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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMMITTEE OF EXPERTS
ON THE OPERATION OF EUROPEAN CONVENTIONS
ON CO-OPERATION IN CRIMINAL MATTERS
(PC-OC)

Compilation of model request forms and/or practical guidelines as regards mutual legal assistance in criminal matters

Compilation de formulaires types et/ou lignes directrices pour faciliter l'entraide judiciaire en matière pénale

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INTRODUCTION

During its 64th meeting the PC-OC decided to resume its work on the development of practical guidelines and model request forms for mutual legal assistance as a follow up to the project VC 2248 on effective tools to facilitate MLA: practical guidelines and model request forms.

During its 65th meeting the PC-OC, noting that meanwhile such model request forms had been developed in the context of the EU's Eastern Partnership initiative, considered the proposal of the PC-OC Mod to take stock of existing model forms and guidelines before proposing any new model forms and decided to:

- invite experts to send existing national or international model forms and or guidelines to the Secretariat by 1 March 2014;
- instruct the PC-OC Mod to consider the collection of model forms and /or guidelines and to make proposals for a follow-up.

To date, 10 countries have sent examples of their national model forms and/or guidelines which are reproduced in part 1 of this document. Eight countries (Armenia, Denmark, Estonia, Germany, the Russian Federation, the Slovak Republic, Slovenia and Sweden) indicated they had no national model request forms. Some countries referred to the EU model forms mentioned in part 2 of this document. The model forms developed within the EU's Eastern Partnership initiative are equally reproduced in part 2 of this document.

Durant sa 64me réunion le PC-OC avait décidé de reprendre ses travaux sur l'élaboration de lignes directrices pratiques et de formulaires types de demandes d'entraide judiciaire en matière pénale, à titre de suivi du projet VC 2248 relatif aux outils pratiques efficaces pour faciliter la coopération judiciaire en matière pénale : lignes directrices pratiques et formulaires types de demandes.

Durant sa 65me réunion le PC-OC, apprenant que de tels formulaires types de demandes avaient déjà été développé dans le cadre d'un projet relevant de l'Initiative de l'Union européenne pour un partenariat oriental, a examiné la proposition du PC-OC Mod de faire le bilan des formulaires types et lignes directrices qui existent déjà avant de proposer de nouveaux formulaires types et a décidé :

- d'inviter les experts à envoyer au Secrétariat pour le 1er mars 2014 les formulaires types et/ou lignes directrices nationaux ou internationaux existants ;*
- de charger le PC-OC Mod de considérer ces formulaires types et/ou lignes directrices et de faire des propositions de suites à donner.*

En ce jour, 10 pays ont envoyé les exemples de formulaires types de demande et/ou de lignes directrices nationaux reproduits dans la partie 1 de ce document. Huit pays (l'Arménie, le Danemark, l'Estonie, l'Allemagne, la Fédération de Russie, la République Slovaque, la Slovénie et la Suède) ont indiqué ne pas disposer de formulaires types de demande nationaux. Certains pays ont fait référence aux formulaires de l'UE mentionnés dans la partie 2 de ce document. Les formulaires développés par l'initiative de l'UE pour le partenariat oriental sont également reproduits dans la partie 2 de ce document.

1. NATIONAL FORMS/GUIDELINES / FORMULAIRES OU LIGNES DIRECTRICES NATIONALES**CZECH REPUBLIC****Příloha č. 21/B****VZOR ŽÁDOSTI O DORUČENÍ PÍSEMNOSTI
v anglickém jazyce**

The Court in

ref. No. /.....-

**R E Q U E S T
FOR MUTUAL LEGAL ASSISTANCE IN A CRIMINAL MATTER**Name, address and ref. No. of the
requesting authority:Name, address and ref. No. of the
requested authority:

In connection with the criminal proceedings against , born on
, citizen of , for committing a crime of under Section ...(.) of the Criminal
 Code of the Czech Republic that he/she has allegedly committed by

.....

.....,

the Court in , the Czech Republic, has the honour to request the
 for legal assistance consisting in **service of a document** on

....., using

☐ one of the formalities recognized by the laws of the requested State.

☐ the following special formality if compatible with the laws of the requested State:

service to the addressee's own hands with no possibility of substitute service.

This request is **urgent** for the following reasons:

.....

This request is **confidential** for the following reasons:

.....

Specification of the assistance sought: Serve the enclosed
to the above-mentioned person's own hands; the above-mentioned person is believed to be staying at Service is to be confirmed by the addressee's own signature on the enclosed Proof of Service. If the addressee refuses to accept the document served, such refusal must be noted in the Proof of Service, including the date and reason for the refusal, and the Proof of Service must be returned to the requesting authority. If the above-mentioned person does not stay at the above-mentioned address at present, we request that the competent authorities of search for his/her actual place of residence in the territory of for the purposes of service.

The mutual legal assistance is requested under

☐ Article 7 European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.

☐ Article 7(2)(b) of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988.

☐ Article 26 of the Criminal Law Convention on Corruption of 27 January 1999.

☐ Article

☐ Reciprocity.

For eventual consultations, it is possible to contact:

.....

List of enclosures:

- Copy of the provisions of the Criminal Code of the Czech Republic applicable to the crime,
-,
- Proof of Service.

The Court in avails itself of this opportunity to renew to the the assurances of its highest consideration.

....., 20..

.....

(jméno a služební postavení)

(Podpis a otisk úředního razítka)

Příloha č. 22/B

VZOR ŽÁDOSTI O PROVEDENÍ VÝSLECHU
v anglickém jazyce

The Court in

Ref. /.....-...

R E Q U E S T
 FOR MUTUAL LEGAL ASSISTANCE IN A CRIMINAL MATTER

Name, address and ref. No. of the
 requesting authority:

Name, address and ref. No. of the
 requested authority:

In connection with the criminal proceedings against, born on,
 citizen of, for committing a crime of under Section ...(..) of the Criminal Code
 of the Czech Republic that he/she has allegedly committed by

.....
,
 the Court in, the Czech Republic, has the honour to request the
 for legal assistance consisting in **taking testimony**
 using

☐ one of the formalities recognized by the laws of the requested State.

☐ the following special formality if compatible with the laws of the requested State:

.....

Taking testimony of said person is necessary for the criminal proceedings in the Czech
 Republic because.....

.....

This request is **urgent** for the following reasons:

.....

This request is **confidential** for the following reasons:

.....

Specification of the assistance sought:, who stays at the address, is to be summoned to the competent authority of and interviewed by that authority as a The Court in also requests to be notified by the competent authorities of about the place, date and time of the interview at least 14 days in advance so that the defence lawyer can be informed about it; as the defence lawyer insists on his/her presence at the interview, the Court in requests that his/her presence be permitted by the competent authorities of (the defence lawyer is Attorney). Said person is to be interviewed in accordance with the laws of in such a way that would allow his/her criminal prosecution by the competent authorities of for perjury if he/she doesn't testify the truth; if necessary under the laws of, let the witness be taken under oath. Before the interview is commenced, said person must be instructed according to the enclosed instruction, as required by Czech law. During the interview, said person is to be asked the questions listed in the enclosure to this request. The interview is to be recorded by the competent authorities of in written minutes that will include also the manner in which the interviewed person's identity was ascertained, content of the instruction given to the person, questions asked and replies to them, and the minutes are to be signed by a representative of the interviewing authority, by the person interviewed and by the defence lawyer if he/she is present at the interview; in case the defence lawyer is present at the interview, this fact is to be expressly stated in the minutes. Original or a certified copy of the minutes is to be sent to the Court in through the Ministry of Justice of the Czech Republic.

The mutual legal assistance is requested under

- ☐ Article 3 European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.
- ☐ Article 7(2)(a) of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988.
- ☐ Article 26 of the Criminal Law Convention on Corruption of 27 January 1999.
- ☐ Article
- ☐ Reciprocity.

For eventual consultations, it is possible to contact:

.....

List of enclosures:

- Copy of the provisions of the Criminal Code of the Czech Republic applicable to the crime,

- Instruction for
- List of question to be asked.

The Court in avails itself of this opportunity to renew to the the assurances of its highest consideration.

....., 20..

.....

(jméno a služební postavení)

(Podpis a otisk úředního razítka)

VZOR ŽÁDOSTI O PRÁVNÍ POMOC
v anglickém jazyce

The Court in

ref. No. /.....-....

R E Q U E S T
FOR MUTUAL LEGAL ASSISTANCE IN A CRIMINAL MATTER

Name, address and ref. No. of the
requesting authority:

Name, address and ref. No. of the
requested authority:

In connection with the criminal proceedings against, born on
..., citizen of, for committing a crime of under Section ...(..) of the Criminal
Code of the Czech Republic that he/she has allegedly committed by
.....

.....

.....,

the Court in, the Czech Republic, has the honour to request the
..... for legal assistance consisting in

- ☐ search (examination),
- ☐ seizure confiscation,
- ☐ interception of telecommunication,
- ☐ another act,

using

☐ one of the formalities recognized by the laws of the requested State.

☐ the following special formality if compatible with the laws of the requested State:

.....

This request is **urgent** for the following reasons:

.....

This request is **confidential** for the following reasons:

.....

Specification of the assistance sought:

.....

It is requested that presence of the following persons is permitted when the assistance is rendered:

.....

