

REPUBLIC OF SERBIA

National Procedures for Mutual Assistance in Criminal Matters

Updated on 15/01/2021

The information contained in this table should be updated on a yearly basis.

The Central Authority responsible for MLA	Name of the institution Ministry of Justice of the Republic of Serbia Sector for mutual legal assistance Department for Mutual Legal Assistance 22-26 Nemanjina Street, 11000 Belgrade Tel +381 11 3622 355, +381 11 3622 340 Fax +381 11 3622 355, +381 11 3622 352 E-mail mlacriminal@mpravde.gov.rs
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If different from the Central Authority, the authority to which the request should be sent:	Name of the institution Address Telephone Fax E-mail
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Channels of communication for the request of MLA: (through diplomatic channels or other): In case of urgency (Art 15.2) direct transmission (link to contact details of competent authorities) or other	According to Article 6 of the Serbian Law on mutual legal assistance in criminal matters (Official Gazette of the RS, No.20/2009) letters rogatory and supporting documents shall be transmitted to the national judicial authority through the Ministry of Justice, and vice versa. At the request of the requesting state, letter rogatory and other documents shall be submitted through diplomatic channels. On condition of reciprocity request and other documents can be submitted directly to a foreign judicial authority, and in case of urgency, they may be transmitted through the International Criminal Police Organization (INTERPOL)
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Means of communication (eg. by post, fax, e-mail ¹):	By post. In the urgent cases it is possible to submit documentation by fax and e-mail (no encryption or electronic signature is required), provided that the competent authority of the requesting State is obliged to subsequently submit the documentation (original) in the regular manner (by post).
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¹ Please indicate if encryption or electronic signature is required.

Language requirements:	According to the Article 5 of the Law on mutual legal assistance in criminal matters, letters rogatory and requests for extradition shall be submitted and accompanied by translations into the language of the requested state or translated into English. A copy of translation shall be certified.
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Double criminality requirement, if applicable:	One of the preconditions to the execution of requests for mutual assistance is that the criminal offence, in respect of which legal assistance is requested, constitutes the offence under the legislation of the Republic of Serbia.
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Limitation of use of evidence obtained:	It is the duty of state authorities to safeguard confidentiality of information obtained during the execution of requests for mutual legal assistance. Personal data may be used solely in criminal or administrative proceedings in respect of which letters rogatory have been submitted.
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Other relevant information: (e.g. documentation required for special types of assistance)	<p>For assumption and transfer of criminal prosecution, the letter rogatory shall be accompanied by the original or certified copy of crime related documents.</p> <p>For execution of foreign criminal judgment, the letter rogatory shall be accompanied by certified transcript of the foreign court's criminal judgment.</p> <p>For execution of criminal judgment with transfer, the letter rogatory shall be accompanied by a certified transcript of the criminal judgment and a statement of consent to transfer provided by the convict.</p> <p>For mutual assistance regarding examination of witnesses and experts) a letter rogatory shall be accompanied by a specification of expenses to be paid to a witness or an expert.</p>
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Links to national legislation, national guides on procedure:	https://www.mpravde.gov.rs/en/tekst/1701/criminal-matter.php
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Parties to the Second Additional Protocol: Channels of communication for <u>direct transmission requests</u> (Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests)	https://portal.sud.rs/cr/medjunarodna-pravna-pomoc-(judicial-atlas)
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