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MUTUAL ASSISTANCE IN CRIMINAL MATTERS REGULATIONS 2023

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The Cabinet makes the following Regulations under Section 62 of the *Mutual Assistance in Criminal Matters Act 2004*:

1 Citation

These Regulations may be cited as the *Mutual Assistance in Criminal Matters Regulations 2023*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Interpretation

'**Minister**' means the Minister for Justice; and

'**Secretary**' means the Secretary for Justice.

4 Request by Republic or assistance generally

Where the Republic needs any international assistance in a criminal matter, the Minister shall under Section 6, make such request in Form 1.

5 Request by foreign countries for general assistance

Where a foreign country requests international assistance in a criminal matter, the country shall under Section 7, make such request to the Minister, in Form 2.

6 Request by the Republic for assistance in evidence or production of documents or articles

(1) A request by the Republic for taking any evidence in a criminal matter in a foreign country under the law of that country, shall be made by the Minister under Section 10(1)(a), in Form 3.

(2) A request by the Republic for the production of any documents or articles in a foreign country under the law of that country, shall be made by the Minister under Section 10(1)(b) in Form 4.

7 Request by the foreign country for assistance with evidence

(1) A request by a foreign country for taking evidence in the Republic shall be made under Section 11(1) to the Minister, in Form 5.

(2) Where the Minister accepts the request of the foreign country, the Minister shall under Section 11(1), authorise the taking of evidence and transmission of the evidence to the requesting foreign country in Form 6.

8 Production of documents or articles

(1) A request by a foreign country for the production of any documents or articles in the Republic shall be made under Section 11(2) to the Minister, in Form 7.

(2) Where the Minister accepts the request of the foreign country, the Minister shall under Section 11(2) authorise the taking of evidence and transmission of the evidence to the requesting foreign country in Form 8.

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9 Request by the Republic for search and seizure in a foreign country

With regard to a request by the Republic for search and seizure under Section 17 of the Act in a criminal matter against the laws of the Republic in a foreign country, the Minister may request the authority in the foreign country to obtain a warrant or any other instrument for the search and seizure in Form 9.

10 Request by foreign country for search and seizure

(1) A request by a foreign country for search and seizure under Section 18(1)(c), shall be made to the Minister in Form 10.

(2) Where the Minister accepts the request, he or she shall under Section 18(1) issue a direction to a police officer or any other authorised officer in the Republic to apply to the court for a warrant in Form 11.

11 Request for enforcement orders made in the Republic

A request by the Republic for an order made in the Republic for enforcement in a foreign country shall be made under Section 36 by the Minister, in Form 12.

12 Request for issue of orders in foreign countries

A request for an order under Section 37 in relation to an instrument issued under the *Proceeds of Crime 2004* shall be made by the Minister, in Form 13.

13 Request for registration and enforcement of foreign orders

Where a foreign country requests the Minister to make arrangements for the registration and enforcement of a foreign order under Section 38, the Minister may apply for an order in court in Form 14.

14 Cancellation of registration of order

Where the Minister requests a cancellation of registration of a foreign pecuniary penalty order or a foreign restraining order, he or she shall apply under Section 43 to the court, in Form 15.

15 Request for search and seizure or warrant for tainted property

The Minister may direct a police officer, authorised officer or any other law enforcement officer under the *Proceeds of Crimes Act 2004*, to apply to the court for a search warrant under Section 44, in Form 16.

16 Minister requesting restraining orders

(1) The Minister may under Section 45, apply to the court, for a restraining order under the *Proceeds of Crime Act 2004* in Form 17 or any other procedure permitted under the *Criminal Procedure Act 1972*.

(2) Where appropriate, the Minister may for the purposes of Section 45 require the Secretary to apply to the court for a restraining order by way of civil proceedings under the *Civil Procedure Act 1972*.

