SOUGHT

The request should outline, in specific terms, exactly what assistance is sought from NAB, and any particular procedural requirements that must be met,

In addition, depending upon the nature of the assistance sought, the following information should be included:

a. Witness statements/testimony:

- include a list of questions to be asked of the witness–indicate whether the defence or prosecution wants to examine or cross-examine a witness (including via video link);
- indicate whether evidence provided needs to be sworn/affirmed;
- include all available personal details of the witness (including name, nationality, location, passport information and gender etc)–state the status of the witness (suspect/accused, or simply a witness);
- include a clear explanation of how the information sought from the witness is relevant to the case; and
- if known, indicate whether the witness is likely to provide the statement or testimony voluntarily, or whether arrangements will need to be made for the witness to be compelled to give evidence

b. Documentary evidence:

- if possible, identify the specific documents sought–state the location where the documents are believed to be held–include the reasons why the evidence will be relevant to the case.

Step 8: HIGHLIGHT ANY SPECIFIC CONFIDENTIALITY REQUIREMENTS

In NAB, the existence and contents of foreign requests are treated confidentially except to the extent necessary to execute the request. If the matter is particularly sensitive, the request should expressly set out the need and reasons for confidentiality (for example, if the suspect has no knowledge of the investigation relating to the request).

Step 9: IDENTIFY ANY URGENCY IN THE EXECUTION OF THE REQUEST

The request should expressly identify any time period within which the assistance is sought, and the reason for this time constraint (such as a pending court proceeding or a time-sensitive investigation). If there is a statutory limitation period on the prosecution of the offence, please provide the relevant dates.

Step 10: PROVIDE A LIST OF RELEVANT CONTACT POINTS IN YOUR COUNTRY

The request should include contact details for the relevant law enforcement and/or prosecution authorities, as well as the Central Authority.

Step 11: TRANSLATE THE REQUEST

NAB requires requests to be provided in writing in English language only.

Step 12: LIMITATIONS AND UNDERTAKING ON USE OF EVIDENCE PROVIDED

Any evidential material provided by NAB in response to a request may only be used for the specific purpose stated in the request. If the requesting country wishes to use the evidence for any other purpose(s), consent must be sought from NAB.

Step 13: UNDERTAKING OF RECIPROCITY

The requesting agency should give an undertaking of reciprocity.

Step 14: SIGNATURE AND AUTHENTICATION

The head of the Central Authority of requesting state should sign the request and certify the request with a stamp the requesting agency.