The mutual legal assistance is requested under

☐ Article ... European Convention on Mutual Assistance in Criminal Matters of 20 April 1959.

☐ Article ... of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988.

☐ Article ... of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 8 November 1990.

☐ Article ... of the Criminal Law Convention on Corruption of 27 January 1999.

☐ Article

☐ Reciprocity.

For eventual consultations, it is possible to contact:

.....

List of enclosures:

- Copy of the provisions of the Criminal Code of the Czech Republic applicable to the crime,
-
-

The Court in avails itself of this opportunity to renew to the the

assurances of its highest consideration.

....., 20..

.....

(jméno a služební postavení)

(Podpis a otisk úředního razítka)

DENMARK

[Practical guidelines on mutual legal assistance in criminal matters](#) (2001)

FINLAND

To: PC-OC (Mod)

From: Finnish delegation

10.3.2014

In Finnish criminal justice system the police is in charge of pre-trial investigation. However, according to Pre-trial Investigation Act the investigator in charge must inform the prosecutor, if there is a crime that has cross-border dimensions. This is the case, for example, if a request for legal assistance is to be sent abroad. In these situations the prosecutor has a possibility to contribute to the request.

The police has its own Manual for Mutual Assistance in Criminal Matters. It contains also model requests. As far as I know, there are at least twenty model requests, mostly in Finnish: to hear a suspected person, to hear a witness, to request for home search, to request information about bank account, request concerning interception of telecommunication etc. At this stage I cannot enclose these model requests.

About 10-15 years ago Finnish authorities launched a model request to draft a request during pre-trial investigation. Although the model is very old it is still in use (model 1). The model form that is used by prosecutors is very similar.

The Ministry of Justice (Central Authority) has drafted model requests for courts. One reason to do so was the need to reduce translations costs. Model forms are designed for the purposes of service of documents. They can be reached thru the Intranet system. There are 12 various model forms in eight languages: Finnish, Swedish, English, Estonian, French, German, Spain, and Russian. The models are:

- Request for a written statement of claims
- Summons in a criminal case (request for a written response)
- Summons in a criminal case (call to main hearing)
- Call to a defendant in a criminal case
- Call for a complaint to court hearing
- Notice of court hearing to complainant/person to be heard
- Call of a witness to court hearing
- Acknowledgement of service
- Certificate of service/non-performance
- Notice of cancellation of main hearing
- Consent form
- Income declaration

I will enclose two models: a summons in a criminal case in English and in French (models 2 and 3).

In addition, a request to organize a video hearing is very popular (model 4 in Finnish).

● CHECKLIST FOR MLA REQUEST (FINLAND)

30.1.2001

1

Requested Party The Requested Party should always be mentioned in Requests for Legal Assistance. The central authority (In Finland, ~~the National Bureau of Investigation~~ or Ministry of Justice) is only an intermediary. Therefore, Requests should not be addressed to the central authority, but directly to the authority of the State granting legal assistance. If the competent authority in granting legal assistance is not known, the sufficient heading is e.g. "A Request for Legal Assistance to the Competent Authority of Spain".

References to Agreements

Having legal assistance granted is more likely, if there is an agreement on providing legal assistance in force between the States. This is the reason why there should be a reference to such agreement in a Request. If there are several agreements in force, the one most suitable to the case at hand should be chosen. If the Requesting Party is not certain on whether or not there is an agreement in force between the States, a reference can be ignored. In this case, the central authority may refer to an applicable instrument in its cover letter.

Preliminary Information

A short description stating the competent authority investigating the case and how the case was reported-

This description could be e.g. of the following model:

"The Rovaniemi Rural Police District is investigating an aggravated embezzlement, criminal report no. 4801/R/123/96. The criminal complaint was lodged by managing director Arto Mäkinen representing International Oy, a limited company that is the complainant in the case."

Parties Involved

Details on the complainants and suspects, incl. citizenship, date of birth and address should always be given in the Requests for Legal Assistance. All data available on the subject person(s) that may be in assistance in locating him/her/them should be given also. This necessary e.g. for the reason that very few countries have as extensive population and address registers as in Finland.

Complainant:

1. International Oy: a limited company registered on 18 June 1990 in Finland, registered office in Rovaniemi.

Suspect:

1. AHOLA, Heikki Ilmari, dob. 15.02.1946, Finnish citizen

In order to establish Ahola's whereabouts, he has presumably left Finland on 23 November 1995. According to his wife residing in Finland, Ahola stays currently somewhere in Madrid. Ahola is allegedly travelling with a red Seat Malaga. Ahola is 185 cm and heavily built. He has a Finnish passport no. 1234567..."

Modus Operandi

A detailed description of the criminal act i.e. how the offence was committed, should always be included in the Requests for Legal Assistance. An estimate made the authorities of the Requested State on whether or not

the act in question is punishable when committed in the Requested State under similar circumstances and, if so, how serious would the offence be, is often of crucial importance to having legal assistance granted. Titles for offences vary a great extent from one country to another, so e.g. an indication that a person committed embezzlement is not sufficient. However, congruence between the titles is not usually required, but it is sufficient that the criminal act is punishable as such in a Requested State. Significance of a carefully prepared Request becomes emphasised especially when legal assistance is requested from a State with whom Finland has no agreement in force or when taking coercive measures is requested.

"Ahola has been managing director of a Finnish limited company Lomaparatiisi Oy. The business line of the company is to act as an intermediary in acquiring holiday apartments in Spain. International Oy paid FIM 2,100,000 to the account of Lomaparatiisi Oy on 20 November 1995 for buying a house in Spain on the company's behalf. Ahola withdrew the money from the account on 21 November 1995. The complainant has been in contact with the Spanish seller. According to the seller, the purchase price has not been paid to them. As far as it is known, Ahola has not visited Finland or been in contact with the complainant since he left Finland."

Penal Provisions

The offence in question must always be mentioned in the Request. In addition to the title, the applicable provisions of the Penal Code and the penal latitude should be mentioned also. In addition, the essential elements constituting the offence should be included. The purpose of describing the essential elements is the same as describing *modus operandi*; they are necessary for specifying what is the offence in accordance with the Finnish Penal Code.

"Finnish Penal Code, Chapter 28, Paragraph 5 on aggravated embezzlement is applied to the above described modus operandi. According to the penal provision, a person who appropriates a large amount of assets in his possession, shall be sentenced for aggravated embezzlement to imprisonment for at least four months and at most four years."

Evidence

States commit themselves by many agreements to grant each other legal assistance. It is sufficient in these cases that an authority of the Requesting State is investigating a criminal case. If there is no Agreement in force, authorities of the Requested State may also require satisfactory evidence against the subject person. If there is no Agreement in force or taking coercive measures is requested, then a summary on the facts establishing the evidence is required. It is not necessary to attach actual statements or other evidence in the Requests. A summary of the facts stating the evidence is sufficient.

"The evidence against Ahola is based on the fact that it was found out in the context of pre-trial investigation that he withdrew assets deposited by International Oy from the bank account of Lomaparatiisi Oy. The Crime Laboratory of the National Bureau of Investigation has established that the signature in the receipt of withdrawal corresponds to other signatures of Ahola. According to a Finnish flight company, Ahola ordered his flight tickets on the same day when he withdrew the money and took a direct flight to Spain. In addition, he left a message to his business partner (Annex 1) apologising his act."

Grounds for
Requesting
Legal Assistance

A general condition included in international agreements is that legal assistance must serve solving the offence in one way or another. It is also possible to have legal assistance granted for other purposes, e.g. recovery of property to the complainant or to secure forfeiture. As the conditions for granting legal assistance vary depending on the purpose for which the results of legal assistance will be used, the purpose should therefore be specifically indicated. Having legal assistance granted is the most certain when the Request relates somehow to investigating to an offence.

"Legal assistance is requested for the purposes of investigating the above aggravated embezzlement and possibly, for placing the criminal proceeds under security measures."

Specification of
Requested
Measures

Requested measures should always be specified in detail in the Requests for Legal Assistance. For example, regarding requests for interviewing, the manner how the interview is to be conducted should be stated and the questions to be presented to the subject person must be included. It is ensured by a careful specification of measures that the desired legal assistance will be granted and at the same time, it makes the work of authorities of the Requested State easier. It is however worth keeping in mind that it is achieving the aim that is important. Therefore, the matters desired should be specified, not so much the manner the measures should be taken. For example, when requesting data on transaction on a certain bank account, the account itself and the desired data should be specified. The manner how the data will be obtained is to be considered by authorities of the Requested State.

"I kindly ask you to take the following measures:

- 1. To interview of Ahola as a suspect of the above aggravated embezzlement. There is a list of questions attached to this Request, and I kindly ask you to pose them to him.*
- 2. To interview the Spanish seller of the house as a witness. The aim of the interview is to find out whether Ahola had any business negotiations on the house at all with them.*
- 3. To find out whether Ahola has bank accounts, safe deposit boxes, shares or any other assets in Spain. If he has, please take measures with a view of executing the Order on a Security Measure (attached) made by Rovaniemi District Court."*

Several agreements allow authorities of the Requesting State to be present when granting legal assistance. If it desired, it should be stated in the Request. The date and the order of taking the measures requested may be important for the investigation, so suggestions on these, including grounds for them, should be mentioned in the Request.