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17 Minister may direct application for production order

The Minister may under Section 46, direct a police officer to apply to the court under the *Proceeds of Crime Act 2004* for the purposes of an offence to obtain:

- (a) search warrant for the property tracking-document, in Form 18;
- (b) production order for the production of the property-tracking document, in Form 19; or
- (c) both, a search warrant and production order.

18 Forms or the order made by court

- (1) Where an application or order of the court is required, the application or the order shall be made in Form 20 or where forms are available under the *Criminal Procedure Act 1972*, *Civil Procedure Act 1972* or any other written law.
- (2) The strict compliance of the form of the application or an order shall not invalidate any application or order, provided the substance contained in the application or order is capable of being understood and clear.

19 Register of requests

The Secretary shall be responsible for establishing and maintaining a Register of requests:

- (a) of mutual assistance in criminal matters made by the Republic to a foreign country in Form 21; and
- (b) for mutual assistance in criminal matters received by the Republic from a foreign country in Form 22.

20 Conviction as a pre-requisite for any request or order

- (1) For any request, application or order, unless the Act or any other written law expressly requires a conviction of a person, any person authorised or the court may accede to such application, request or order without the conviction of that person.
- (2) Where a request is made to the Minister for the purposes of furthering any investigation or inquiry for that offence, it is deemed that there is no conviction for that particular offence.

21 Urgent applications

- (1) Where a request is made urgently, the Minister, court or any other person authorised under the Act or written law may direct any person or authority to summarily deal with the substance of the applications be attended to without the requirement to follow all the intricate procedures provided in this Act or the written law.
- (2) Where the summary procedure in subregulation (1) is applied, any person carrying out any statutory responsibilities under the Act or other written law shall ensure that:
 - (a) the person affected is given the right to be heard at a later stage; and

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- (b) any properties seized or restrained are properly accounted for by way of an inventory and preserved until such time the Minister, court or any authorised person is able to consider the application on merits.
- (3) Subject to subregulation (2), an action taken for the purposes of this Regulation shall not invalidate any decisions, orders or directions made or given, which may not have been in strict compliance with the Act or any other written law.
- (4) The ordinary cooperation amongst the relevant authorities of different countries for the purposes of any investigation, inquiry, collating of evidence or other incidental matters shall continue in urgent or appropriate circumstances of an investigation or inquiry shall supplement the procedures and requirements to ensure the intended purpose of the Act or other written laws is fulfilled.

22 Application of Foreign Judgments (Reciprocal Enforcement) Act 1973

The *Foreign Judgments (Reciprocal Enforcement) Act 1973* applies *mutatis mutandis* to the process under the Act and these Regulations.

23 Forms and procedure

- (1) Where there are no specific forms or procedures prescribed, any proceeding so filed under these Regulations shall be conducted in accordance with existing written laws, including Rules of the court or Practice Directions issued by the Chief Justice.
- (2) An appeal from one hierarchy of a court to another shall be instituted and heard in the same manner as is undertaken in other causes or matters as prescribed in the *District Court Act 2018*, *Supreme Court Act 2018* and the *Nauru Court of Appeal Act 2018* respectively.
- (3) The enforcement of an order shall be undertaken in accordance with existing procedures under any written law including, the *Administration of Justice Act 2018*.

SCHEDULE

FORM 1

[Section 6; Regulation 4]



IN THE MATTER OF Section 6 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by Minister for Justice for obtaining general information in respect of [*state the criminal matter*]

AND the request being made to [*authority*] of [*country*] for the provision information in respect of criminal matter contained herein.

REQUEST BY THE REPUBLIC FOR ASSISTANCE GENERALLY

- 1 I [*Minister*] make this general request for international assistance in criminal matters from [*Country*] under *Section 6* of the *Mutual Assistance in Criminal Matters Act 2004*.
- 2 This request relates to [*criminal matter*¹] concerning [*describe the subject of the criminal matter.*]

Dated at: [*place, date*]

Signature

¹ Describe the general particulars of the criminal matter.

