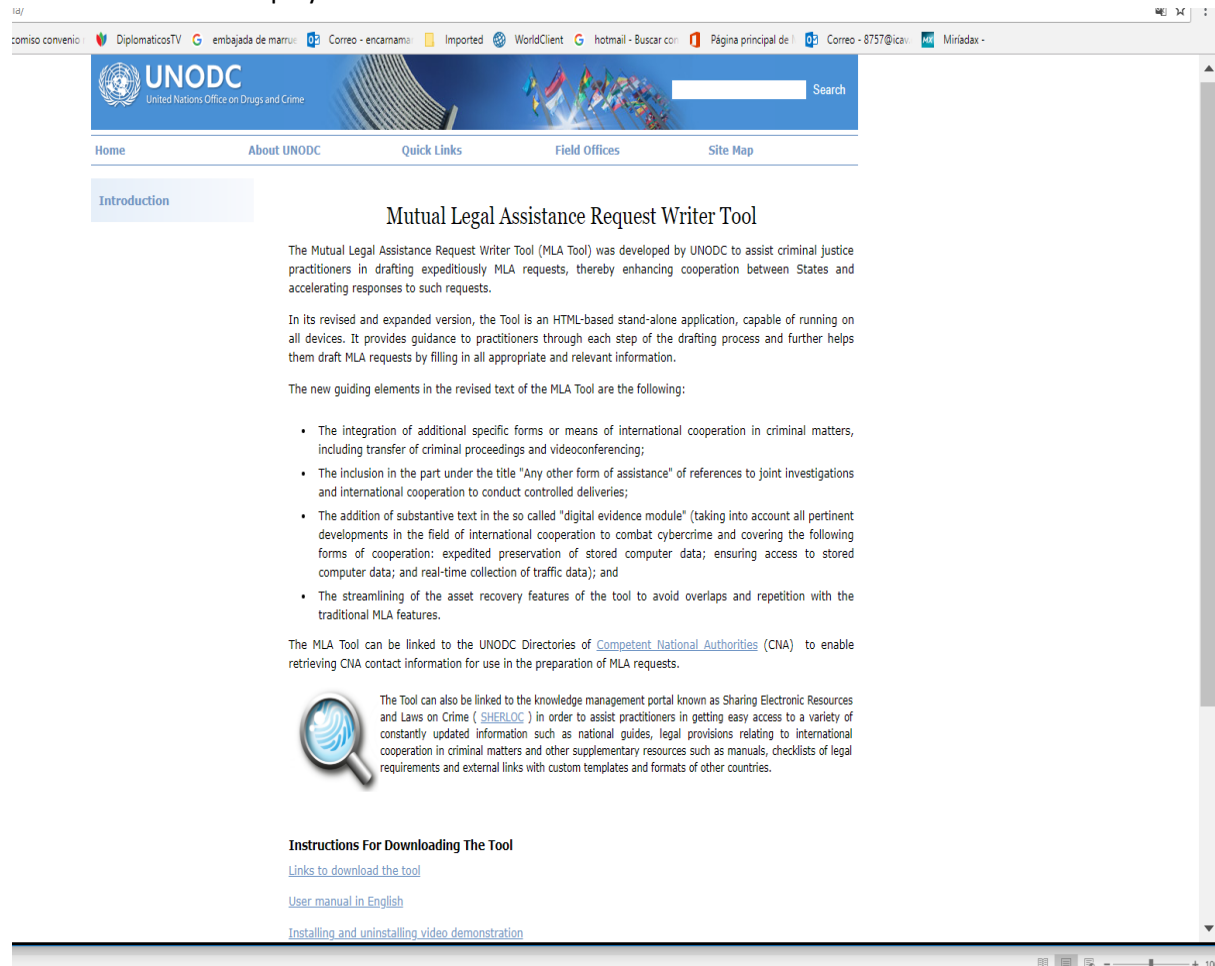


PREPARING A MUTUAL LEGAL ASSISTANCE REQUEST BY USING THE MLA WRITER TOOL

STEP 1: FINDING THE MLA WRITER TOOL

The MLA Writer Tool can be found pasting this URL in your browser: <https://www.unodc.org/mla/>

This screen will be displayed:



The screenshot shows the UNODC website's landing page for the Mutual Legal Assistance Request Writer Tool. The page features the UNODC logo and navigation menu at the top. The main content area is titled "Mutual Legal Assistance Request Writer Tool" and includes an introduction, a list of new guiding elements, and instructions for downloading the tool. The browser's address bar shows the URL <https://www.unodc.org/mla/>.