Competence of
the Requesting Party

When taking coercive measures is requested or granting the requested legal assistance would most likely require taking them, a description on the grounds on which the Requesting Party is competent to decide on taking

coercive means including respective legal provisions. Especially, when the legal system of the Requested State is much different from the Finnish system, as e.g. in Common Law countries, describing competence is in practise a definitive condition for having legal assistance granted. In case the Requesting Party has not competence, a decision on taking coercive means made by a competent authority, e.g. a Court Order on a Security Measure, should be attached to the Request.

"In order to have information referred to in point 3 above; on the basis of Credit Institutions Act, Section 94, the police is a competent authority in Finland to have the requested information from banks operating in Finland. In addition, the police could make a search of premises in this case in Finland on the basis of Coercive Means Act, Chapter 5, Section 1 in order to establish the requested matters.

Executing the requested security measure is based on an Order made by Rovaniemi District Court on 12 January 1996 on the grounds of Coercive Means Act, Chapter 3, Section 2. According to the Order (Annex 2), the Court ordered assets and/or property of Ahola to be seized for the value equalling to FIM 2,100,000."

- | | |
|---------------------|--|
| Contact Information | In addition to the Requesting Party, names and contact information of the investigators should be mentioned in the Request. In addition to the addresses and telephone numbers, also telefax numbers should be included in order to ensure that investigators are reached. |
| Signature | The Request for Legal Assistance should bear the original signature of the Requesting Party. Often in urgent cases, Requests are sent by telefax to Criminal Intelligence Division in order to speed up translating, but it should be remembered to forward the original copy of the Request to the National Bureau of Investigation afterwards. |

District Court of **Esim. Oulu tai Vakkola-Suomi**
 Katuosoite
 FI- Postinumero
 FINLAND
 telephone +358 29 56 numero
 fax +358 29 56 numero
 kaupunki.ko@om.fi

SUMMONS IN A CRIMINAL CASE **Call to main hearing**

16.12.2013
 dd.mm.yyyy

asianumero
 Case no

Asiakirjan vastaanottajan nimi
 Katuosoite
 Postinumero ja kaupunki
 Maa

Case type Asia

Defendant(s) Vastaja(t)

SUMMONS TO THE DEFENDANT

You are hereby summonsed to stand trial in a main hearing of the District Court, and to respond to the charges contained in
☐ the attached charge sheet (application for a summons)
☐ the complainant's statement of claims.

MAIN HEARING

Date and time Päivämäärä, klo

Venue Käräjäoikeuden nimi
 Osoite, sali nro

OBLIGATION TO APPEAR AND CONSEQUENCES OF FAILURE TO APPEAR

You

- ☐ must appear in the hearing in person.
- ☐ must appear in the hearing in person, under threat of a fine of EUR _____ enforceable in case of absence without excuse. If you do not appear in the hearing of the District Court and have no valid excuse, or if you send an attorney to represent you, and if your appearance is still considered necessary, the threat of the fine shall be enforced and a new threat of a higher fine imposed.
- ☐ need not appear in the hearing to respond to the charge and claims, but you may do so. The case may be heard and

decided regardless of your absence. In this event, you may be sentenced to a fine or to imprisonment for at most three months. You must declare your income and family maintenance liability, using the attached form.

- ☐ need not appear in the hearing, provided that you give your express consent to the case being decided regardless of your absence. In this event, you may be sentenced to a fine or to imprisonment for at most six months. You may give the consent by signing and returning the attached consent form to the Registry of the District Court.

If you do not consent to the case being decided in your absence, you must appear in the hearing in person, under threat of a fine of EUR _____, enforceable in case of absence without excuse. If you have not given your consent, and if do not appear in the hearing of the District Court and have no valid excuse, and if your appearance is still considered necessary, the threat of the fine shall be enforced and a new threat of a higher fine imposed.

INTERPRETATION

If you do not speak Finnish or Swedish, you are entitled to interpretation free of charge. If you intend to appear in person, you should inform the District Court by _____ of the languages in which you can stand trial, so that appropriate interpretation can be arranged.

RESPONDING TO THE CHARGE AND OTHER CLAIMS

If you appear in person, you must in the hearing indicate your position as to the charge and other claims against you (i.e., whether you concede them or contest them). If you contest the charge and/or another claim, you must also supply grounds for your position.

If you intend to present evidence, you should indicate the same to the District Court well in advance of the hearing, as well as mention what you intend to prove with each piece of evidence. You must also deliver to the District Court the documentary evidence you intend to present (as originals or copies). Moreover, you must supply the contact details of witnesses and other persons to be heard.

Signed

☐ Chief Judge
☐ District Judge
☐ Trainee Judge

_____ Nimenselvännys

Contact person: **Etunimi Sukunimi**
 Tel: +358-29- **Puhelinnumero**
 Fax: +358-29- **Faksinumero**
etunimi.sukunimi@om.fi

ANNEXES

- ☐ Charge sheet (Application for a summons)
- ☐ Complainant's statement of claims
- ☐ Instructions to defendants
- ☐ Acknowledgement of service (to be returned to the court)
- ☐ Consent form (to be returned to the court)
- ☐ Income declaration (to be returned to the court)

INSTRUCTIONS TO DEFENDANTS**Immunity**

A person whom the Finnish authorities have called from another state to appear in court as a defendant in criminal proceedings cannot, during the time he or she spends in Finland on the basis of that call, be charged, detained or punished, nor can his or her liberty otherwise be restricted, on the basis of a criminal offence or other conduct not referred to in the call to the hearing and committed before departure from the state from where he or she was called. In addition, he or she cannot be extradited to a third state on the basis of such an offence or other conduct.

The immunity lapses once the person has for 15 days had the opportunity to leave the country, counted from the date when he or she was informed that his or her presence in the court was no longer required.

Confidentiality

The summons, the charge sheet, the possible attachments and the information contained therein must be kept secret at least until the hearing of the District Court. The recipient of these documents and his or her attorney must not disclose or otherwise reveal to third parties any confidential information contained therein, in so far as the information pertains to someone else than the recipient.

The information can be used only in the context of the case to be dealt with on the basis of the documents. The information must not be used in any other manner to the advantage of the recipient or someone else, nor to the detriment of anyone else. A breach of this duty of confidentiality is punishable by law.

Record of the pre-trial investigation

You are entitled to your own copy of the record of the pre-trial investigation.

Criminal sanctions other than the penalty

In addition to the imposition of a penalty, the court may also make other orders, for instance:

- Order that the instruments used in the commission of an offence and the proceeds of criminal activity be forfeited to the State
- Order the convict to reimburse to the State the compensation paid to witnesses, the costs of an intoxication inquiry and the fee paid for the medical report concerning the victim of the offence
- Withhold the right to drive, for a set period, from a person convicted of drunk driving or aggravated road safety endangerment.

Counsel and attorney

If you consider that you will not be able to stand trial without the assistance of counsel, you should obtain one well in advance of the hearing.

If you have not been called to appear in the hearing in person, you may retain an attorney to represent you in court. In this event, you must provide your attorney with an appropriate power of attorney.

	Your counsel or attorney must meet the qualifications provided in chapter 15, section 2, of the Code of Judicial Procedure.
Legal aid	Legal aid may be granted on application to a person who lacks the means to cover the full costs of court proceedings without difficulty. However, no legal aid will be granted, if the case is deemed to be merely of minor significance to the person in question. Legal aid is applied for from the Legal Aid Office in person or in writing. Application forms are available e.g. in the Registry of the Court and in the Legal Aid Office.
Valid excuse	A person has a valid excuse, if he or she cannot appear in the hearing owing to illness or a general disruption of traffic. If some other excuse is offered, the Court will decide whether it should be deemed valid. All excuses must be notified to the Registry of the Court as soon as they arise.
Procedure	A party must make sure that he or she is properly informed of the case so that there is no need to postpone the proceedings for his or her failure to get prepared. In the beginning of the main hearing, the prosecutor and/or the complainant present the charge and the other claims, and the defendant states whether he or she concedes them or contests them. Thereafter, the parties, in turn, justify their positions and comment on the justification offered by the opposing party. After the evidence has been taken, the parties will make their closing statements. In this juncture, the parties must comment on the evidence and present their view as to how the case should be decided on the basis of the course of the main hearing. If a party wishes to offer evidence in the main hearing, but has not given advance notice of the same, he or she must without delay before the main hearing inform the court of the evidence and at the same time state what is to be proven with that evidence. Oral procedure applies in the hearing. A party cannot read out aloud any briefs or other written statements, nor hand such papers in to the District Court. In contrast, a party may read out his or her claims, as well as use notes in support of his or her memory.

Tribunal de grande instance de

Esim. Oulu tai Vakk-Suomi

Katusoite

FI- Postinumero

FINLANDE

Tél. : +358-29- numero

Fax : +358-29- numero

kaupunki.ko@om.fi

Asiakirjan vastaanottajan nimi

Katusoite

Postinumero ja kaupunki

Maa

Affaire

Asia

Défendeur(s)

Vastaja(t)

CITATION EN MATIÈRE PÉNALE

Convocation à audience

16.12.2013

asianumero

jj.mm.aaaa

N° de l'affaire

CITATION DE DÉFENDEUR

Le tribunal de grande instance vous convoque à répondre en audience aux prétentions figurant sur

- ☐ la demande introductive d'instance
☐ l'acte de demande de la partie civile.
ci-joint(e).