FORM 2

[Section 7; Regulation 5]

IN THE MATTER OF Section 7 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by *[Country]* for obtaining general information in respect of *[state the criminal matter]*

AND the request being made to the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

Request from a foreign country for assistance generally

1 The *[authority*¹] of *[Country]* makes this international request for assistance in criminal matters generally.

2 This request relates to *[criminal matter*²].

3 The *[purpose*³] of the request in relation to the criminal matter.

Dated at: *[place, date]*

Signature

Note: *This Form should be accompanied with a formal diplomatic note or letter to the respective Minister or if not sure, to the Secretary for Foreign Affairs—Department of Foreign Affairs and Trade, Yaren District, Nauru.*

¹ Name of the authority concerned with the criminal matter.

² Description of the nature of the criminal matter and a statement setting out a summary of the relevant facts and laws.

³ Description of the purpose of the request and of the nature of the assistance being sought and any other information that may assist in giving effect to the request.

FORM 3

[Section 10; Regulation 6(1)]



IN THE MATTER OF Section 10 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by the Minister for Justice to [Country] for assistance in the taking of evidence in respect of [*state the criminal matter*];

AND the request being made to [authority] of [country] for the provision information in respect of criminal matter contained herein.

Request by the Minister for assistance with evidence

- 1 I [Minister] make this request for international assistance to [Country] under *Section 10* of the *Mutual Assistance in Criminal Matters Act 2004* for the taking of evidence in the matter of [*criminal matter*¹] concerning [*describe the subject of the criminal matter*] by video or internet link.
- 2 The evidence requested to be taken:
 - (a) [particular of evidence];
- 3 I also request that the [*name of person giving evidence*] be made available to be [*examined/cross examined*] for the purpose of the [*criminal matter*] by:
 - (a) [*party to the proceeding/party's legal representative*];

¹ Describe the general particulars of the criminal matter.

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(a) [*person being investigated/person's legal representative.*]

Dated at: [*place, date*]

Signature

FORM 4

[Section 10; Regulation 6(2)]



IN THE MATTER OF Section 10 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by the Minister for Justice to [Country] for the production of documents or articles in respect of [*state the criminal matter*]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

Request by the Minister for assistance with production of documents or articles

- 1 I [*Minister*] make this request for international assistance to [Country] under *Section 10* of the *Mutual Assistance in Criminal Matters Act 2004* for the production of documents or articles in the matter of [*criminal matter*¹] concerning [*describe the subject of the criminal matter.*].
- 2 The evidence requested to be taken:
 - (a) [particular of document];
 - (b) [particular of articles]
- 3 I also request that the [*name of person giving evidence*] who will be producing the above mentioned documents or articles, to be made available to be [*examined/cross examined*] for the purpose of the [*criminal matter*] by:

¹ Describe the general particulars of the criminal matter.

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- (a) [*party to the proceeding/party's legal representative*];
- (b) [*person being investigated/person's legal representative.*]

Dated at: [*place, date*]

Signature

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FORM 5

[Section 11; Regulation 7(1)]

IN THE MATTER OF Section 11 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [*Country*] for the taking of evidence in respect of [*state the criminal matter*]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

Request by the foreign country for assistance with evidence

4 I [*authority*] of [*Country*] makes this request for international assistance to the Republic of Nauru under *Section 11* of the *Mutual Assistance in Criminal Matters Act 2004* for the taking of evidence in the matter of [*criminal matter*¹] concerning [*describe the subject of the criminal matter.*].

5 The evidence requested to be taken:

(a) [*particular of evidence*];

6 I also request that the [*name of person*] who the evidence shall be taken from, to be made available to be [*examined/cross examined*] for the purpose of the [*criminal matter*] by:

(a) [*party to the proceeding/party's legal representative*];

(b) [*person being investigated/person's legal representative.*]

Dated at: [*place, date*]

Signature

¹ Describe the general particulars of the criminal matter.

