

Report of the Meeting on Senior-level Workshop on Mutual Legal Assistance in East Asia and the Pacific

Bangkok, Thailand, 11-12 July 2012

Participants of the workshop, delegated from nine ASEAN Member States and two neighboring countries Japan and the Republic of Korea, met in Bangkok on 11-12 July, 2012.

The meeting recognized the global impact of transnational crime in denying justice and obstructing safety.

The meeting acknowledged the increasing value of “Mutual Legal Assistance in Criminal Matters” (hereinafter referred to as “MLA”) in East Asia and the Pacific Region.

The meeting noted and discussed the issues arising in the MLA process such as dual criminality, death penalty, reciprocity, time frame, channel of transmission, access to national MLA legislation, language and translation, and fishing expedition.

The meeting acknowledged the role and function of existing regional cooperation networks and MLA treaties.

The meeting made the following observations:

1. the need to expedite and streamline MLA proceedings, by way of clear, focused and considerate requests, and to provide each other with easy access to up-to-date information, legislation, and forms on MLA;
2. the importance of informal consultation and bilateral meetings between Central Authorities as well as close cooperative relationship between authorities sharing borders;
3. the importance of drafting a MLA request in the language of the requested country, if necessary, together with a copy of an English version of the request as a supplement;
4. the need to strengthen the capacity of Central Authorities with adequate staff and infrastructure, where possible, capitalizing on information technology;
5. the value of mutual understanding, trust, and flexibility, to the extent permissible under national law, in the execution of MLA;
6. the value of establishing a regional cooperative network for efficient and effective MLA in East Asia and the Pacific region, including reference to the Treaty on Mutual Legal Assistance in Criminal Matters Among Like-minded ASEAN Countries, while considering the challenges due to diversity and lack of resources;
7. the need to increase understanding and promote training to law enforcement agencies on the use of MLA as a tool to combat transnational crime;
8. the need to collect and maintain the relevant statistics in order to assess and evaluate the effectiveness of MLA in the region;

It was suggested that follow-up actions be taken in relation to training and information sharing for interested countries, as well as maintaining and updating the informal network established among the participants.