

Malta – national procedures for mutual legal assistance in criminal matters

Updated 25/09/2014

States Parties are requested to fill in this table with the necessary information and return it to the Secretariat of the PC-OC. The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance:</p>	<p>Office of the Attorney General International Co-operation in Criminal Affairs Department Dept. Head: Dr. Donatella Frendo Dimech LL.D The Palace, St. George's Square Valletta CMR 02, Malta Tel: (+356) 21221223 Fax: (+356) 25683103 Email: Donatella.m.frendo-dimech@gov.mt</p>
<p>If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	<p>Same address as Central Authority above.</p>
<p>Channels of communication for the request for mutual legal assistance (directly, through diplomatic</p>	<p>In general Mutual Legal Assistance requests should be sent to the Office of the Attorney General. Alternatively, it may depend upon the declarations filed by Malta in international instruments.</p>

channels or other):	
Means of communication (eg. by post, fax, e-mail ¹):	The request may be submitted to the Office of the Attorney General by Telephone, Fax and/or Email. For email no encryption or electronic signatures are required.
Language requirements:	Requests may be made in Maltese or in English. All accompanying documents which are not in either of these languages should be sent together with an English translation of the original text.
Double criminality requirement, if applicable:	The Double Criminality Rule may be applicable in particular circumstances depending on the request. Certain requests for mutual legal assistance may only be executed if the offence is punishable under both the domestic law and the law of the requesting State. On a final note, one must also look to the treaties and relevant reservations made by Malta in this respect.
Limitation of use of evidence obtained:	As a general rule, the evidence shall only be used for the Criminal proceedings it was requested for. However, one should also look at the treaties and the relevant reservations made by Malta.
Other particularly relevant information (e.g. documentation required for special types of assistance):	All relevant documentation which facilitates MLA should be provided especially Court orders and/or authorisations.

¹ Please indicate if encryption or electronic signature is required.

<p>Links to national legislation, national guides on procedure:</p>	<p>Criminal Code, Chapter 9 of the Laws of Malta: http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574&l=1</p> <p>Subsidiary Legislation under Chapter 9: http://justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=9</p> <p>Web Portal for the Laws of Malta at the Ministry of Justice website: http://justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono</p>
<p>Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests</p>	