FORM 6

[Section 11; Regulation 7(2)]



IN THE MATTER OF Section 11 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [Country] for obtaining general information in respect of [state the criminal matter]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

Authorisation to take evidence

- 1 I have received a request from [country] under *Section 11* of the *Mutual Assistance in Criminal Matters Act 2004*, to make arrangements for the evidence set out in the Schedule to this authority to be taken in Nauru.
- 2 I am satisfied—
 - (a) that the request relates to criminal proceedings in that foreign country; and
 - (b) that there are reasonable grounds for believing that the evidence can be taken Nauru.

In my opinion nothing in the *Mutual Assistance in Criminal Matters Act 2004* precludes the granting of this request.

- 4 Pursuant to *Section 11(1)* of the *Mutual Assistance in Criminal Matters Act 2004*, I hereby authorise the taking of the evidence and the transmission of such evidence to [Country].

Dated at: [place, date]

Signature

Schedule

[Annex evidence – documents, videos, pictures, photographs, etc.]

FORM 7

[Section 11(2); Regulation 8(1)]

IN THE MATTER OF Section 11 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [*Country*] for the production of documents in respect of [*state the criminal matter*]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

Request by the foreign country for assistance with production of documents or articles

1 I [*authority*] of [*Country*] makes this request for international assistance to the Republic of Nauru under *Section 11(2)* of the *Mutual Assistance in Criminal Matters Act 2004* for the productions of documents or articles in the matter of [*criminal matter*¹] concerning [*describe the subject of the criminal matter.*] and to be transmitted to [*Country*].

2 The evidence requested to be taken:

- (a) [*particular of documents*];
- (b) [*particular of articles*];
- (c) [*Annex documents, photograph of articles, videos, pictures, photographs, etc.*]

¹ Describe the general particulars of the criminal matter.

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3 I also request that the [*name of person*] who will be producing the above mentioned documents or articles, to be made available to be [*examined/cross examined*] for the purpose of the [*criminal matter*] by:

- (a) [*party to the proceeding/party's legal representative*];
- (b) [*person being investigated/person's legal representative.*]

FORM 8

[Section 11; Regulation 8(2)]



IN THE MATTER OF Section 11 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [*Country*] for obtaining general information in respect of [*state the criminal matter*]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

Authorisation to produce documents or articles

- 1 I have received a request from [*Country*] under *Section 11* of the *Mutual Assistance in Criminal Matters Act 2004*, to make arrangements for the production of documents or articles set out in the Schedule to this authority to be taken in Nauru.
- 2 I am satisfied—
 - (a) that the request relates to criminal proceedings in that foreign country; and
 - (b) that there are reasonable grounds for believing that the documents or articles can be produced in Nauru.
- 3 In my opinion nothing in the *Mutual Assistance in Criminal Matters Act 2004* precludes the granting of this request.
- 4 Pursuant to *Section 11(2)* of the *Mutual Assistance in Criminal Matters Act 2004*, I hereby authorise the taking of documents and articles and the transmission of such evidence to [*authority*] of [*Country*].

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Dated at: [*place, date*]

Signature

Schedule

[*Annex evidence – documents, videos, pictures, photographs, etc.*]

FORM 9

[Section 17; Regulation 9]



IN THE MATTER OF Section 17 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by the Minister to *[Country]* for obtaining general information in respect of *[state the criminal matter]*

AND the request being made by the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

REQUEST BY THE MINISTER FOR ASSISTANCE WITH SEARCH AND SEIZURE

- 1 I *[Minister]* make this request for international assistance to *[Country]* under *Section 17* of the *Mutual Assistance in Criminal Matters Act 2004* for search and seizure in the matter of *[criminal matter¹]* concerning *[describe the subject of the criminal matter.]*.
- 2 The Minister requests obtaining a *[warrant/instrument authorising]* the search and seizure of *[particulars of item to be obtained]* and any other item found during the search that may be *[relevant²]* to the criminal matter to be seized.

Dated at: *[place, date]*

Signature

¹ Describe the general particulars of the criminal matter.