Introduction

Mutual Legal Assistance Request Writer Tool

The Mutual Legal Assistance Request Writer Tool (MLA Tool) was developed by UNODC to assist criminal justice practitioners in drafting expeditiously MLA requests, thereby enhancing cooperation between States and accelerating responses to such requests.

In its revised and expanded version, the Tool is an HTML-based stand-alone application, capable of running on all devices. It provides guidance to practitioners through each step of the drafting process and further helps them draft MLA requests by filling in all appropriate and relevant information.

The new guiding elements in the revised text of the MLA Tool are the following:

- The integration of additional specific forms or means of international cooperation in criminal matters, including transfer of criminal proceedings and videoconferencing;
- The inclusion in the part under the title "Any other form of assistance" of references to joint investigations and international cooperation to conduct controlled deliveries;
- The addition of substantive text in the so called "digital evidence module" (taking into account all pertinent developments in the field of international cooperation to combat cybercrime and covering the following forms of cooperation: expedited preservation of stored computer data; ensuring access to stored computer data; and real-time collection of traffic data); and
- The streamlining of the asset recovery features of the tool to avoid overlaps and repetition with the traditional MLA features.

The MLA Tool can be linked to the UNODC Directories of [Competent National Authorities \(CNA\)](#) to enable retrieving CNA contact information for use in the preparation of MLA requests.

The Tool can also be linked to the knowledge management portal known as Sharing Electronic Resources and Laws on Crime ([SHERLOC](#)) in order to assist practitioners in getting easy access to a variety of constantly updated information such as national guides, legal provisions relating to international cooperation in criminal matters and other supplementary resources such as manuals, checklists of legal requirements and external links with custom templates and formats of other countries.

Instructions For Downloading The Tool

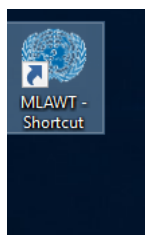
[Links to download the tool](#)

[User manual in English](#)

[Installing and uninstalling video demonstration](#)

ATTENTION: Notice that you will need to install the tool, following the instructions provided there.

Once you have completed the installation, this icon will appear in your computer:



STEP 2: START DRAFTING LETTER OF REQUEST

By clicking on the icon, you will find this screen:

The screenshot displays the UNODC Mutual Legal Assistance Request Writer Tool interface. At the top, there is a navigation bar with the UNODC logo and the text "UNODC Mutual Legal Assistance Request Writer Tool". The navigation menu includes "Home", "About", "Settings", "Tutorial" (highlighted in red), and "Help". There are also search icons and a "Close" button. Below the navigation bar, the interface is divided into several sections:

- Actions:** A blue sidebar menu containing "Start Drafting Letter of Request", "Completed Request", "Incomplete Request", "Import Request", and a "Search" section with "Manuals and Networks Lookup".
- Manuals and Networks Lookup:** A light blue section with two dropdown menus: "Manuals for Assistance Requests (Internet Required)" with a "Guide Search" dropdown, and "Networks for Assistance Requests (Internet Required)" with a "Network Search" dropdown.
- MLA Requests Completed:** A green section with a header "MLA Requests Completed 0". It contains buttons for "Edit", "Export (.mla)", and "Delete", a "Filter" input field, and an empty list area.
- MLA Requests Not Completed:** A yellow section with a header "MLA Requests Not Completed 1". It contains buttons for "Edit", "Export (.mla)", and "Delete", a "Filter" input field, and a list area containing the text "undefined.mlax".

Click on [Start Drafting Letter of Request](#)

This page will be displayed:

Start Drafting Letter of Request

Welcome to the UNODC Mutual Legal Assistance Request Writer.