AUDIENCE**Date et heure**

Päivämäärä, klo

Lieu

Käräjäoikeuden nimi

Osoite, sali nro

OBLIGATION DE PRÉSENCE ET CONSÉQUENCES DE L'ÉVENTUELLE ABSENCE

Vous êtes tenu(e) de venir comparaître à l'audience

- ☐ en personne.
- ☐ en personne sous peine d'une amende de _____ euros pour absence sans empêchement légal. Dans le cas où sans empêchement légal vous ne vous présenteriez pas à l'audience ou vous vous y feriez remplacer par un mandataire et que votre présence serait toujours considérée comme indispensable, vous serez condamné(e) à payer l'astreinte et il vous en sera fixé une seconde plus chère.

☐ Vous n'êtes pas obligé(e) de vous présenter en personne à l'audience pour répondre aux prétentions, mais le pouvez si telle est votre volonté. L'affaire pourra être jugée malgré votre absence. La peine éventuellement prononcée à votre encontre sera alors une amende ou au maximum trois mois de prison. Le tribunal vous enjoint en la circonstance de déclarer vos revenus et vos obligations alimentaires à l'aide du formulaire ci-joint.

☐ Vous n'êtes pas obligé(e) de vous présenter en personne à l'audience à la condition que vous donniez votre consentement à la résolution de l'affaire malgré votre absence. La peine éventuellement prononcée à votre encontre sera alors une amende ou au maximum six mois de prison. Vous pouvez communiquer ce consentement en retournant au greffe du tribunal le formulaire de consentement ci-joint dûment signé.

Si vous ne consentez pas à la résolution de l'affaire en votre absence, vous êtes tenu(e) de vous présenter à l'audience en personne sous peine d'une amende de _____ euros pour absence sans empêchement légal. Dans le cas où sans empêchement légal vous ne vous présenteriez pas à l'audience et que votre présence serait toujours considérée comme indispensable, vous serez condamné(e) à payer l'astreinte et il vous en sera fixé une seconde plus chère.

INTERPRÉTATION

Si vous ne parlez ni finnois ni suédois, vous êtes en droit de bénéficier à l'audience d'une interprétation gratuite. Dans le cas où vous entendez vous présenter en personne à l'audience, nous vous demandons de nous faire savoir pour le _____ au plus tard dans quelle(s) langue(s) vous êtes en mesure de comparaître.

RÉPONSE AUX PRÉTENTIONS

Dans le cas où vous vous présenterez en personne à l'audience, vous devrez faire connaître à l'audience votre avis sur les prétentions formulées à votre encontre (donc dire si vous admettez ou contestez la plainte et votre avis sur les autres prétentions). Dans celui où vous contesterez la plainte, vous devrez aussi déclarer les motifs de votre avis.

Si vous comptez présenter des preuves, le tribunal vous enjoint de les déclarer par écrit suffisamment longtemps avant l'audience ainsi que de déclarer ce que vous entendrez démontrer avec chacune. Vous devrez également remettre au tribunal (original ou copie) les preuves écrites auxquelles vous vous référerez. Vous devrez en outre déclarer les coordonnées de tout éventuel témoin ou autre personne à entendre.

Signature

- ☐ Le président de grande instance
☐ Le juge de grande instance _____
☐ Le notaire Nimenselvennys

Contact : **Etunimi Sukunimi**
Tél. : +358-29- **Puhelinnumero**
Fax : +358-29- **Faksinumero**
etunimi.sukunimi@om.fi

PIÈCES JOINTES

- ☐ Demande introductive d'instance
☐ Demande de la partie civile
☐ Instructions au défendeur
☐ Attestation de notification (à retourner remplie au tribunal)
☐ Formulaire de consentement (à retourner rempli au tribunal)
☐ Formulaire de déclaration de revenus (à retourner rempli au tribunal)

INSTRUCTIONS AU DÉFENDEUR

Immunité

La personne venant en Finlande d'un autre pays sur convocation des autorités finlandaises pour répondre en justice en matière pénale ne pourra pas au cours de la période de son séjour en Finlande découlant de cette convocation être mise en accusation, emprisonnée ou sanctionnée ni sa liberté autrement limitée pour un délit ou quelque autre comportement non mentionné dans la convocation et survenu avant son départ de l'Etat d'où elle a été convoquée. Elle ne pourra non plus être extradée vers un pays tiers pour un tel délit ou comportement.

Cette immunité cessera lorsque la personne en question aura eu l'occasion de quitter le pays dans les quinze jours à partir de la date à laquelle il lui aura été notifié que sa présence n'est plus nécessaire.

Obligation de confidentialité

La citation, la demande introductive d'instance et les éventuels documents annexes à la demande introductive ainsi que les informations qui en ressortent doivent être tenus secrets au moins jusqu'à l'audience du tribunal de grande instance. Il est interdit au destinataire du document ou à son mandataire de remettre ou autrement exprimer à un tiers des renseignements secrets ainsi obtenus concernant d'autres personnes que lui-même.

Les renseignements ne peuvent être utilisés que pour le traitement de l'affaire en vue duquel il ont été remis. Il est interdit par ailleurs de les utiliser au profit du destinataire ou de tierces personnes ni au détriment d'autrui. La violation de l'obligation de confidentialité est un délit passible de sanction.

Procès verbal d'instruction

Vous êtes en droit d'obtenir le procès verbal de l'instruction pour votre usage.

Autres sanctions pénales éventuellement encourues en plus de la peine

En plus de la peine, le tribunal pourra aussi, notamment,

- ordonner la cession à l'Etat de l'accessoire du délit et du profit économique généré par le délit,
- astreindre le condamné à rembourser à l'Etat les indemnités versées aux témoins, les frais d'examen d'alcoolémie et le prix du ou des certificats médicaux éventuellement acquis,
- ordonner un retrait provisoire du permis de conduire pour la personne condamnée pour ivresse dans la circulation ou infraction grave aux règles de sécurité de la circulation.

Assistance et représentation au procès

Si vous estimez ne pas être en mesure de gérer votre participation au procès sans assistance, il conviendra que vous vous assuriez les services d'un assistant judiciaire suffisamment longtemps avant le traitement de l'affaire en audience.

S'il ne vous est pas enjoint de vous présenter à l'audience en personne, il vous est possible de vous y faire représenter par un mandataire, que vous devrez alors habilitier pour ce faire par procuration.

L'assistant ou le représentant au procès devra satisfaire aux conditions de compétence stipulées par l'article 2 du chapitre 15 du Code de procédure.

Assistance judiciaire gratuite

La gratuité de procès peut être accordée sur demande à une personne qui, en raison de sa situation économique, ne pourrait sans difficulté acquitter dans leur totalité les frais de justice. La gratuité ne sera toutefois pas accordée lorsque la question ne sera estimée que de peu d'importance pour la personne en question.

L'assistance judiciaire gratuite se demande auprès du Bureau d'assistance judiciaire par écrit ou oralement. Des formulaires de demande sont disponibles, entre autres lieux, au greffe du tribunal et au Bureau d'assistance judiciaire.

Empêchement légal

Par empêchement légal il est entendu que la personne, en raison d'une maladie ou d'une interruption des transports publics, se trouve empêchée de se présenter au tribunal. En cas de déclaration d'une autre forme d'empêchement, il reviendra au tribunal de juger si cet empêchement pourra être admis. L'empêchement devra être signalé au greffe du tribunal dès qu'il sera connu.

Déroulement de l'audience

Chaque partie devra avoir pris suffisamment connaissance de l'affaire pour qu'il ne soit pas nécessaire de reporter l'audience ou de l'annuler du fait de sa négligence.

Au début de l'audience, le procureur et/ou le demandeur présentera ses prétentions et leurs motifs, et le défendeur déclarera s'il reconnaît ou conteste la plainte. Puis la partie civile devra, son tour venu, justifier son avis de façon circonstanciée et se prononcer sur les motifs de la partie adverse. À l'issue de l'argumentation, les parties civiles présenteront encore leur déclaration finale. Elles devront alors dire leur avis sur les preuves et sur la façon dont l'affaire devrait à leur sens être résolue sur la base de la totalité des documents présentés à l'audience.

Dans le cas où une partie voudra présenter au cours de l'audience une preuve non encore déclarée, il devra la signaler sans délai au tribunal avant la séance et déclarer par la même occasion ce qu'il entendra prouver avec.

L'audience sera orale. L'ayant cause ne pourra y lire ou remettre au tribunal aucun mémoire ou autre déclaration écrite. Il pourra cependant lire ses prétentions sur pièce et utiliser des notes écrites à l'appui de sa mémoire.

Tuomioistuimen nimi OIKEUSAPUPYYNTÖ
(yhteystiedot)

Vastaanottava viranomainen: Viron oikeusministeriö

Pyytävä viranomainen: xx

Asia: Oikeusavun pyytäminen keskinäisestä oikeusavusta Euroopan unionin jäsenvaltioiden välillä tehdyn yleissopimuksen perusteella

Pyydettävä oikeusapu: Viron kansalaisten ZZ ja VV kuuleminen **videokokouksen** avulla todistajina tuomioistuimessa

Selostus asiasta:

XX käräjäoikeudessa on vireillä rikosasia (Dnro R06/xx), jossa kihlakunnansyyttäjä NN vaatii rangaistusta törkeästä huumausainerikoksesta Rikoslain 50 luvun 2 §:n mukaan MM:lle.