² For description of item that is relevant, refer to *Section 17(3)*

FORM 10

[Section 18; Regulation 10(1)]

IN THE MATTER OF Section 18 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [*Country*] for obtaining general information in respect of [*state the criminal matter*]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

Request by foreign country for assistance with search and seizure

- 1 The [*authority*¹] of [*Country*] makes this request for international assistance to the Republic of Nauru for the purpose of *Section 18* of the *Mutual Assistance in Criminal Matters Act 2004* for search and seizure in the matter of [*criminal matter*²] concerning [*describe the subject of the criminal matter.*]
- 2 The [*authority*] requests obtaining a [*warrant/instrument authorising*] the search and seizure of [*particulars of item to be obtained*] and any other item found during the search that may be [*relevant*³] to the criminal matter to be seized.

Dated at: [*place, date*]

Signature

¹ Name of the authority concerned with the criminal matter.

² Describe the general particulars of the criminal matter.

³ For description of item that is relevant, refer to *Section 17(3)*

FORM 11

[Section 18; Regulation 10(2)]



IN THE MATTER OF Section 18 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [Country] for obtaining general information in respect of [state the criminal matter]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

Direction to apply for search warrant

To [full name], police officer (or authorised officer).

- 1 I have received a request from [country] for the purpose of *Section 18* of the *Mutual Assistance in Criminal Matters Act 2004*, to assist in obtaining [briefly describe the item or thing] by search and seizure.
- 2 I am satisfied—
 - (a) that the request relates to a criminal matter in that foreign country in respect of the offence of [specify offence], being an offence punishable by imprisonment for a term of 2 years or more; and
 - (b) that there are reasonable grounds for believing that the item (or thing) is relevant to those proceedings and is located in the Republic of Nauru.
- 3 In my opinion nothing in the *Mutual Assistance in Criminal Matters Act 2004*, precludes the granting of this request.
- 4 I hereby direct you to apply to the court for a search warrant in accordance with *Section 18(2)* of the *Mutual Assistance in Criminal Matters Act 2004*, in respect of that item (or thing).

Dated at: [place, date]

Signature

FORM 12

[Section 36; Regulation 11]



IN THE MATTER OF Section 36 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by the Minister to [Country] for the enforcement of orders in [Country] in respect of [state the criminal matter]

AND the request being made by the Minister for Justice of the Republic of Nauru, for the enforcement of orders in respect of criminal matter contained herein.

Request by the Minister for assistance with enforcement of order made in the Republic of Nauru

I [Minister] make this request for international assistance to [Country] under *Section 36* of the *Mutual Assistance in Criminal Matters Act 2004* for the enforcement of the order attached in the Schedule, in the matter of [criminal matter¹] concerning [describe the subject of the criminal matter.].

Dated at: [place, date]

Signature

¹ Describe the general particulars of the criminal matter.

Schedule

[Annex forfeiture order, pecuniary penalty order or restraining order]

FORM 13

[Section 37; Regulation 12]



IN THE MATTER OF Section 37 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by the Minister to [Country] for the enforcement of similar orders in respect of [state the criminal matter]

AND the request being made by the Minister for Justice of the Republic of Nauru, for the provision information in respect of criminal matter contained herein.

**Request by the Minister for assistance with issuance of order similar to such issued under
*Proceeds of Crime Act 2004***

- 1 I [Minister] make this request for international assistance to [Country] under *Section 37* of the *Mutual Assistance in Criminal Matters Act 2004* for the issuance of orders, in the matter of [criminal matter¹] concerning [describe the subject of the criminal matter].
- 2 The order referred to are such that are similar in nature as those issued under the *Proceeds of Crime Act 2004* such as:
 - (a) *search warrant for tainted property;
 - (b) *restraining order;
 - (c) *production order for a property tracking document; or
 - (d) *search warrant for a property tracking document.