Mutual legal assistance (MLA) is a form of international cooperation to combat crime and a process by which States seek and provide assistance in gathering evidence for use in criminal cases. On request, States may employ their criminal justice powers, including compulsory powers, to provide assistance in criminal proceedings or other proceedings related to criminal matters. An MLA request can be based on an applicable treaty (international, regional or bilateral) or can be granted on the basis of national law, with or without a requirement for reciprocity.

A growing number of requests need to be made at short notice. Ensuring that a request is 'right first time' means that requested State is better positioned to assess and execute the request, especially in cases of assistance relating to digital evidence. To that end, a request must contain all critical information needed to (a) facilitate assessment of the request and (b) avoid legal pitfalls and obstacles in States operating under different legal systems.

The multilateral, regional, and bilateral drug and crime control conventions contain provisions on mutual legal assistance and other forms of cooperation. As part of its legal assistance services to Member States, the United Nations Office on Drugs and Crime has developed a Mutual Legal Assistance Request Writer Tool to help practitioners prepare in a timely manner proper, complete and effective requests, thus streamlining the MLA process. The Tool is designed to cover all serious offences, not just those established in accordance with international treaties or conventions.

The Tool guides practitioners step-by-step through the drafting process, using screen templates. The drafter selects drop-down menus in each template and fills in the various data fields provided. These fields can be easily adjusted to meet the legal and procedural requirements of the Requesting State. The Tool requires drafters to complete each screen sequentially to avoid incomplete requests and minimize risks of delay or refusal.

Once the drafter finishes entering the data, the Tool consolidates all data, and generates a draft request for final editing and signature. All requests written with the Tool can be saved into a database and accessed at any later time.

If there is uncertainty as to whether the information required from the Requested State needs the submission of a formal MLA request or, instead, an informal request suffices, the practitioners in the Requesting State should check in advance with the central authority of the Requested State whether a formal or informal request is needed.

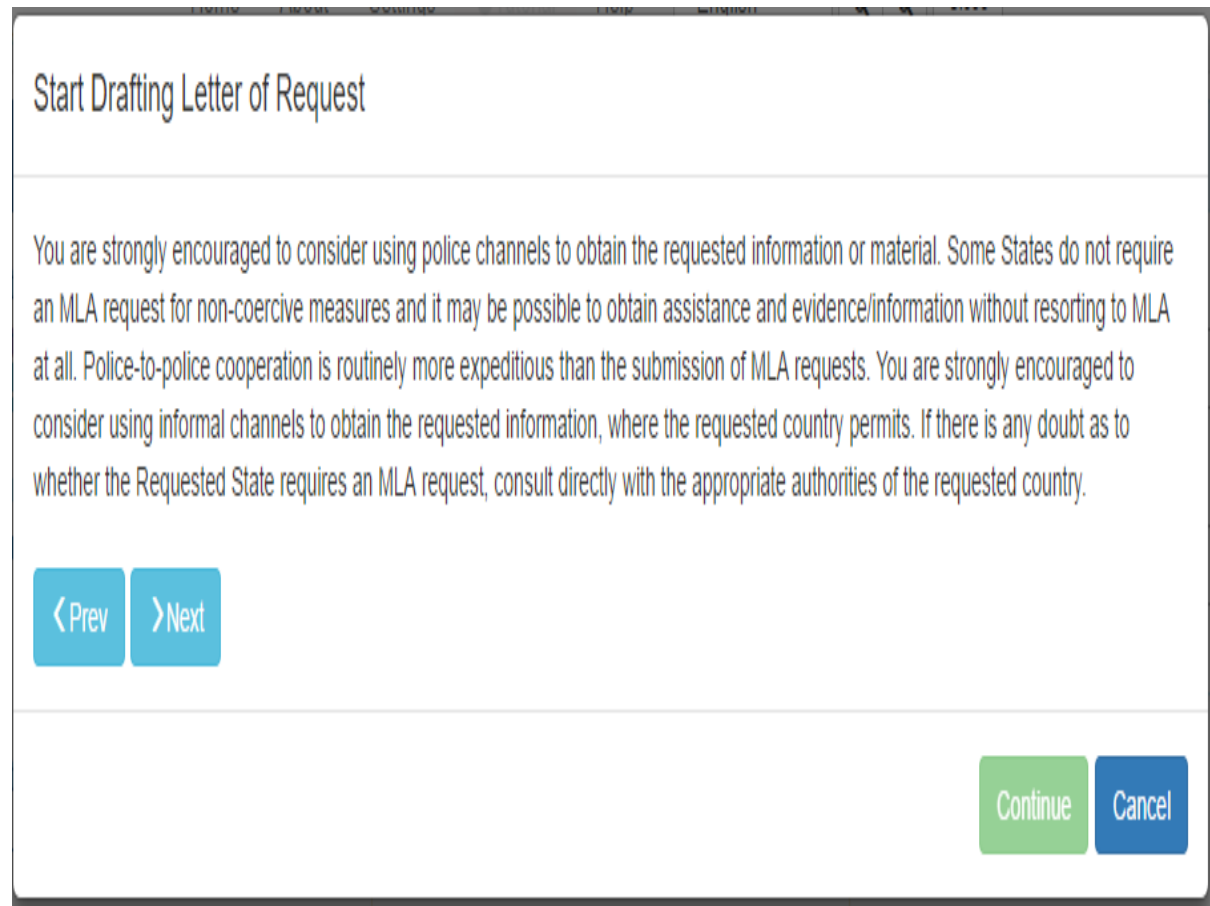
[>Next](#)

