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**United Kingdom of Great Britain and Northern Ireland
and
Philippines**

Treaty on mutual legal assistance in criminal matters between the United Kingdom of Great Britain and Northern Ireland and the Republic of the Philippines. London, 18 September 2009

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**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
et
Philippines**

Traité relatif à l'entraide judiciaire en matière pénale entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et la République des Philippines. Londres, 18 septembre 2009

Entrée en vigueur : *1^{er} juin 2012, conformément à l'article 31*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS
BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE REPUBLIC OF THE PHILIPPINES**

The United Kingdom of Great Britain and the Northern Ireland and the Republic of the Philippines, hereinafter referred to as the Contracting States;

DESIRING to improve the effectiveness of co-operation between the Contracting States in the investigation, prosecution and suppression of crime by making provision for mutual legal assistance in criminal matters;

HAVING DUE REGARD for human rights and the rule of law;

MINDFUL of the guarantees under their respective legal systems which provide an accused person with the right to a fair trial, including the right to adjudication by an impartial tribunal established pursuant to law;

Have agreed as follows:

ARTICLE 1

Scope of Assistance

1. The Contracting States undertake to provide each other, in accordance with the provisions of this Treaty, and in conformity with their respective domestic laws, the widest possible measure of mutual legal assistance in the investigation, prosecution and suppression of criminal offences and in proceedings related to criminal matters.
2. Assistance shall include:
 - (a) taking testimony or statements from persons;
 - (b) providing documents, records and items of evidence;
 - (c) exchanging information;
 - (d) effecting service of documents;
 - (e) executing searches and seizures;
 - (f) tracing, restraining, forfeiting and confiscating the proceeds and instrumentalities of criminal activities, including restraining of dealings in property or the freezing of assets alleged to be related to a criminal matter;

- (g) locating and identifying witnesses and suspects;
- (h) facilitating the personal appearance of witnesses;
- (i) effecting the temporary transfer of persons in custody to appear as witnesses;
- (j) return of assets, in accordance with domestic law of the Requested State;
- (k) sharing of assets in accordance with this Treaty; and,
- (l) such other assistance as may be agreed between the Central Authorities.

3. Assistance shall be provided without regard to whether the conduct that is the subject of the request would be punishable under the domestic laws of both Contracting States. Where a request is made for search and seizure of evidence, restraint or confiscation of the proceeds of crime, the Requested State may render the assistance in accordance with its domestic law.

ARTICLE 2

Grounds for Refusal or Postponement of Assistance

1. Assistance may be refused if:
 - (a) the offence is regarded by the Requested State as being of a political nature or an offence only under military law;
 - (b) there are substantial grounds for believing that the request for assistance has been made for the purpose of investigating, prosecuting or punishing a person on account of that person's race, sex, religion, nationality, ethnic origin or political opinions or that person's position may be prejudiced for any of those reasons;
 - (c) the request relates to a person who, if proceeded against in the Requested State for the offence for which assistance is requested, would be entitled to be discharged on the grounds of a previous acquittal or conviction;
 - (d) the Requested State considers that the execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests, or is otherwise inconsistent with its domestic law; or

- (e) the provision of assistance would, or would be likely to prejudice an investigation or criminal proceeding in the Requested State or endanger the safety of any person.
- 2. Assistance shall not be refused solely on the ground of secrecy of banks and similar financial institutions or that the offence is also considered to involve fiscal matters.
- 3. The Requested State may postpone the execution of the request if its immediate execution would interfere with any ongoing criminal proceedings in the Requested State.
- 4. Before refusing a request for assistance, the Requested State shall consider whether assistance may be granted subject to certain conditions. If the Requesting State accepts assistance subject to the conditions imposed under this Article, it shall comply with such conditions.
- 5. If the Requested State refuses or postpones assistance, it shall promptly inform the Requesting State of the grounds of refusal or postponement.

ARTICLE 3

Designation of Central Authorities

- 1. Central Authorities shall be established by the Contracting States.
- 2. For the United Kingdom, the Central Authorities for the purposes of sending requests shall be:
 - (a) the Secretary of State; and
 - (b) the Lord Advocate (for matters pertaining to Scotland).
- 3. For the United Kingdom, the Central Authorities for the purpose of receiving requests shall be:
 - (a) the Secretary of State;
 - (b) the Lord Advocate (for matters pertaining to Scotland); and/or
 - (c) Her Majesty's Revenue and Customs.
- 4. For the Republic of the Philippines, the Central Authority shall be the Department of Justice.

5. The Central Authorities shall communicate directly with one another for the purposes of this Treaty.
6. The Contracting States may, at any time, designate any other authority as a Central Authority for the purposes of this Treaty. Notification of such a designation will take place by exchange of diplomatic notes.
7. In cases of urgency, requests may be transmitted via the International Criminal Police Organization (Interpol).

ARTICLE 4

Form, Language and Contents of Requests

1. A request for assistance shall be made in writing except in urgent cases. In urgent cases, the request for assistance may be made by secure fax or email, but shall be confirmed in writing within thirty (30) working days from receipt of the request unless the Requested State agrees otherwise.
2. The request shall include the following:
 - (a) the name and address of the authority conducting the proceedings to which the request relates;
 - (b) the subject matter and nature of the proceedings for the purposes of which the request is made;
 - (c) a description of the offence to which the request relates including its applicable penalty;
 - (d) a summary of the information giving rise to the request;
 - (e) a description of the evidence or other assistance sought;
 - (f) the purpose for which the evidence or other assistance is sought; and
 - (g) details of any timeframe within which compliance with the request is desired.
3. To the extent necessary and possible, a request shall also include:
 - (a) the identity, date of birth, nationality and location of any person from whom evidence is sought;