Dated at: [place, date]

Signature

¹ Describe the general particulars of the criminal matter.
* Delete if not applicable

FORM 14

[Section 38; Regulation 13]



IN THE MATTER OF Section 38 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [*Country*] for registration and enforcement of foreign order in respect of [*state the criminal matter*]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the enforcement of an order in respect of criminal matter contained herein.

Statement of the Minister

in support of an application for enforcement of the foreign order

- 1 In my capacity as the Minister for Justice, I make this application for the registration of a foreign [*particulars of order*] in Nauru.
- 2 I have received an application under *Section 38* for the enforcement of the order in Nauru in the matter of [*criminal matter*].
- 3 In my opinion, nothing in the *Mutual Assistance in Criminal Matters Act 2004* precludes the granting of this request.
- 4 I am satisfied that the person named in the order has been convicted of the offence and the conviction and order are not subject to further appeal in the [*Country*].
- 5 The order for which this request is sought is [*particulars of order*] and attached to the Schedule.

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Dated at: *[place, date]*

Signature

Schedule

[Annex type of foreign order to be enforced]

FORM 15

[Section 43; Regulation 14]



IN THE MATTER OF Section 43 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [Country] for cancellation of foreign order in respect of [*state the criminal matter*]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the cancellation of an order in respect of criminal matter contained herein.

Application by Minister for the cancellation of registration of foreign order

- 1 I make this application for the cancellation of the registration of the foreign [*particulars of order*] in Nauru which was by order of the court registered under *Section 39* on [date].
- 2 In my opinion, nothing in the *Mutual Assistance in Criminal Matters Act 2004* precludes the granting of this request.
- 3 The order for which this request is sought is [*particulars of order*] and attached to the Schedule.

Dated at: [*place, date*]

Signature

Schedule

[Annex type of order]

FORM 16

[Section 44; Regulation 15]



IN THE MATTER OF Section 44 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [*Country*] for cancellation of foreign order in respect of [*state the criminal matter*]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the cancellation of an order in respect of criminal matter contained herein.

Direction to apply for a search warrant under Proceeds of Crime Act 2004

To [*full name*], a police officer (or authorised officer).

- 1 I have received a request from [*Country*] under Section 44 of the *Mutual Assistance in Criminal Matters Act 2004*, to obtain the issue of a search warrant in respect of [*criminal matter*].
- 2 I am satisfied that in relation to the criminal matter—
 - (a) a proceeding or investigation has commenced in [*Country*] for a serious offence; and
 - (b) the tainted property for the offence is located in the Republic.
- 3 In my opinion nothing in the *Mutual Assistance in Criminal Matters Act 2004* precludes the granting of the request.
- 4 Therefore I hereby direct you to apply under *Section 85* of the *Proceeds of Crime Act 2004* for a search warrant so requested.

Dated at: [*place, date*]

Signature

FORM 17

[Section 45; Regulation 16(1)]



IN THE MATTER OF Section 45 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [*Country*] for obtaining general information in respect of [*state the criminal matter*]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the cancellation of an order in respect of criminal matter contained herein.

Application for restraining order under *Proceeds of Crime Act 2004*

- 1 I make this application for a restraining order [*particulars of order*] against the [*particulars of property*] of [*name of owner of property*] under Section 45(a) of the *Mutual Assistance in Criminal Matters Act 2004*.
- 2 I have received a request from [*Country*] under Section 45(c) of the *Mutual Assistance in Criminal Matters Act 2004*, to obtain the issuance of a restraining order for the [*particulars of property*] respect of [*criminal matter*].
- 3 I make this application:
 - (a) [*on the grounds that proceedings have commenced/on reasonable belief that proceedings are about to commence*] in the [*Country*] for the serious offence;
 - (b) [*on reasonable belief that property may be made or is about to be made the subject of a foreign restraining order located in the Republic*]; and
- 4 In my opinion, nothing in the *Mutual Assistance in Criminal Matters Act 2004* precludes the granting of this request.