Continue

Cancel

Click on **Next** after reading the practical information showed.

This will appear:



The screenshot shows a dialog box with a white background and a dark border. At the top, the title 'Start Drafting Letter of Request' is displayed in a dark font. Below the title is a horizontal line. The main body of the dialog contains a paragraph of text: 'You are strongly encouraged to consider using police channels to obtain the requested information or material. Some States do not require an MLA request for non-coercive measures and it may be possible to obtain assistance and evidence/information without resorting to MLA at all. Police-to-police cooperation is routinely more expeditious than the submission of MLA requests. You are strongly encouraged to consider using informal channels to obtain the requested information, where the requested country permits. If there is any doubt as to whether the Requested State requires an MLA request, consult directly with the appropriate authorities of the requested country.' Below the text are two light blue buttons: '< Prev' on the left and '> Next' on the right. At the bottom right of the dialog, there are two more buttons: a green 'Continue' button and a blue 'Cancel' button.

Start Drafting Letter of Request

You are strongly encouraged to consider using police channels to obtain the requested information or material. Some States do not require an MLA request for non-coercive measures and it may be possible to obtain assistance and evidence/information without resorting to MLA at all. Police-to-police cooperation is routinely more expeditious than the submission of MLA requests. You are strongly encouraged to consider using informal channels to obtain the requested information, where the requested country permits. If there is any doubt as to whether the Requested State requires an MLA request, consult directly with the appropriate authorities of the requested country.

< Prev > Next

Continue Cancel

Click **Next**, again.

STEP 3 SELECTING THE DESTINATION COUNTRY AND THE REQUESTED ASSISTANCE

The system will present a list of countries. In this case we are going to choose France.

Start Drafting Letter of Request

It is often desirable for overseas authorities to obtain information about a matter before making an MLA request. This can help improve the quality of the MLA request, and makes it less likely that a request will be returned to the requesting authority for lack of information.

It is also a good practice to share draft MLA requests with the counterparts in the cooperating State before submitting the final MLA request.

Except for proceedings related to criminal matters, requests for assistance in civil and administrative matters do not fall within the concept of "mutual assistance in criminal matters".

