



Government of Bermuda
Ministerial Statement to the House of Assembly

Mutual Legal Assistance
By
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Attorney-General and Minister of Legal Affairs

Friday June 21, 2013

Mr. Speaker,

Mutual Legal Assistance is an important tool in the fight against crime; both international and domestic. It is the formal procedure undertaken by Countries in requesting and providing assistance in obtaining evidence located in a particular jurisdiction.

The Attorney-General's Chambers is the designated Central Authority, and is capable of sending and receiving mutual legal assistance requests. Such assistance can be requested and received in a wide range of criminal matters and evidence obtained pursuant to the request can take the form of, among other things, witness statements or banking information. This evidence is then in turn used to assist the requesting Country with criminal investigations or court proceedings occurring in their jurisdiction.

Bermuda currently sends and receives mutual legal assistance requests to and from other jurisdictions pursuant to the *Criminal Justice (International Cooperation)(Bermuda) Act 1994*, and pursuant to a treaty with regard to the United States of America.

Consequently, whilst a treaty is not always necessary for the basic provision of mutual legal assistance, a treaty may extend the scope of assistance available or improve the efficiency with which assistance can be provided. For example, the treaties could assist in specifying the format by which evidence will be admissible in court, and the information required in a request for assistance. Additionally, the treaties could provide for the sharing of assets which may be seized by Bermuda for a requesting jurisdiction.

Mr. Speaker,

For this reason, the Attorney-General's Chambers is currently in the process of reviewing a number of Bilateral treaties which the United Kingdom are party to, with a view to having the treaties extended to Bermuda. However, before the treaties can be extended, Bermuda must ensure that there is legislation in place which ensures that the obligations of the treaties can be fulfilled.

As such, comparisons have been made between the treaties and Bermuda Legislation to ascertain what provisions of the treaties have already been provided for in Bermuda Legislation, which include the *Proceeds of Crime Act 1997*, the *Proceeds of Crime (Designated Countries and Territories) Order 1998*, the *Criminal Justice (International Cooperation)(Bermuda)Act 1994*, and the *Rules of the Supreme Court 1985*.

This approach has proven to be a very complex and time consuming process; as such, the working group are looking to implement a more streamlined approach whereby the treaties may be implemented via stand alone legislation.

In the meantime, the Attorney General's Chambers continues to process requests for mutual legal assistance pursuant to the *Criminal Justice (International Cooperation)(Bermuda)Act 1994* and the USA/Bermuda treaty, which have facilitated a number of requests for assistance.