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Dated at: [*place, date*]

Signature

FORM 18

[Section 46; Regulation 17(b)]



IN THE MATTER OF Section 46 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [Country] for [state the criminal matter]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the issuance of a search warrant in respect of criminal matter contained herein.

Direction to apply for a search warrant under Proceeds of Crime Act 2004

To [full name], a police officer (or authorised officer).

- 1 I have received a request from [Country] under Section 46 of the *Mutual Assistance in Criminal Matters Act 2004*, to obtain the issue of a search warrant in respect of [criminal matter] for the [property tracking document¹].
- 2 I am satisfied that in relation to the criminal matter—
 - (a) a proceeding or investigation has commenced in [Country] for a serious offence; and
 - (b) a property tracking document for the serious offence is reasonably believed to be located in the Republic.
- 3 In my opinion nothing in the *Mutual Assistance in Criminal Matters Act 2004* precludes the granting of the request.
- 4 Therefore, I hereby direct you to apply under Section 85 of the *Proceeds of Crime Act 2004* for a search warrant so requested.

Dated at: [place, date]

Signature

¹ Provide particulars of the property tracking document

FORM 19

[Section 46; Regulation 17(b)]



IN THE MATTER OF Section 46 of *Mutual Assistance in Criminal Matters Act 2004*;

AND in the matter of a request by [Country] for [state the criminal matter]

AND the request being made to the Minister for Justice of the Republic of Nauru, for the issuance of a search warrant in respect of criminal matter contained herein.

Direction to apply for a production order under Proceeds of Crime Act 2004

To [full name], a police officer (or authorised officer).

- 1 I have received a request from [Country] under Section 46 of the *Mutual Assistance in Criminal Matters Act 2004*, to obtain the issue of a production order in respect of [criminal matter] for the [property tracking document¹].
- 2 I am satisfied that in relation to the criminal matter—
 - (a) a proceeding or investigation has commenced in [Country] for a serious offence; and
 - (b) a property tracking document for the serious offence is reasonably believed to be located in the Republic.
- 3 In my opinion nothing in the *Mutual Assistance in Criminal Matters Act 2004* precludes the granting of the request.
- 4 Therefore, I hereby direct you to apply under Section 79 of the *Proceeds of Crime Act 2004* for a production order so requested.

¹ Provide particulars of the property tracking document

No. 218

7th October, 2023

Nauru

G.N.No. 1110/2023 (Cont'd)

Dated at: [*place, date*]

Signature

FORM 20

[Regulation 18]



IN THE DISTRICT COURT

**MUTUAL ASSISTANCE IN CRIMINAL MATTERS
JURISDICTION**

Mutual Assistance in Criminal Matter Number:/20.....

District Court Case Number:...../20.....

IN THE MATTER OF *[Section] of Mutual Assistance in Criminal Matters Act 2004;*

AND in the matter of an order sought by the *[Country]* for *[particular of order]* of *[state the criminal matter]*;

AND the request being made to the Minister for Justice of the Republic of Nauru, for the issuance of an *[particular of order]* in respect of criminal matter contained herein.

ORDER

BEFORE THE RESIDENT MAGISTRATE, HONOURABLE MR/MADAM.....ONDAY OF20.....

UPON THE APPLICATION of *[Minister/police officer/authorised officer]*and **UPON HAVING READ** the Affidavit of the Applicant **AND UPON HEARING** the Applicant in person and the Legal Representative of the Respondent:

G.N.No. 1110/2023 (Cont'd)

AND IT APPEARING THAT the Applicant has filed the necessary requirements for the Application:

AND IT IS HEREBY ORDERED THAT:-

(a) State particulars of the order

.....

RESIDENT MAGISTRATE OF THE DISTRICT COURT

Court Seal

FORM 21

[Regulation 19(a)]

Register of requests made by the Minister to foreign countries for international assistance in criminal matters

Country	Date of making Request	Purpose of Request	Actions taken as a result of request		Notes	Date of Close of file for request
			Date	Action taken		