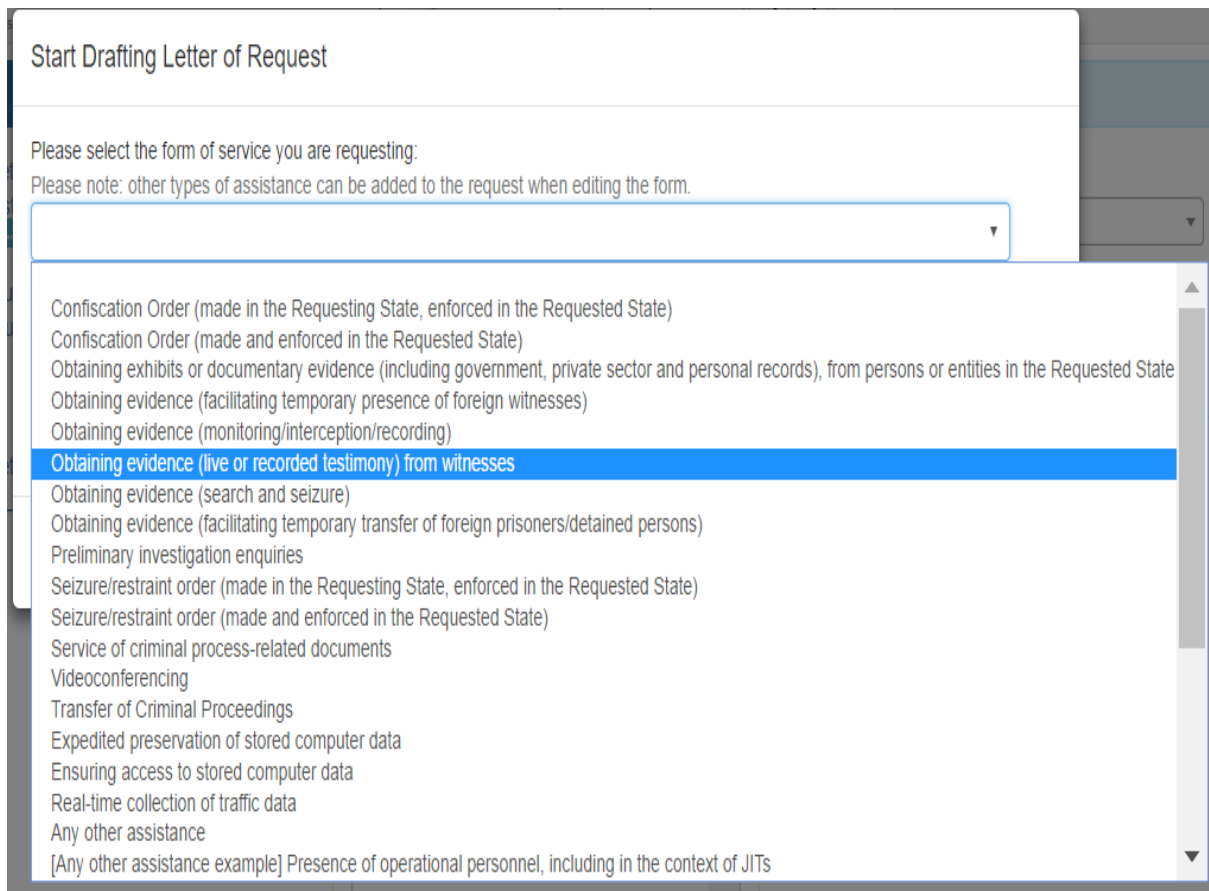
To which country / territory are you submitting a Mutual Legal Assistance Request?

Afghanistan
Albania
Algeria
American Samoa
Andorra
Angola

Cancel

Chose France and click on **Next**

Then choose the assistance requested. In this case we choose testimony from witnesses:

