

MUTUAL LEGAL ASSISTANCE SYSTEM OF GRENADA

- 1.1 The Mutual Legal Assistance in Criminal Matters Act (No. 14 of 2001) was enacted to make provision for mutual legal assistance in criminal matters between Grenada and designated countries. This Act constitutes the principal Act that governs mutual legal assistance in Grenada. In addition to the Act aforementioned Grenada has one more Act for the purposes of regulating Mutual Legal Assistance between states namely Act No. 5 of 2001 titled the Mutual Legal Assistance in Criminal Matters Treaty (Government of Grenada and Government of the United States). It is an Act to provide for the incorporation into the municipal law of Grenada a Treaty between the Government of Grenada and the Government of the United States of America on Mutual Legal Assistance in criminal matters.

DESIGNATED COUNTRY

- 1.2 Designated country refers to any Commonwealth country and non-commonwealth country designated by the Minister.

THE CENTRAL AUTHORITY

- 1.3 The Central Authority of Grenada is responsible for all the procedures and decisions associated with mutual legal assistance. The Central Authority of Grenada means the Attorney General of Grenada (AG), or a public officer authorized in writing by the Attorney General to act in that capacity.

REQUESTS BY GRENADA FOR ASSISTANCE FROM DESIGNATED COUNTRIES

- 1.4 Part II of the statute deals with requests by Grenada to designated countries for assistance. The statute provides that where there are reasonable grounds to believe that evidence or information relevant to any criminal matter in Grenada may be obtained, the Central Authority can request assistance from a designated country (Commonwealth Country or any other country designated by the Minister). Assistance can take the following forms under section 6(2) of the Act:
- (i) taking evidence from a person;
 - (ii) providing information;
 - (iii) subjecting a person, sample, specimen, human remains or other items to examination or testing;
 - (iv) producing, copying or examining any judicial or official records;
 - (v) taking, examining or testing samples of any matter or thing;
 - (vi) viewing or photographing any building, place or thing;

- (vii) locating or identifying persons;
- (viii) obtaining, searching for or seizing articles or things;
- (ix) arranging attendance of person as witness;
- (x) transferring prisoners who would be subject to certain immunities and privileges;
- (xi) serving documents;
- (xii) tracing property derived from crime;
- (xiii) seizing and confiscating proceeds of instrumentalities of crime.

REQUESTS BY DESIGNATED COUNTRIES TO GRENADA FOR ASSISTANCE

- 1.5 Part III of the Act relates to requests by designated countries to Grenada for assistance. A request would be implemented only to the extent that the Central Authority of Grenada considers reasonable. Section 17 of the Act stipulates that requests for assistance by a designated country must be executed expeditiously and where requests are not granted or executed expeditiously, the Central Authority should give reasons for such a delay.
- 1.6 The Central Authority of Grenada may refuse assistance for the following reasons:
- (i) where the conduct would not constitute an offence under Grenadian Laws;
 - (ii) where it is an offence or proceedings of a political character;
 - (iii) conduct which in the country making the request is an offence only under military laws;
 - (iv) conduct which would be an offence under the military laws of Grenada but is not an offence under the ordinary laws of Grenada;
 - (v) conduct in relation to which the accused suspected of having committed the offence has been acquitted or convicted by a court in Grenada;
 - (vi) where the request appears to be contrary to the Constitution of Grenada;
 - (vii) if the Central Authority has reason to believe that the Central Authority executing the request would facilitate the prosecution or punishment of any person on account of his race, religion, nationality or political opinion;
 - (viii) where the steps required to be taken to comply with the request cannot under the laws of Grenada be taken in respect of criminal matters in Grenada;
- 1.7 Where a request is refused, it must be communicated by the Central Authority of Grenada to the Central Authority of the designated country.

FORM OF REQUESTS

1.8 A request to Grenada for assistance under this Act by a designated country must:

- (a)** be made by the Central Authority of the requesting country; and be directed to the Central Authority of Grenada;
- (b)** identify the person, agency or authority presenting the request;
- (c)** identify the authority conducting the investigation, prosecution or proceedings in the requesting country;
- (d)** describe the basis upon which the request is made (i.e. treaty, scheme or agreement);
- (e)** describe the nature of the criminal matter, and whether or not criminal proceedings have been instituted;
- (f)** describe the relevant facts of the case including, to the extent possible, the alleged offender(s) and the evidence or information so far obtained;
- (g)** describe the relevant facts of the case including to the extent possible the alleged offender(s) and the evidence or information so far obtained;
- (h)** give a legal description of the offence and the applicable penalty, with copies of the relevant law of the requesting country;
- (i)** specify the nature of the assistance required, with precise details of the evidence sought;
- (j)** state the connection between the investigation, prosecution or proceedings and the assistance sought, i.e. a description of how the information or evidence sought is relevant to the case;
- (k)** describe the procedures to be followed by Grenada's authorities when gathering or transmitting the evidence or assistance requested so that it will serve the purpose for which it was requested;
- (l)** In the case of a request for search and seizure, or for the production of documents, state the basis to believe that the information sought will be found and will afford evidence with respect to the case and describe the documents or items to be searched for and seized or produced;
- (m)** In the case of a request for a statement or testimony, state the identification and location of the person from whom the evidence is to be

obtained, list the topics to be covered and specify the questions to be asked;

(n) indicate any time- limit within which compliance with the request is desired giving reasons;

(o) set out any other information available to the Central Authority of the requesting country to facilitate execution of the request;

(p) otherwise comply with any relevant bilateral agreement or multilateral agreement or scheme relating to mutual legal assistance.