

Letter of request for mutual legal assistance involving the production of evidential material for the purpose of a criminal investigation

In order for Ireland to provide international mutual assistance involving the production of evidential material for a criminal investigation it is necessary, in order to comply with requirements under national legislation and of the judicial authority, that certain information and assurances are provided in the letter of request. These particular requirements relate to requests for the production of specified evidential material by way of Court order. In order to facilitate the provision of the widest and most expedient measure of mutual legal assistance in the context of such production orders requesting authorities are required to provide the information and declaration of assurances set out below. The information and assurances concerned can either be provided by completing this form and declaration or including the information and declaration in the requesting State's own letter of request. The information and assurances must, in any event, be clearly provided in order for the request for the production of evidential material to be considered, processed and brought before the Court.

Information Required
Date of request.
Reference number (of requesting State).
Name of Requesting State.
Name of Requesting Authority.
Relevant international instrument in accordance with which the request for evidential material is being made. (If, in exceptional circumstances, there is some other basis for the request this should be stated and explained.)
Name (if known) of suspect(s).
Alleged offence(s) in requesting State and applicable maximum prison sentence (extract from relevant legislation to be provided with the request).
Evidential material sought.
Account Identifiers (<i>to include any identifying information, such as user names, IP addresses, account numbers etc., which will assist in locating and uplifting the requested evidential materials</i>).
Time Period (<i>to assist in locating the relevant evidential material, a relevant time period must be specified which is proportionate and has a legitimate relevance to the offence specified in the request</i>).
Start Date:
End Date:
Name and address of the person/organisation believed to hold the specified evidential material

Grounds for believing that the subject of the proposed production order is in possession of the evidential material sought

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Nature of investigation.

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Background / statement of facts.

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Reason for requesting the particular evidential material.

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Relevance of evidential material to investigation and offence(s) concerned.

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Basis for suspicion of the underlying offence(s).

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Other relevant information / comments.

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Declaration of Assurances (required to be provided under Irish law)

(1) Any evidence that may be supplied in response to the request will not, without the Minister's prior consent, be used for any purpose other than that permitted by the relevant international instrument or specified in the request;

(2) any evidence will be returned when no longer required for the purpose so specified (or any other purposes for which such consent has been obtained) unless the Minister indicates that its return is not required; and

(3) a defendant will be able to challenge any evidence supplied by the Irish authorities if the material is to be used at his/her trial in the requesting State.

On behalf of the requesting authority, I hereby give the above assurances.

Name

Date

Name of Requesting Authority