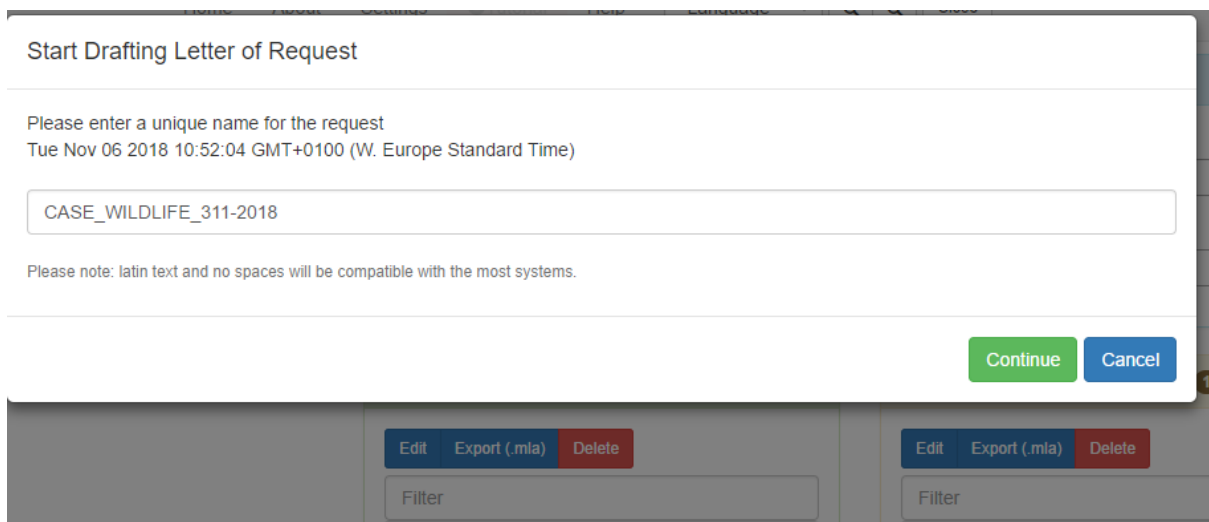


Start Drafting Letter of Request

Please select the form of service you are requesting:
Please note: other types of assistance can be added to the request when editing the form.

Confiscation Order (made in the Requesting State, enforced in the Requested State)
Confiscation Order (made and enforced in the Requested State)
Obtaining exhibits or documentary evidence (including government, private sector and personal records), from persons or entities in the Requested State
Obtaining evidence (facilitating temporary presence of foreign witnesses)
Obtaining evidence (monitoring/interception/recording)
Obtaining evidence (live or recorded testimony) from witnesses
Obtaining evidence (search and seizure)
Obtaining evidence (facilitating temporary transfer of foreign prisoners/detained persons)
Preliminary investigation enquiries
Seizure/restraint order (made in the Requesting State, enforced in the Requested State)
Seizure/restraint order (made and enforced in the Requested State)
Service of criminal process-related documents
Videoconferencing
Transfer of Criminal Proceedings
Expedited preservation of stored computer data
Ensuring access to stored computer data
Real-time collection of traffic data
Any other assistance
[Any other assistance example] Presence of operational personnel, including in the context of JITs

Click **Next** and insert a name or number for the request in the box:



Start Drafting Letter of Request

Please enter a unique name for the request
Tue Nov 06 2018 10:52:04 GMT+0100 (W. Europe Standard Time)

CASE_WILDLIFE_311-2018

Please note: latin text and no spaces will be compatible with the most systems.

Continue Cancel

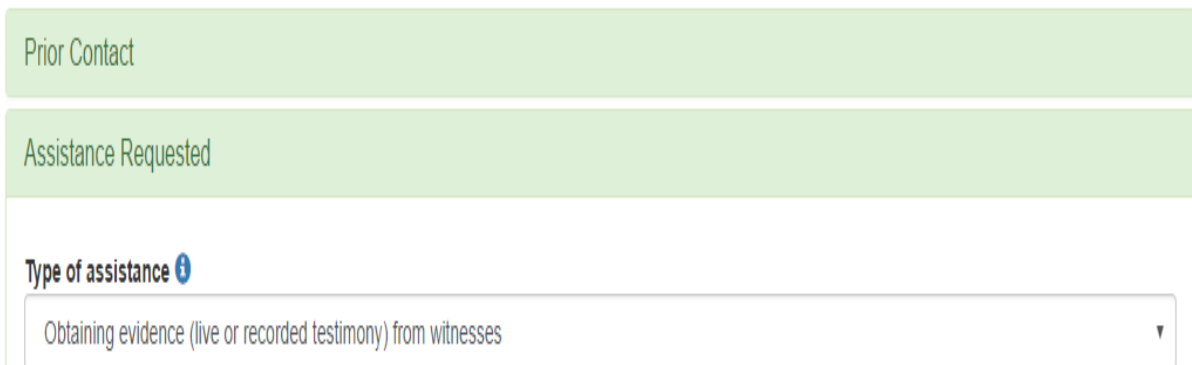
Edit Export (.mia) Delete Filter

Click on **Continue**

In the next screen, a menu will be displayed. The first box is **Add modules by selecting the required module from the drop down menu below.** In this case it is not necessary to select any module. We could go directly to **Prior Contact** but no prior contact are mentioned in this case. So we can go to the next box.

