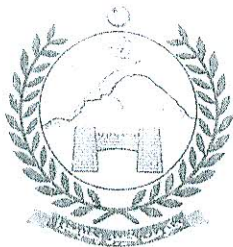


To be substituted for this Department's letter of even number, dated 16th July, 2020



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT
JUDICIAL SECTION
PHONE: 091-9211217 FAX # 9210201

Dated Peshawar, the 08th October, 2020.

NOTIFICATION

NO. SO (JUDL)/HD/P-69/2020/VOL-I. The Competent Authority is pleased to issue the following Standard Operating Procedures (SOPs) for International Cooperation and other related matters in the province of Khyber Pakhtunkhwa:-

INTRODUCTION

These guidelines are issued in pursuance of the Mutual Legal Assistance Act 2020, of Islamic Republic of Pakistan for International Cooperation. These Guidelines have been formulated to assist and understand the steps which are to be followed to deal with outgoing Mutual Legal Assistance (MLA) and incoming MLA requests. Moreover, the guidelines also intend to raise awareness amongst the officials in all relevant ministries, departments, agencies, or organizations, etc. with respect of seeking international cooperation from other countries and providing in-time quality response on incoming requests from other countries.

WHEN IS A FORMAL MUTUAL ASSISTANCE REQUEST MADE?

Law Enforcement Agencies and other concerned departments are required to explore the potential international linkages during every criminal investigation including terrorist financing and money laundering cases and to actively seek international cooperation from other countries. Ministry of Interior's and National Counter Terrorism Authority (NACTA's) Directives on International Cooperation in Terrorism Financing and Money Laundering matters and SOPs for JITs/Investigators for Terrorist Financing Investigations may also be consulted for further guidance. Accordingly, Law Enforcement Agencies (LEAs) shall closely coordinate with the Ministry of Interior to that end.

Moreover, LEAs and other concerned departments are requested that formal international Cooperation may preferably be initiated on the basis of Information obtained through informal channel as it will be more effective and has chances of immediate reply.

WHO IS CENTRAL AUTHORITY?

Secretary of the Ministry of Interior, Government of Pakistan, shall act as the Central Authority for this purpose in Pakistan. The powers of such authority shall be exercised by an executive committee as defined in section 2(c) of MLA Act, 2020. The International Cooperation Wing of the Ministry of Interior will handle all the international incoming and outgoing requests as per given timelines and will liaise with the Committee as necessary.

INTERNATIONAL COOPERATION CELL

The International Cooperation Cell of Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa been notified vide notification No. SO (Judl)/HD/P-17/Vol-I dated 08th October, 2020 under the chairmanship of Additional Secretary (Judicial/FATF), contact details (091-9210422).

PROCESS OF INCOMING MLA REQUEST.

- a. The Incoming request will be received in Home Department from International Cooperation Wing of the Ministry of Interior. The same shall be handled by Focal persons/committee formed for International Cooperation who shall scrutinize the entire document including the format given in the guidelines of Ministry of Interior. In case of any shortcoming the request shall be returned to MOI immediately.



- b. In case of complete documents, the committee shall forward the request to concerned department with clear timelines and follow the request regularly. The complete reply shall be sent to Ministry of Interior within 14 working days. In case of delay, the reasons of delay with further timelines may be sought from Ministry of Interior after 14 days.
- c. The concerned departments in case of an incoming request shall use the available laws of the land including Pakistan's Penal Code 1860, Criminal Procedure Code 1898, Anti-Terrorism Act 1997, Anti Money Laundering Act 2010, Customs Act 1969 etc. to execute the request.
- d. The authorities shall consider all the aspects during the enquiry as required in the incoming international cooperation request.

PROCESS OF OUTGOING MLA REQUEST.

As per Section-7 of MLA Act 2020, a formal request for International cooperation may comprise one or more of the following matters, namely: -

- a) inquire about location and identification of witnesses, suspects, perpetrators and offenders;
- b) have evidence taken or documents or other articles produced;
- c) obtain search warrants or other lawful instruments authorizing a search for evidence relevant to investigations or proceedings in Pakistan, located or believed to be located in that country, and if found, to seize them as permissible under the domestic law of that country;
- d) freeze or seize properties that may be the subject of investigations or proceedings, believed to be located in that country, through relevant legal process in that country;
- e) transmit to Pakistan any evidence, documents, articles, properties or proceeds realized from the disposal of properties;
- f) transfer in custody to Pakistan a person in foreign country who consented to assist Pakistan in the relevant investigations or proceedings;
- g) effect service of judicial documents;
- h) identify or trace proceeds or instrumentalities of crime or properties for evidentiary purpose;
- i) facilitate the voluntary appearance of persons required in relation to any existing or intended investigations or proceedings in Pakistan;
- j) provide original or certified copies and accompanying affidavits with certified copies when necessary, of relevant documents and records, including government, banks, and financial corporations or business records;
- k) provide any other type of assistance that is not contrary to the domestic law of that country;

FORMAT OF OUT GOING REQUEST

The request for International cooperation by Pakistan may be sought on the basis of following format:

- **Legal basis for the request:** A description of the legal basis upon which the request is made e.g law, bilateral treaty, multilateral convention or scheme or, in the absence thereof, on the basis of reciprocity or UN resolution or UN convention.