

**EXPLANATORY MEMORANDUM ON THE TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE HASHEMITE KINGDOM OF JORDAN**

**TITLE OF TREATY**

Treaty on Mutual Legal Assistance in Criminal Matters between the United Kingdom of Great Britain and Northern Ireland and the Hashemite Kingdom of Jordan.

Command Paper Number: 8612

**SUBJECT MATTER**

The Treaty between the United Kingdom of Great Britain and Northern Ireland and the Hashemite Kingdom of Jordan provides an international framework for mutual legal assistance (MLA) in criminal matters. The Treaty applies to all crimes that are being investigated or prosecuted in the territory of the requesting state where the evidence required is located in the territory of the requested state. The Treaty also provides for assistance to be given in restraint and confiscation matters and guarantees for persons returned to the Contracting States under processes provided for under immigration laws.

**KEY ELEMENTS OF THE TREATY ARE AS FOLLOWS:**

Assistance will be provided without the need to establish dual criminality except in cases of search and seizure of material and in relation to the restraint and confiscation of the proceeds of crime, where such assistance can be given subject to the domestic law of the Requested State.

Assistance will not be provided under this Treaty for offences that are exclusively offences punished by the criminal military law.

The Contracting States expressly retain a right to refuse requests where:

- the assistance concerns an offence which the Requested State considers a political offence or an offence connected with a political offence;
- the Requested State considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests; or
- it is otherwise inconsistent with the domestic law of the Requested State;

With the exception of the costs associated with video-conferenced hearings, the fees of experts, the expenses of witnesses and the costs associated with transfer of persons in custody, the costs of execution will be borne by the Requested State. This is in line with accepted international practice.

Requests are to be treated as confidential in so far as this is possible under the law of the Requested State. The evidence provided in response to a request is to be used for that request only unless consent for further use is obtained, subject to any rules on disclosure that may apply.

The text contains a provision on the return of stolen state assets, which is consistent with the principles of the UN Convention against Corruption that entered into force on 14 December 2005.

In addition to the MLA provisions, the Treaty also includes fair trial guarantees for persons returned to the Contracting States under their respective immigration laws.

In line with previous bilateral mutual legal assistance Treaties, the Treaty can be extended (with necessary amendments) to the Crown Dependencies and the Overseas Territories with the agreement of the Contracting States by exchange of notes.

This Treaty does not rule out the provision of assistance through procedures set out in other international agreements or arrangements.

## **MINISTERIAL RESPONSIBILITY**

The Secretary of State for the Home Department has overall responsibility for policy on judicial co-operation. The Lord Advocate and the Scottish Ministers also have an interest. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for UK policy relating to the UK's relations with the Hashemite Kingdom of Jordan.

## **INTEREST OF THE DEVOLVED ADMINISTRATIONS**

Both the Scottish Executive and the Northern Ireland Office have seen the Treaty and are content.

## **POLICY CONSIDERATIONS**

This Treaty will provide a sound framework for co-operation between the UK and the Hashemite Kingdom of Jordan, especially where requests from UK investigative and prosecution agencies are sent to Jordan. There is now a clear basis under which such requests can be executed. It should

be noted that the UK does not need a Treaty basis to provide mutual legal assistance. This can be provided pursuant to the Crime (International Co-operation) Act 2003 and the Proceeds of Crime Act 2002. The Hashemite Kingdom of Jordan is an important partner for the UK and this package of measures will enhance our ability to work in close co-operation with Jordan on important issues such as money laundering. In addition, the non-MLA provisions will ensure that those deported or removed from Jordan or the UK will receive a fair trial if they face criminal charges on their return.

## **REGULATORY IMPACT ASSESSMENT**

No Regulatory Impact Assessment is required.

## **FINANCIAL**

Administering the Treaty will not result in significant costs.

## **RESERVATIONS AND DECLARATIONS**

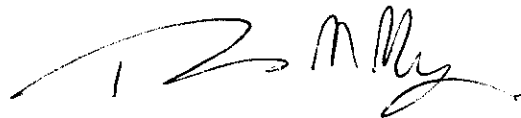
None.

## **CONSULTATIONS**

The Treaty was negotiated on behalf of the United Kingdom by the Home Office and on behalf of the Hashemite Kingdom of Jordan by officials from the Ministries of Justice, and Foreign Affairs.

## **IMPLEMENTATION**

No additional legislation is required in order to implement the Treaty.

A handwritten signature in black ink, appearing to read 'T May', is centered on the page.

**The Right Honourable Theresa May MP**  
**Home Secretary**  
**HOME OFFICE**