Syyttäjä (asianomistaja, vastaaja) on nimennyt todistajikseen asiassa Viron tasavallassa asuvat Viron kansalaiset ZZ, syntymäaika, osoite, puhelinnumero, ja VV, syntymäaika, osoite, puhelinnumero. (Jos Viron henkilötunnus on tiedossa, merkitkää se syntymäajan sijasta)

XX käräjäoikeus on päättänyt toimittaa asiassa pääkäsittelyn käräjäoikeuden tiloissa 8.5.2007 - 15.5.2007.

Pyynnön tarkempi sisältö:

XX käräjäoikeus pyytää, että edellä kerrotut Viron kansalaiset ZZ ja VV kutsutaan henkilökohtaisesti virolaiseen tuomioistuimeen kuultavaksi videoteitse todistajina XX käräjäoikeuden pääkäsittelyssä.

Todistajien kuuleminen on asiassa välttämätöntä aineellisen totuuden selvittämiseksi. Suomen tuomioistuimella ei ole mahdollisuutta sitovasti velvoittaa vieraassa valtiossa haastettua todistajaa saapumaan tuomioistuimen käsittelyyn. (Lisäksi, jos soveltuu: Käräjäoikeus on aiemmin kutsunut edellä kerrotut todistajat pääkäsittelyyn, mutta he eivät ole sinne saapuneet / Todistajalla on maahantulokielto Suomeen/ Todistaja on ilmaissut pelkonsa tulla samoihin tiloihin vastaajan kanssa).

Esitämme ensisijaiseksi vaihtoehdoksi istunnon järjestämiseksi ..2007 kello 9.00 ja mikäli se ei mahdollinen, toissijaisesti päiviä ..2007 tai ..2007 kello 9.00. Pyydämme myös varaamaan toisen käsittelypäivän ensimmäisen käsittelyn mahdollisen estymisen johdosta ..2007 tai ..2007. Todistajien kuulemisen arvioimme kestävän xx tuntia.

Käräjäoikeus järjestää tulkin käräjäoikeuden tiloihin, joten Virossa sijaitsevaan istuntosaliin ei ole tarpeellista hankkia tulkkia.

Lähetämme ohessa/erikseen asiakirjat/kuvat, joita todistajille pyydetään kuulustelun yhteydessä esittämään. .(huom! jos on oletettavaa, että on tarpeen vedota esitutkinnassa lausuttuun, myös esitutkintapöytäkirja tältä osin olisi hyvä olla mukana, ja sillä kielellä, jolla henkilöä on kuultu)

Asiaa koskeviin tiedusteluihin vastaavat käräjäoikeudessa kärjätuomari JJ ja kärjäsihteeri LL (kummankin yhteystiedot näkyviin, myös kielet, jota ko. henkilöt taitavat).

päiväys

Kärjätuomari JJ

IRELAND

[Guide to Irish Law and Procedures – Mutual Legal Assistance in Criminal Matters](#) (2008)

POLAND

WNIOSEK
o dokonanie czynności w sprawie karnej
REQUEST
for taking action in a criminal matter
DEMANDE
d'accomplissement d'acte dans une affaire pénale

Określenie, adres, numer telefonu i telefaksu
oraz sygnatura sprawy organu wzywającego
Name, address, phone/fax nos. and case number
of Requesting Authority
Désignation, adresse, no. de téléphone et fax,
no. de l'affaire de l'autorité requérante

Określenie i adres organu wezwanego
Name and address of Requested Authority
Désignation et adresse de l'autorité requise

W związku z postępowaniem karnym przeciwko
In connection with the criminal proceedings instituted against
Dans une procédure pénale engagée à l'encontre de

o
charged with
pour

na podstawie postanowień art.
Pursuant to the provision(s) of Article
conformément aux dispositions de l'article

organ wzywający uprzejmie wnosi o:
The Requesting Authority kindly requests:
l'autorité requérante a l'honneur de demander de:

- A) ☐ dokonanie następującej czynności*)
that the following action(s) be taken*)
accomplir l'acte suivant*)
- ☐ niezwłoczne nadesłanie organowi wzywającemu niezbędnych dokumentów potwierdzających fakt dokonania czynności*)
that (a) requisite document(s) certifying that the requested action has been taken to be transmitted to the Requesting Authority*)
envoyer sans délai à l'autorité requérante les documents prouvant l'accomplissement de l'acte*)
- B) ☐ przesłuchanie niżej wskazanej osoby w charakterze*):
that the subject be interviewed/interrogated as a/an*):
d'entendre la personne suivante en tant que*):
- | | | | |
|---|---|---|--|
| ☐ świadka*)
witness*)
témoin*) | ☐ oskarżonego*)
accused*)
l'accusé*) | ☐ biegłego*)
expert*)
l'expert*) | ☐ innej strony*)
other party*)
l'autre partie*) |
|---|---|---|--|

imię i nazwisko
first name and last name/prenom et nom

adres
address/l'adresse

Organ wzywający prosi, aby przed przesłuchaniem zapoznano osobę z treścią pouczeń załączonych do niniejszego wniosku, a świadka uprzedzono ponadto o odpowiedzialności karnej za składanie fałszywych zeznań.

The Requesting Authority submits that aforementioned shall, prior to the interview/interrogation, be duly instructed on the information herewith and, if a witness, be cautioned that testifying falsely will subject him/her to criminal liability.

L'autorité requérante a l'honneur de demander de bien vouloir faire part à la personne à entendre de la portée des instructions jointes à ladite requête et de l'avertir de la responsabilité pénale qu'elle encoure en cas de fausses déclarations.

Podczas przesłuchania należy zadać pytania według załączonej listy.

During the interview/interrogation queries should be put in keeping with the enclosed list.

Pendant l'interrogation les questions doivent être posées selon la liste jointe.

Organ wzywający wnosi o:

The Requesting Authority requests:

L'autorité requérante demande de:

- ☐ **wcześniejsze powiadomienie o terminie i miejscu wykonania wniosku, gdyż w przesłuchaniu chcą uczestniczyć przedstawiciele strony wzywającej (wskazani w załączonej liście).^{*)}**
that it be promptly informed of the time and place of the execution of this request so that its officials (as listed in the enclosure) may be present at the interview/interrogation,^{*)}
l'information préalable de la date et du lieu de l'exécution de la demande car les représentants de la partie requérante (mentionnés dans la liste) souhaitent participer à l'interrogation,^{*)}
- ☐ **wyrażenie zgody na wzięcie przez przedstawicieli strony wzywającej udziału w przesłuchaniu osoby,^{*)}**
that the Requesting Authority's officials be permitted to be present at the interview/interrogation of the subject,^{*)}
donner l'accord pour la participation à l'interrogation des représentants de la partie requérante,^{*)}
- ☐ **niezwłoczne nadesłanie treści zeznań organowi wzywającemu.^{*)}**
that the testimony by the subject be promptly delivered to the Requesting Authority.^{*)}
envoi immédiat à l'autorité requérante du contenu de l'interrogation.^{*)}

C) ☐ Sprawa jest szczególnie pilna, ponieważ:^{*)}

This matter is particularly urgent because:^{*)}

Cette affaire est particulièrement urgente car:^{*)}

- ☐ **a) oskarżony jest tymczasowo aresztowany,^{*)}**
a) the accused person is in custody,^{*)}
a) l'accusé est en détention provisoire,^{*)}
- ☐ **b) termin rozprawy został wyznaczony na dzień^{*)}**
b) the date of the court hearing is set down for,^{*)}
b) la date de l'audience a été prévue pour,^{*)}
- ☐ **c) zbliża się termin przedawnienia.^{*)}**
c) the offence will soon be time-barred,^{*)}
c) le délai de la prescription s'approche.^{*)}

Lista dokumentów:

List of documents:

Liste de documents:

1) **tekst pouczeń**

Contents of information
contenu des instructions

2) **lista pytań do**

List of questions to be addressed by
liste des questions à

3) **zwięzły opis stanu faktycznego**

Brief statement of facts
un exposé des faits en brief

.....

Sporządzono w

Done at/Fait à

dnia/on/le

.....
(nazwisko, podpis i pieczęć)

(name, signature and seal)

(nom, signature et sceau)

^{*)} **Właściwe zaznaczyć.**

Cross where applicable.

Cocher la case correspondante.