Click on **Type of Assistance.**

In the box **Type of Assistance**, the previously selected type of assistance (Obtaining evidence from witnesses) will be displayed automatically:



Prior Contact

Assistance Requested

Type of assistance ⓘ

Obtaining evidence (live or recorded testimony) from witnesses ▼

In the box (**Legal Basis**) a list of conventions will be presented. There is also the option Treaty not listed. You can use it to write the name of a different convention or to mention just reciprocity. In the present case select United Nations Convention Against Transnational Organized Crime, from the list.

Legal Basis



xUnited Nations Convention against Transnational Organized Crime and the Protocols thereto

Treaty not listed

In the box **Relevant persons** write the identity and location of the witness

Relevant persons

The identity and location of each person from whom the [live or recorded] testimony is sought, and give an explanation of why those persons are relevant. Why does the Requesting State require their testimony?



Witness: Robert Rivas, French citizen living in Paris, 13 rue André Malraux, 1er B.

In the box **Acquisition of evidence** describe the manner in which the evidence should be taken:

Acquisition of evidence

A description of the manner in which the evidence should be taken (e.g. whether under oath or other appropriate caution to be administered) and recorded (e.g. process verbal, verbatim, videotaped, via video-link).

Process verbal

In the box **Authority participation** you should say if the participation of any authority from your country is requested (Prosecutor, Police Officers, etc). In this case no participation is requested:

Authority participation

Whether and if so why, which and in what manner the Requesting State's investigatory, judicial, prosecution or other authorities wish to participate in the obtaining of the evidence.

No participation is requested

The box **Topics Covered** will be filled with the questions for the witness or guidance for the executing authority will be provided to hear the witness:

Topics covered

If authorities of the Requesting State are not participating, a list of the topics to be covered and specific questions to be asked, including a point of contact in the Requesting State, should consultation by telephone become necessary during questioning.

The witness must declare everything he knows about the facts reported by the NGO "Save Wildlife". The copy of the complaint sent with this request

Box Privileges:

In this case no privilege is mentioned:

By clicking on **Urgency** it is possible to ask for urgent execution of the request

Urgency

This request is urgent

Note: Urgency should only be used under extreme circumstances where suspects may flee or evidence may be lost. Specifying an unnecessary urgency may result in your request being delayed or rejected

The box confidentiality brings the possibility to ask for protecting the confidentiality. In this case there is no special mention to confidentiality.

Confidentiality

This request should be treated as confidential and the names of those executing the request should not be disclosed.

STEP 4: FACTS AND DETAILS OF THE CASE

Clicking on **Summary of the Facts** you will open a box aimed to describe the facts:

Summary of the Facts

Give a clear and concise summary of the facts. The successful execution of a request routinely turns on whether the Requesting State establishes a clear nexus between the underlying illicit activity and the assistance sought. If the request seeks financial records in a money laundering investigation, for instance, then the facts should establish a link between the money laundering activity and the proceeds held in a specific account.

Please note specific information will be added below under *Details of the case*

Summary of Facts

On 3 October 2018 one representative of the NGO "Save Wildlife" communicated to the Police in Kampala that one of its volunteers was able to infiltrate in an important organization trafficking in chimpanzees from Uganda. This organization captured the animals in the National Park of the jungle of Bwindi to be sold through illegal market channels. The NGO mentioned the name of one of its volunteers that discovered the animals. This person was Robert Rivas, French citizen living in Paris, 13 rue André Malraux, 1er B. Following the indications of the NGO, three chimpanzees nine-month-old were found in a cage, prepared to be illegally exported. The chimpanzees were found on 5 October 2018 in a property located in the City of Jinja, Kamuly Road, Km....., in the premises of the company "VOLCANO SAFARI LTD". More other protected animals were found, prepared to be sent to

Then you will have to provide the details of the case by opening the box **Details of the Case**:

Details of Case

Please add details of individual offenses here. Add additional offences by clicking on the 'Add offence' button.

