**CHECKLIST FOR MUTUAL LEGAL ASSISTANCE**

**CONFISCATION OF ASSETS IN SINGAPORE**

**SECTION 29 OF THE MACMA**

| **Formal requirements**  **[\**Italicised* items are optional]** | **Whether included in the request?** | **Whether supporting documents attached?**  **[\*Supporting documents not applicable for greyed items]** |
| --- | --- | --- |
| Is the request made to the Attorney-General of the Republic of Singapore?  Note: Please refer to Part III Section 9 at page X of the Guide for contact information. |  |  |
| Is the purpose of request (*e.g.* investigation, prosecution, *etc.*) stated in the request? |  |  |
| Is the request initiated by an authorised authority under the law of the Requesting Party? |  |  |
| Does the request contain a description of the criminal offence(s)? |  |  |
| Is an English copy of the relevant laws or regulations in relation to the criminal offence(s) attached? |  |  |
| Does the request state the maximum penalty for the criminal offence(s)? |  |  |
| *Does the request provide details of procedure to be followed by Singapore?* |  |  |
| *Does the request contain a confidentiality clause?* |  |  |
| *Does the request specify the period within which the request should be met and the supporting reason(s)?* |  |  |
| Does the request contain the requisite assurances against political offence, persecution and double jeopardy?  Note: Please refer to the template request form at Part V Section 13 at page X of the Guide for the recommended language. |  |  |

| **Substantive requirements**  **[\**Italicised* items are optional]** | **Whether included in the request?** | **Whether supporting documents attached?**  **[\*Supporting documents not applicable for greyed items]** |
| --- | --- | --- |
| Does the request contain a Statement of Facts which sets out:   1. identity of the person(s) involved; 2. the person(s) role in the criminal offence(s); 3. the relation between the criminal offence(s) and the asset(s) sought; 4. full particulars of the asset(s); 5. identity of the person(s) in possession of the asset(s) in Singapore; and 6. value of the confiscation order yet to be satisfied?   Note: Please refer to Part III Section 11(b)(*iii*) at page X of the Guide for lists on the information to be included in requests on restraining assets. |  |  |
| Is there a confiscation order from the courts of the Requesting Party?  Note: Please attach a copy of the confiscation order together with the mutual legal assistance request. The statement of facts should also elaborate on the domestic proceedings leading up to the confiscation order. |  |  |
| Is the confiscation order in force and not subject to further appeal? |  |  |
| Did the person(s) affected by the order appear in the proceedings?  Note: Please refer to the item below if the person(s) did not appear in the proceedings. |  |  |
| *If the answer above is no, then did the person(s) receive notice of the proceedings in sufficient time to enable the person(s) to defend said person(s) in the proceedings?*  Note: Please provide (i) information in the statement of facts to show the steps taken to secure the person(s)’ attendance and that notice is received with sufficient time and (ii) any relevant documentation in support of (i). |  |  |
| Is the confiscation order duly sealed or authenticated by a judge, magistrate or officer of the court? |  |  |
| Does the request contain a certificate by or on behalf of the authorised authority that states:   1. the confiscation order is in force and not subject to further appeal; 2. sums remain payable / assets remain recoverable under the confiscation order; 3. the person(s) has been notified of the proceedings leading to the confiscation order; and 4. the confiscation order has the purpose of recovering, forfeiting or confiscating the asset(s) referred therein?   Note: Please provide the corresponding cross-references between the statement of facts and relevant portions of the certificate. |  |  |