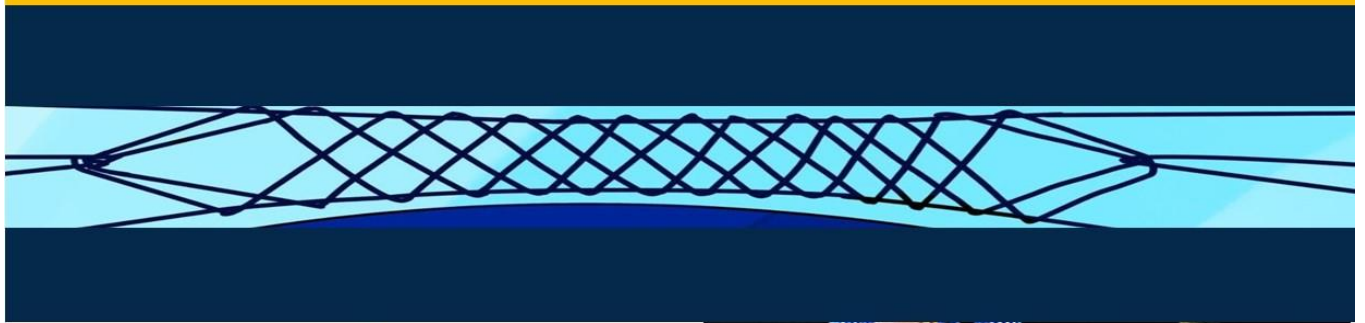




**Republic of Nauru**

## **MUTUAL ASSISTANCE IN CRIMINAL MATTERS GUIDE**



**Department of Justice and Border Control**

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# MUTUAL ASSISTANCE IN CRIMINAL MATTERS GUIDE

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## TABLE OF REVISIONS

The Mutual Assistance in Criminal Matters Guide was published on 6 October 2023.

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<b>Revision Date</b>	<b>Published</b>
<b>22 December 2023</b>	10 January 2024
20 February 2024	20 March 2024

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## MUTUAL ASSISTANCE IN CRIMINAL MATTERS GUIDE

### 1. Introduction

This Guideline, issued by the Secretary for Justice and Border Control, is designed to give a broad overview to persons of the essential procedures to be followed in dealing with requests for mutual assistance in criminal matters in accordance with the *Mutual Assistance in Criminal Matters Act 2004* ['Act']. This Guide is to further domesticate the Financial Action Task Force (FATF) Standards.

### 2. Procedure

The procedure for mutual assistance in criminal matters in accordance with the Act is provided in the Schedule.

Applications can be made to the Minister.

[Clause 2, insrt per FATF Standards R37 and R38, 20 Feb 2024]

### 3. Forms

The forms to be completed for the procedure are set out under the *Mutual Assistance in Criminal Matters Regulations 2023*. [[http://ronlaw.gov.nr/Nauru\\_lpms/index.php](http://ronlaw.gov.nr/Nauru_lpms/index.php)]

[Clause 3, insrt per FATF Standards R37 and R38, 20 Feb 2024]

### 4. Properties confiscated of persons not known

- (1) If a property is confiscated under any of the powers given to the Minister, court or any other authorised person, the property must be forfeited to the Republic. The reason it is given to the Republic as at any given time in future, a person may claim the property. Since the confiscation will be made in pursuance with a statutory authority, safety of the property or its equivalent value for future, is best secured by the Republic.
- (2) The property here relates to persons identified in particular under Section 21 of the *Proceeds of Crime Act 2004* and *Proceeds of Crime (Miscellaneous) Regulations 2023* or for that matter in any other circumstance where the person cannot be traced.
- (3) The vesting of the following property will be to the Republic:
  - (a) a person who has absconded from Nauru before being charged or tried by a court of law in Nauru;
  - (b) the person is dead;
  - (c) a person cannot be traced or his or her whereabouts is unknown; or
  - (d) the person is not known.

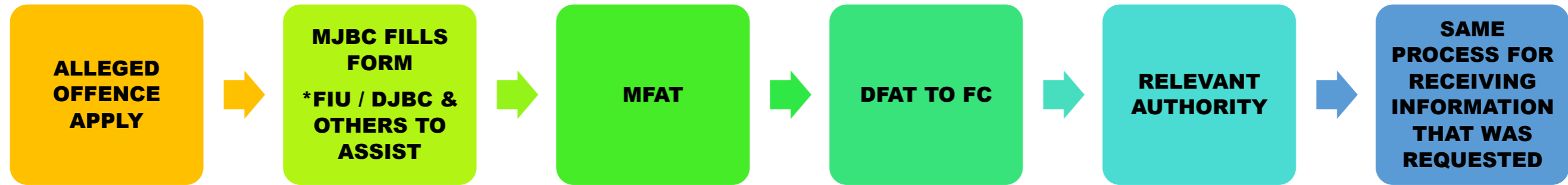
[Clause 4, insrt per FATF Standards R38.2, Dec 2023]

## **5. Responsible Nauruan authority**

If you require assistance with Nauru's mutual assistance procedure, you may contact the Secretary for Justice and Border Control.

Mr Jay Udit  
Secretary for Justice and Border Control  
Department of Justice and Border Control  
Government Offices  
Yaren District  
Republic of Nauru  
Email: [jjjudit4@gmail.com](mailto:jjjudit4@gmail.com)  
Phone: (674) 5573505

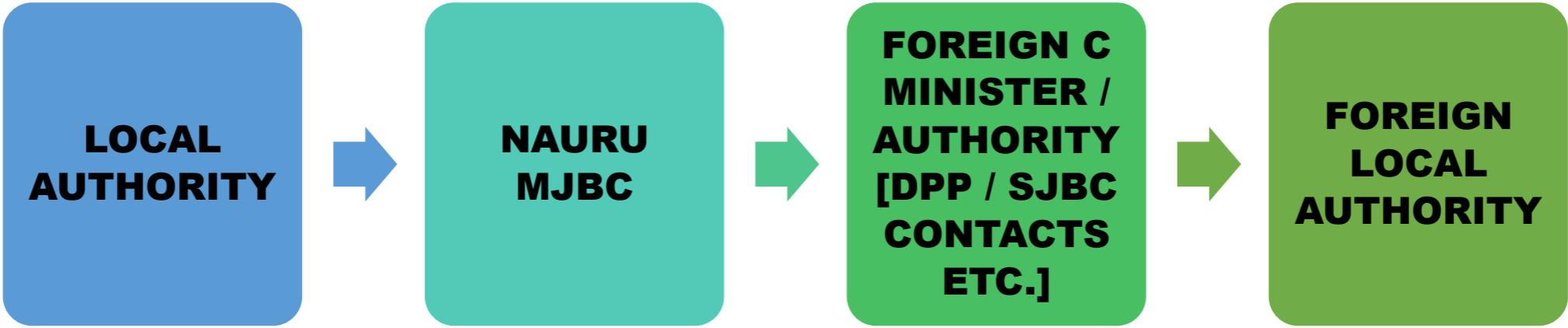
**SCHEDULE  
OUTGOING REQUEST**



**INCOMING REQUEST (NORMAL)**



**EXPEDITED REQUEST 1**



**EXPEDITED REQUEST 2**