Add Offense


Offence

Crime against wildlife and natural resources


In violation of (title of national legislation)

Article..... of the Penal Code of Uganda ganda


Date start of criminality/offence

dd/mm/yyyy 

Date end of criminality/offence (relating to continuous crimes)

05/10/2018  Offense is ongoing

Date of discovery

03/10/2018 

Dates are approximate

If any of the previous dates are approximate, please describe details about approximate dates

The exact initial date when the criminal organization started its illegal activity is not known.

Relevant provisions

Provide the statutory text of the relevant provisions. If the offense at issue is a common law offense, include an explanation of what the Requested country will have to establish to support the offense.

Article... of the Penal Code of Uganda:
"....."

Remove Offense

Opening the boxes **Suspect Information** and **Current Status of the Case** you will provide more information

Suspect Information

Suspect is unknown Suspect is known

Suspect

| | |
|-------------------|--|
| Family Name | Juan |
| First Name(s) | Martinez |
| Middle Name | Martinez |
| Date of Birth | 08/01/1990 <input type="button" value="Calendar"/> |
| Location of Birth | Madrid |

Suspect particulars
Any additional information you would like to provide such as: Name(s), Address(es), Birth, Physical ID(s), Citizenship(s), Language(s)

Legal Person/Entity

| | |
|------------------------|--|
| Entity ID | Registered in Uganda with the number X-222422-2018 |
| Entity Name | VOLCANO SAFARI LTD |
| Place of Incorporation | Jinja |
| Date of Incorporation | 04/06/2018 <input type="button" value="Calendar"/> |

Suspect Legal Person/Entity Particulars
Legal person/Entity; Addresses; Director/Principal/Controller; History

VOLCANO SAFARI LTD
Jinja, Kamuly Road, Km.....
Owner and manager: Juan Martinez Martinez

Current Status of the Case

Give a clear and concise summary of the current status of the case, including the following, if appropriate:
Investigations (commenced, continuing, concluded); Relevant assets (restrained, seized, confiscated); Arrests (dates, warrants, etc.); Charges laid; Prosecution (commenced, continuing, concluded); Trial (commenced, continuing, concluded); Convicted/Condemned and the date; Appeal(s); Supporting evidence (judgments, documents, testimony and any other type of evidence)

Current status of the case

The Office of the Director of Public Prosecution is preparing an indictment against the suspect Juan Martínez Martínez

STEP 5: REQUEST EXECUTION REQUIREMENTS, TRANSMISSION CHANNELS AND SIGNING AUTHORITY

By clicking on **Request Execution Requirements**, you can ask the executing authority to respect procedural requirements for the validity of the evidence in your country:

Request Execution Requirements

Special procedures required

Do you require the Requested State to follow any special procedures to ensure that the assistance will accomplish its purpose?

Admissibility requirements for evidence

Presence of judges, magistrates, defense counsels or other specified officials

Other

Special procedures detail

For any selected item above, explain in detail:

1. the special procedure to be followed;
2. why it must be followed; and
3. the consequences to your case if they are not.

The witness must swear to tell the truth in other case, the evidence will not be valid

Then you have to open the box **Transmission Channels** and select one of the options. In this case, diplomatic channel is chosen.

Transmission Channels

Sending Request

Please indicate the channel that will be used to send this request.

Directly from central authority to central authority without copying the Ministry of Foreign Affairs
Via the diplomatic channel (from our Ministry of Foreign Affairs to their Ministry of Foreign Affairs)
Via INTERPOL (in urgent cases)
Direct transmission from competent authority to competent authority (court-to-court assistance) copying the central authority

Yes, this request will also be copied to other authorities.

Signing Authority

Opening **Signing Authority**, you have to choose one of the options:

Signing Authority

I am signing this request on 2018/11/06

under a power to make such requests vested directly in me.
under lawful delegation from the Central Authority.

Please select an item in the list.

Then, the name of the signing authority can be put in the box **Signed by**:

Signing Authority

I am signing this request on 2018/11/06

Signed by

Robert M....., Director of Public Prosecution