

MUTUAL ASSISTANCE IN CRIMINAL MATTERS

DESCRIPTION OF THE PROCESS OF MUTUAL LEGAL ASSISTANCE IN NICARAGUA

INTRODUCTION

The State of Nicaragua has two international instruments for requesting mutual assistance in criminal matters.

1. - The first and primary instrument is: “the Inter-American Convention on Mutual Assistance in Criminal Matters,” which was adopted by the member states of the Organization of American States (OAS) at its twenty-second session held in the city of Nassau, Bahamas, on May 23, 1992, and signed by the Government of Nicaragua at the General Secretariat of that Organization in Washington D.C. on March 4, 1993.

The Executive Branch approved and ratified that Convention by Decree Number 77-2002- of August 29, 2002, and it was published in the Gazette, Diario Oficial Number 173 on September 12 of that year.

The Ministry of Foreign Affairs sent a letter to the Secretary General of the Organization of American States, Cesar Gaviria, to notify him that, in keeping with Article 3 of the Inter-American Convention on Mutual Assistance in Criminal Matters, the Government of the Republic of Nicaragua designated the Procuraduría General de la República de Nicaragua [Office of the Attorney General of the Republic of Nicaragua] as the central authority responsible for sending and receiving requests for criminal assistance, as stipulated in the provisions of that Convention.

2. - The second instrument is the Treaty for Mutual Legal Assistance in Criminal Matters concluded by the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. It was approved by Nicaragua by Decree Number 1902, published in Gazette No. 116 of June 23, 1998, and ratified by Decree No. 40-99, published in Gazette No. 68 of April 14, 1999. That treaty was published in full in Gazette Number 158, Diario Oficial of Nicaragua, on August 22, 2002.

In accordance with Article 3 of that Treaty, the Procuraduría General de la República was designated as the central authority, with sufficient administrative capacity, and requests for assistance should be channeled to it, in accordance with the aforesaid Treaty.

The Procuraduría General de la República, as the central authority for providing mutual legal assistance in criminal matters, sends a formal request to the

different states parties setting forth the requirements for completing investigations conducted through our legal system referring to those persons who are the subject of the investigation.