Potwierdzenie doręczenia
Proof of service
La preuve de la remise

Niżej wskazany organ ma zaszczyt poświadczyć:
 The undersigned authority has the honour to certify:
 L'autorité soussignée a l'honneur de certifier:

- 1. że wniosek został wykonany^{*)}**
 that the service was effected^{*)}
 qu'il a été donné suite à la demande^{*)}

— **dnia (data)** **w (miejscowość)**
 on (date)/le (date) at (place)/à (lieu)

— **w jednej z następujących form:**
 — in one of the following manners:
 — dans une des formes indiquées ci-après:

- a) **przez zwykłe oddanie pism adresatowi,^{*)}**
 a) by simple transmission of the writ or record to the person to be served,^{*)}
 a) la simple remise au destinataire,^{*)}
- b) **w formie przewidzianej przez prawo wewnętrzne państwa wezwanego dla tego rodzaju doręczeń,^{*)}**
 b) in the manner provided for the service of analogous documents under the law of Requested State,^{*)}
 b) dans la forme prévue par la législation de l'État requis pour les significations analogues,^{*)}
- c) **w następującej formie szczególnej, zgodnej z prawem państwa wezwanego:^{*)}**
 c) in a special manner consistent with the law of Requested State:^{*)}
 c) dans la forme spéciale suivante, pour autant que celle-ci soit compatible avec la législation de l'État requis:^{*)}
-
-

Dokumenty wymienione we wniosku zostały doręczone:
 The documents concerned have been served upon:
 Les documents indiqués dans la demande ont été remis à:

- a) **adresatowi/the person to be served/au destinataire^{*)},**
 b) **innej osobie, a mianowicie:/other person i.e./à une autre personne:^{*)}**
 — **(nazwisko i stosunek do adresata)**
 (name and relationship/nom et lien de parenté)

- 2. że wniosek nie mógł być wykonany z następujących przyczyn^{*)}:**
 that the service could not have been effected for the following reasons^{*)}:
 la remise n'a pas pu se faire pour les motifs suivants^{*)}:
-
-

Proszę zwrócić do/Please return to/prière de renvoyer **Sporządzono w**
 Done at/Fait à

Nazwa, adres i numer sprawy organu wzywającego	dnia/on/le (nazwisko, podpis i pieczęć/name, signature, seal/nom, signature, sceau)
(Wypełnia sąd polski występujący o doręczenie)	 ^{*)} Właściwe zakreślić/Cross where applicable/cocher la case correspondante.

WNIOSEK
o doręczenie za granicą dokumentów sądowych w sprawie karnej
REQUEST
for service abroad of documents in a criminal matter
DEMANDE
de remise à l'étranger des actes judiciaires dans une affaire pénale

Określenie, adres, numer telefonu i telefaksu oraz sygnatura sprawy organu wzywającego
Name, address, phone/fax nos. and case number of Requesting Authority
Désignation, adresse, no. de téléphone et fax, no. de l'affaire de l'autorité requérante

Określenie i adres organu wezwanego
Name and address of Requested Authority
Désignation et adresse de l'autorité requise

W związku z postępowaniem karnym przeciwko

In connection with the criminal proceedings instituted against
Dans une procédure pénale engagée à l'encontre de

o
charged with
pour

na podstawie postanowień art.
Pursuant to the provision(s) of Article
conformément aux dispositions de l'article

organ wzywający ma zaszczyt przesłać organowi wezwanemu niżej wymienione dokumenty (w dwóch egzemplarzach) z prośbą o bezzwłoczne doręczenie jednego egzemplarza adresatowi:

It is our privilege to deliver to the Requested Authority the documents as listed below (in duplicate) and further request that the person to be served be given one copy forthwith:

l'autorité requérante a l'honneur de transmettre à l'autorité requise les documents suivants (en deux exemplaires) en la priant de bien vouloir remettre sans délai un de ces exemplaires au destinataire:

imię i nazwisko
First name and last name
prenom et nom

adres
address
l'adresse

w następującej formie:
In the following manner:
en forme suivante:

- a) **przez zwykłe oddanie pism adresatowi,*¹⁾**
a) by simple transmission of the writ or record to the person to be served,*¹⁾
a) la simple transmission de l'acte ou de la décision au destinataire,*¹⁾

- b) **w formie przewidzianej przez prawo wewnętrzne państwa wezwanego dla tego rodzaju doręczeń,*¹⁾**
b) in the manner provided for the service of analogous documents under the law of Requested State,*¹⁾
b) dans la forme prévue par la législation de l'Etat requis pour les significations analogues,*¹⁾

c) w następującej formie szczególnej, zgodnej z prawem państwa wezwanego:*)

c) in a special manner consistent with the law of Requested State:*)

c) dans la forme spéciale suivante compatible avec la législation de l'État requis:*)

.....

Organ wezwany proszony jest o zwrot niniejszego wniosku wraz z uprzednio wypełnionym potwierdzeniem doreczenia organowi wzywającemu.

The Requested Authority is kindly requested to return the enclosed duplicate hereof and the proof of service to the Requesting Authority.

L'autorité requise est priée de bien vouloir renvoyer à l'autorité requérante l'exemplaire supplémentaire de cette requête avec la preuve de la remise remplie.

Lista dokumentów:

List of documents:

Liste de documents:

Zwięzły opis stanu faktycznego.

Brief statement of facts.

Un expose des faits en brief.

.....
.....
.....
.....

Sporządzono w
Done at/Fait à

dnia/on/le

.....
(nazwisko, podpis i pieczęć)
(name, signature, seal)
(nom, signature, sceau)

*) Właściwe zaznaczyć.
Cross where applicable.
Cocher la case correspondante.

SERBIA

[Mutual Legal Assistance Manual: Serbia](#)

THE NETHERLANDS

This form is automatically generated, the articles are translated in several languages. I have translated a few paragraphs for your information.

RECHTSHULPVERZOEK /**MLA request**

Datum : **Date**

Verzoekende Instantie : **requesting pp or judge and address**

Vestigingsplaats : Alkmaar

Land : Nederland

Kenmerk : **reference**

Lurisnummer (indien bekend)

:

Aan de bevoegde autoriteiten van Turkije / **To the competent authorities of ...**

Instantie : **Address**

Adres :

Postcode en plaatsnaam :

Zeer geachte Ambtgenoot,

Gaarne zou ik uw aandacht willen vragen voor het volgende.

Op werd onder mijn verantwoordelijkheid als Officier van Justitie onder parket/dossiernummer een strafrechtelijk onderzoek ingesteld tegen: **Under my responsibility as a PP I started an investigation against:**

Naam : X

Voornaam :

Adres :

Postcode en woonplaats :

Geboortedatum :

Geboorteplaats :

Nationaliteit :

Welke ervan verdacht wordt zich schuldig te hebben gemaakt aan: **crimes he suspected of and a description.**

He is wanted for having committed ...

strafbaar gesteld in artikel/de artikelen : **the articles of the Dutch Penal Code (the translated versions will be available in the system.**

Korte uiteenzetting van de feiten:

Facts.

Ik verzoek u op grond van tussen Nederland en Turkije geldende:

- Europees Verdrag aangaande de wederzijdse rechtshulp in strafzaken (Straatsburg, 20 april 1959)
- Aanvullend Protocol bij het Europese Verdrag aangaande de wederzijdse rechtshulp in strafzaken (Straatsburg, 17 maart 1978)

om de volgende assistentie.

Relevant Treaties (automaticly generated) and assistance needed.

Verzochte assistentie:

Aangezien er aanwijzingen zijn, dat belangrijk bewijsmateriaal voor deze strafzaak in uw ambtsgebied aanwezig is, verzoek ik u te bevorderen dat met spoed doorzoeking wordt verricht bij:

search at the following address

Ik verzoek u hierbij met name acht te slaan op de volgende voorwerpen of stukken van overtuiging:

(in short) Please look for:...

Ik verzoek u over te gaan tot inbeslagname van voorwerpen of stukken van overtuiging, die aldaar worden aangetroffen en die voor het onderzoek van belang kunnen zijn, teneinde ze ter beschikking te (doen) stellen aan de Nederlandse Justitie, alsmede alle andere onderzoekshandelingen te verrichten die van belang zijn voor voornoemd onderzoek.

In verband met het feit dat het hier een gecompliceerde zaak betreft verzoek ik u om de hierna te vermelden functionarissen te willen ontvangen en hen toe te staan, waar mogelijk, bij de uitvoering van het verzoek aanwezig te zijn:

We would like to have ... present at the search if possible

Het bewijsmateriaal dat volgt uit dit rechtshulpverzoek zal niet, zonder uw voorafgaande toestemming, ten behoeve van andere dan in dit rechtshulpverzoek vermelde strafrechtelijk onderzoek worden gebruikt. Rule of speciality

Voor overleg over de uitvoering van dit rechtshulpverzoek kunt u contact opnemen met:

Contactdetails of the pp/police/judge

Naam :

Adres :

Postcode en woonplaats :

Telefoon :

Fax :

E-mail :

Ik dank u bij voorbaat voor uw medewerking bij de uitvoering van dit rechtshulpverzoek.

Officier van Justitie, te Alkmaar

Bijlage:

- Wetsartikelen:

SWITZERLAND

- [Directives en matière d'entraide judiciaire internationale pénale](#)
- [Guidelines on International Mutual Assistance in Criminal Matters](#)
- [Aide-mémoire pour les demandes étrangères d'entraide judiciaire pénale](#)
- [Checklist for foreign requests for mutual assistance in criminal matters](#)
- [Modèle d'une commission rogatoire internationale en matière pénale](#) (f)
- [Modèle d'une demande de notification ordinaire avec récépissé](#) (f)
- [Modèle d'une demande spéciale de notification](#) (a/f)
- [Récépissé](#) (a/f/it/e)

UNITED KINGDOM

[Requests for Mutual Legal Assistance in Criminal Matters - Guidelines for Authorities Outside of the United Kingdom - 2014](#)

REPUBLIC OF KOREA

To: The Central Authority of Canada

Request for Mutual Legal Assistance in Criminal Matters

The Central Authority of the Republic of Korea respectfully requests the assistance of the Central Authority of Canada in criminal matters. This request relates to the investigation of the case involving suspect AA for fraud.

1. Case Summary

○ Prosecutor BB, Criminal Department III, Goyang Branch, Uijeongbu District

Prosecutors' Office

○ Case Number: 2013HYEONGJE9585

2. Information on Suspect

○ AA

- Date of Birth: January 1, 1946

- Nationality: Korean

- Address: #△△-○○ ABC APT, 20 Gopung-ro, Ilsandong-gu, Goyang-si, Gyeonggi-do

- Occupation: Business owner

3. Facts of Crime

○ Around 2010, the suspect founded a company named 'C Company' to do business of operating international flight services with a chartered aircraft from an overseas airline.

○ On July 26, 2011, at ◎◎ Cafe near Apgujeong Branch of D Bank located in

Apgujeong-dong, Seoul, the suspect told the victim, “I am about to lease an aircraft and the deal is almost done. If you lend me KRW 150,000,000 for an air service deposit, I will hold the money in escrow for two months so as to be used for a deposit and then pay the money back. During the period, I will give you annual interest of 50%, and I will provide the right of pledge on land located at San 18-19 Mohyeon-myeon, Cheoin-gu, Yongin-si, Gyeonggi-do, as collateral.”

- However, the suspect was neither willing nor able to pay the money back, even though the victim would lend him KRW 150,000,000.
- The deceived victim wired KRW 150,000,000 to the suspect. As such, the suspect swindled the money out of the victim.

4. Progress of the Investigation

The suspect made statements to the effect of the following:

- On July 26, 2011, he took KRW 150,000,000 from the victim for the aircraft charter program and transferred the money as a lease deposit to rent an aircraft from an American airline company named ‘E Air.’
- At that time, the suspect was not able to conclude the deal with ‘E Air’ because he did not have a US citizenship, so he had FF, who is Canadian-American with a US citizenship, sign on the contract in his stead and then the suspect and FFF made an additional contract for the business.
- The suspect borrowed a total of USD 950,000 from the victim and some investors for an aircraft lease deposit to be paid to ‘E Air.’ Then he put the money in the escrow account from which he can withdraw money only when C Company established by the suspect and G Company founded by FF cosign. H Company, a financial company located in the US, managed the escrow account.
- The suspect could not pay the money back to the victim since FF who is his Canadian-

American business partner embezzled the money from the escrow account and disappeared around June or July 2012.

- The suspect reported to the US FBI with jurisdiction over the aforementioned H Company and the Kingston Police Force in Canada. The US FBI replied that they do not investigate the case because it is a civil matter, while the Canadian police replied that the case (case no. 11-1111) has been accepted and is under investigation.

5. The Charge and the Applicable Law

- Charge: Fraud

- Applicable Law

- Criminal Act

Chapter 39 Crimes of Fraud and Extortion

Article 347 of *the Criminal Act* (Fraud)

- (1) A person who defrauds another, thereby taking property or obtaining pecuniary advantage from another, shall be punished by imprisonment for not more than ten years or by a fine not exceeding twenty million won. <Amended on Dec. 29, 1995>
- (2) The preceding paragraph shall apply to a person who, by the methods of the preceding paragraph, causes a third person to take property or to obtain pecuniary advantage from the latter.

6. Assistance Requested

- With respect to the report against FF made by AA to the Kingston Police Force of Canada on August 13, 2012 (case no. 11-1111), please provide the following information:
 - 1) Whether the suspect really accused FF;
 - 2) If so, what FF was accused of; and
 - 3) Investigation result of this case (please provide the progress of investigation, if the in

vestigation is not completed yet.)

7. Need for Assistance

- The suspect claims that he wired the deposit money to his business partner FF although he has not yet repaid USD 2,500,000 that he borrowed from the suspect in 2008, and that FF withdrew the money arbitrarily, however, those statements are unreliable. In order to check if the suspect's statements are true, assistance from the competent authority of Canada is essential as the evidence sought for this case falls under the jurisdiction of Canada.

8. Information Deadline

We kindly request your assistance at the earliest date possible for the investigation of this case.

9. Confidentiality

The Korean Prosecution Service asks for the confidentiality of this request for mutual legal assistance as well as the evidence obtained through the assistance to the concerned people of this case.

10. Non-political Nature of Request

I hereby assure that the nature of the request for assistance in this case is non-political and the evidence provided by Canada will be used only for the above crime case.

July 1, 2013

XYZ

Director

International Criminal Affairs Division

Criminal Affairs Bureau

Ministry of Justice

2. INTERNATIONAL FORMS/GUIDELINES / *FORMULAIRES OU LIGNES DIRECTRICES INTERNATIONALES*

EU FORMS AS PUBLISHED ON THE EJN WEBSITE REFERRED TO BY GERMANY, SWEDEN

The screenshot displays the EJM Compendium website interface. At the top, there are navigation tabs: 'Info about national systems', 'Practical application of the mutual recognition instruments', and 'Practical application of the mutual legal assistance instruments'. Below these is a 'Compendium' section with a sidebar menu on the left containing links like 'Check MLA possibility', 'New letter/open letter', 'Requesting authority', etc. The main content area is titled 'Check MLA possibility' and features a dropdown menu for 'Requested country*', a 'Check result' button, and a legend with three colored circles: green for 'Applicable', orange for 'The measure is applicable to a certain extent', and red for 'The measure is not applicable'. Below the legend, there are two sections: '1. Tracing and interception of (tele) communications' and '2. Agents et informers - Infiltration'. Each section contains a list of measures with checkboxes and a small icon to the right. A sidebar on the right provides instructions on how to use the tool, stating: 'Before filling in the rogatory letter and requesting mutual legal assistance, you can check whether the investigation measure is' followed by the legend. It also includes a numbered list of steps: 1. choosing the requested country, 2. clicking on the measure in the check box and, 3. Clicking the button check result. The bottom of the screen shows a Windows taskbar with various application icons and a system clock indicating 15:37 on 04/02/2014.

Check MLA possibility

Requested country*

Check result

● The measure is applicable.
 ● The measure is applicable to a certain extent.
 ● The measure is not applicable.

1. Tracing and interception of (tele) communications

- ☐ (101) Interception, recording and transcription of telecommunications
- ☐ (102) Tracing of telecommunications
- ☐ (103) Interception and recording of other forms of communication
- ☐ (104) Interception of mail
- ☐ (105) Observation
- ☐ (106) Interception of telecommunication - Art. 18 (2) (b) of the MLA Convention
- ☐ (107) Interception of telecommunication without the technical assistance of another Member State

2. Agents et informers - Infiltration

- ☐ (201) Infiltration by undercover agents of the requested State
- ☐ (202) Infiltration by agents of the requesting State in the territory of the requested State
- ☐ (203) Infiltration by an informer of the requested State

Before filling in the rogatory letter and requesting mutual legal assistance, you can check whether the investigation measure is

● Applicable
● Not applicable
● Applicable to a certain extent.

This check can be done by
 1. choosing the requested country
 2. clicking on the measure in the check box and
 3. Clicking the button check result.
 If you wish to view the full information for the selected measure, press the arrow on the right of the measure. This information is available in English and in French.

**FORMS DEVELOPED WITHIN THE EU'S EASTERN PARTNERSHIP INITIATIVE /
FORMULAIRES DÉVELOPPÉS PAR L'INITIATIVE DE L'UE POUR LE PARTENARIAT ORIENTAL**

Polish project of the EU Eastern Partnership Judiciary Panel- facilitation of the mutual legal assistance in criminal matters through homogenous forms.

**DRAFT MODEL STANDARD REQUEST FORM FOR MUTUAL ASSISTANCE IN
CRIMINAL MATTERS₁**

TITLE OF THE REQUEST₂
1. Initial elements of the request - Date and place - Reference number - Indication of urgency
2. Requesting authority - Official Title - Address - Contact details: telephone numbers, e-mail addresses
3. Requested authority - Official Title - Address - Contact details, where possible
4. Object and reason - Type and purpose of request - Legal basis of the request - Brief description of the facts related to the offence and legal qualification of the offence - Description of the stage of criminal proceedings, including if possible the expected time-frame <i>Where applicable:</i> - justification of urgency - indication of a requirement to be notified about the date/place of the execution of the request as well as on the presence of particular persons with their contact details - information on previous communications
5. Persons concerned - Name - Date of birth (excluding experts) - Sex - Nationality - Address - Position in Legal Proceedings <i>Where applicable:</i> - ID Number - Alias (excluding experts)

- *Place of birth*
- *Address of the seat, registration number and contact details of the person authorised to act on behalf of the company if a Legal person is concerned*

¹ This model request form is intended as a guide and a reference only. The requirements may be modified as necessary to meet the requirements of domestic law and practice.

² e.g. “request for hearing of a witness”, “request for service of documents”, “request for hearing and service of documents”, “request for hearing by videoconference” etc.

6. Measures requested

A. Extracts from judicial records

- Type of information requested

B. Service of judicial documents (writs and records; summons to appear as a witness/expert/accused person):

i. Information common to all requests for service

- Type of service required
- Specification of documents to be served

Where applicable:

- *Information on witness protection*
- *Safe passage issues*
- *Requirements for confirmation of service*
- *Requirements if service fails*

ii. Specific modalities for summons to appear

- Date of appearance
- Time and place of hearing

Where applicable:

- *alternative date of appearance, time and place of hearing*
- *approximate allowances payable and the travelling and subsistence expenses refundable*

C. Temporary transfer of a person in custody

- Date and time-line of transfer
- Place of transfer
- Purpose of transfer (e.g. witness/confrontation)
- Ensuring (guarantee) of custody and return by the date specified

Where applicable:

- *Time and place of hearing*
- *Indication whether transit is required*
- *Contact person(s)*

D. Letters rogatory

i. Facts and legal information about the offence

- Time and place of commission of the offence
- Legal qualification of the offence with relevant provisions
- Provisions regarding the maximum penalty applicable

Where applicable

- *Damage caused by the offence*
- *Information on victims*
- *Where necessary, provisions on lapse of time*

ii. Types of measures**a. Hearing of witnesses, experts or accused persons and expertise****Hearing performed by the requested authority**

- Indication of the competent authority which should perform the hearing (e.g. court, prosecutor's office)
- Information on rights and obligations to be notified to the person to be heard
- List of questions to be asked

Where applicable

- *Express request for hearing under oath*
- *Indication whether the witness to be heard requires protection (including details on possible existing agreements between both Parties on this issue)*

Alternative modalities for a hearing by the requesting authority**Hearing by video conference**

- Indication of reasons why it is not desirable or possible to attend in person
- Name of the judicial authority or of the persons conducting the hearing
- Details concerning practical arrangements (date and hour of conducting the hearing, technical information on available means, proposals concerning payment of costs, etc.)
- Notification of rights and obligations of the person to be heard

Where applicable

- *Indication of the necessity of an interpreter*
- *Indication of measures to protect the person to be heard*
- *Indication if the suspect or the accused person consents to the hearing*
- *List of questions to be asked*

Hearing by telephone conference

- Indication of the name of judicial authority or the persons who will be conducting the hearing
- Indication that the person is willing to take part in a hearing by telephone conference
- Date and hour of conducting the hearing

b. Providing documents, records or other evidence

- Indication of the articles of evidence that have to be provided
- Indication of the person, legal person or authority from which to collect evidence

Where applicable

- *Indication of the particular way in which the evidence needs to be collected*
- *Indication whether originals are needed*
- *Indicate means of transmission that need to be used by the requested State (courier, liaison officer, diplomatic representative)*

c. Locating or identifying persons or items

- Indication of the persons or items that need to be located or identified

Where applicable

- Indicate place of residence of persons or location of objects in the requested State

d. Other measures

- Indication of the type of requested measure

iii. General modalities of execution

- Necessary formalities and procedures under the law of the requesting State and guidance
- Presence of officials and interested persons from the requesting State
- Timeframe for execution
- Coordination between relevant and competent authorities (contact persons)
- Costs
- Language to be used

Where applicable

- indication of requirements to keep confidential the fact and substance of the request
- indication of rules to ensure data protection

7. Final information

- Any other information which the requesting State considers important
- Seal, name, function of the official and signature

Projet polonais pour le panel judiciaire du partenariat oriental de l'UE- facilitation d'entraide judiciaire en matière pénale par des formulaires de demande uniformes.

PROJET DE MODÈLE-TYPE DE FORMULAIRE DE DEMANDE D'ENTRAIDE JUDICIAIRE EN MATIÈRE PÉNALE¹

INTITULÉ DE LA DEMANDE ²
1. Éléments préliminaires de la demande - Date et lieu - Numéro de référence - Indication de l'urgence
2. Autorité requérante - Titre officiel - Adresse - Personne à contacter : numéros de téléphone, adresses de messagerie
3. Autorité requise - Dénomination officielle - Adresse - - Personne à contacter, si possible
4. Objet et motif - Type et objet de la demande - Fondement juridique de la demande - Brève description des faits afférents à l'infraction et de la qualification juridique de l'infraction - Description de l'état d'avancée de la procédure pénale en cours et notamment, si possible, des délais prévus <i>Le cas échéant :</i> - justification de l'urgence - indication de l'obligation de notification de la date et du lieu d'exécution de la demande ainsi que de la présence de personnes spécifiques avec leurs coordonnées - renseignements portant sur les précédentes communications

¹ Ce formulaire de demande n'est fourni qu'à titre de guide et de référence. Les prescriptions peuvent être modifiées selon le besoin afin de répondre aux exigences du droit et de la pratique.

² par exemple, « demande d'audition d'un témoin », « demande de signification de documents », « demande d'audience et de signification de documents », « demande d'audience par vidéoconférence », etc.

5. Personnes concernées

- Nom
- Date de naissance (ne concerne pas les experts)
- Sexe
- Nationalité
- Adresse
- Position dans le cadre des procédures judiciaires

Le cas échéant :

- Numéro d'identité
- Alias (ne concerne pas les experts)
- Lieu de naissance
- Adresse du siège, numéro d'enregistrement et coordonnées de la personne habilitée à agir au nom de la société, si une personne morale est concernée

6. Mesures demandées**A. Extraits de casier judiciaire**

- Type de renseignement requis

B. Signification d'actes judiciaires (procédures et décisions judiciaires ; citation à comparaître comme témoin/expert/accusé) :

i. Renseignements communs à toutes les demandes de signification

- Type de signification requise
- Caractéristiques des documents à signifier

Le cas échéant :

- Renseignements sur la protection des témoins
- Questions de sécurité du transit
- Prescription de confirmation de la signification
- Prescription en cas d'échec de la signification

ii. Modalités spécifiques de la citation à comparaître

- Date de comparution
- Heure et lieu de l'audience

Le cas échéant :

- autre date de comparution, autre heure et lieu de l'audience
- indication approximative des indemnités versées et du remboursement des frais de déplacement et de séjour

C. Transfèrement temporaire d'une personne en détention

- Date et heure/durée du transfèrement
- Lieu du transfèrement
- Objet du transfèrement (par exemple, témoignage/confrontation)
- Confirmation de la détention et du retour à la date indiquée

Le cas échéant :

- Heure et lieu de l'audience
- Indication si un transit est requis ou pas
- Personne(s) à contacter

D. Lettre rogatoire**i. Faits et informations juridiques relatifs à l'infraction**

- Heure et lieu de perpétration de l'infraction
- Qualification juridique de l'infraction et dispositions pertinentes
- Dispositions relatives à la peine maximale applicable

Le cas échéant

- Dommages causés par l'infraction
- Renseignements sur les victimes
- Au besoin, dispositions relatives au délai

ii. Types de mesures

a. Audition de témoins, d'experts ou d'accusés et expertise

Audition effectuée par l'autorité requise

- Indication de l'autorité compétente qui doit exécuter l'audition (tribunal, cour, ministère public)
- Renseignements sur les droits et obligations à signifier à la personne devant être entendue
- Liste des questions à poser

Le cas échéant

- Demande expresse d'audition sous serment
- Indication si le témoin devant être entendu requiert une protection (ajouter des informations détaillées sur les éventuels accords existants entre les deux Parties sur cette question)

Autres modalités d'audition par l'autorité requérante

Audition par vidéoconférence

- Indication des motifs pour lesquels il n'est pas souhaitable ou possible que la personne soit physiquement présente
- Nom de l'autorité judiciaire ou des personnes qui mènent l'audition
- Informations détaillées concernant les modalités pratiques (date et heure de l'audition, techniques d'informations sur les moyens disponibles, offres concernant le remboursement de frais, etc.)
- Notification des droits et obligations de la personne devant être entendue

Le cas échéant

- Indication de la présence nécessaire d'un interprète
- Notification des mesures de protection applicables à la personne devant être entendue
- Indication si le suspect ou l'accusé consent à être entendu
- Liste des questions à poser

Audition téléphonique

- Indication du nom de l'autorité judiciaire ou des personnes qui effectueront l'audition
- Indication que la personne est d'accord pour participer à une audition par conférence téléphonique
- Date et heure de la tenue de l'audition

b. Fourniture de documents, de dossiers ou d'éléments de preuve divers

- Indication des éléments de preuve qui doivent être fournis
- Indication de la personne physique, morale ou de l'autorité auprès de laquelle les preuves sont à récupérer

Le cas échéant

- Indication de la manière spécifique selon laquelle les preuves sont à récupérer
- Indication si des documents originaux sont requis
- Indiquer les moyens de transmission qui doivent être utilisés par l'État requis (service de messagerie, agent de liaison, représentant diplomatique)

c. Localisation ou identification des personnes ou des objets

- Indication des personnes ou des objets qui doivent être localisés ou identifiés

Le cas échéant

- Indiquer le lieu de résidence des personnes ou l'emplacement des objets dans l'État requis

d. Mesures diverses

- Indication du type de mesure demandée

iii. Modalités générales d'exécution

- Formalités et procédures requises en vertu du droit de l'État requérant et orientations

- Présence des agents et des personnes concernées de l'État requérant

- Calendrier d'exécution

- Coordination entre les autorités compétentes concernées (personnes à contacter)

- Frais

- Langue à utiliser

Le cas échéant

- indication de la prescription de respect de la confidentialité des faits et du fond de la demande

- indication des règles assurant la protection des données

7. Derniers renseignements

- Toute autre information que l'État requérant considère être importante

- Cachet, nom, poste du demandeur officiel et signature