



OFFICE OF
THE DIRECTOR OF
PUBLIC PROSECUTIONS
CAYMAN ISLANDS

PROTOCOL FOR PROCESSING INTERNATIONAL REQUESTS FOR ASSISTANCE
(reissued September 2019)¹

1. All International Requests for Assistance under the Criminal Justice (International Cooperation) Law (CJICL) go to the SCC (International Cooperation).
2. All US MLAT requests will be sent to Counsel for the Central Authority by the PA to the Chief Justice (namely CC1, Financial Crime and the SG).
3. Requests under the Hague Convention re Child Abduction will go through the AG to the SG who will process them on an urgent basis.
4. Treaty/Conventions division will be dealt with by the SG as the liaison Counsel.

INCOMING REQUESTS

CRIMINAL JUSTICE (INTERNATIONAL COOPERATION) LAW (CJICL)

5. Within seven (7) days of receipt the DPP will review and process the request.

This will include:

- a) Entering the request into the International Database system and giving it an LR number. Actions must be updated on the Database via the PA to the DPP upon completion, and an alert regarding the next action date must be set. The PA to the DPP will be responsible for the administration of the International Database. Actions to be logged include letters sent and received, e-mails sent and received and the completed International File

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form.

- b) Where the request relates to money laundering, this fact must be logged together with the value of the criminal property to which it relates (an International Request form must be completed).
 - c) Determining the best route of assistance;
 - d) Assigning the matter to CC or personally retaining conduct;
 - e) If it is a request for service under the Hague Convention, dealing with it by transmission to Courts' Office or by letter to Requesting State through H.E.'s office for any absent material;
 - f) Within three (3) days of assignment of a request to CC, the matter should be forwarded to the FCU (where FCU input is required). If appropriate, a parallel domestic investigation is to be considered.
 - g) Within three (3) days of the matter being forwarded to the FCU, an officer should be assigned.
6. Within fourteen (14) days of receipt of an assigned request, CC will:
- a) Acknowledge receipt to Requesting State; and
 - b) Arrange a meeting with the assigned FCU officer.
7. If a parallel domestic investigation is warranted, CC should ask the Requesting State for their approval to proceed with the investigation.
8. Upon the commencement of a domestic investigation, CC is to note the FCU reference number, and set an alert within the database for follow up action with the FCU. Follow up action should take place within three (3) months. If no domestic investigation is commenced, this should be inputted into the database, along with the reason(s) therefor.
9. Within two (2) months of assignment of the request, CC will:

- a) Advise the Requesting State that assistance can be provided or not as the case may be and seek further material where necessary.
 - b) If the request relates to assets located in the Cayman Islands, or which have passed through the Cayman Islands, the file should be referred to the FCU for consideration of a money laundering investigation to be commenced. Consideration should also be given to passing information to the FRA.
10. Within two (2) months of receipt of assigned request (or of additional material from the Requesting State), CC will:
- a) File the necessary papers in Court for an application under the relevant Law
11. Immediately on any hearing of the matter by the Court, CC will:
- a) If an application has been granted, in appropriate cases bring to the attention of the Clerk of Court or FCU in writing, the fact of the order;
 - b) Arrange for service of the order as necessary, confirm that the order has been served and that the endorsed order is on file;
 - c) Notify the Requesting State of the outcome of the hearing, including whether any further information was requested by the Court.
12. Within thirty (30) days of obtaining the Order of the Court granting a request, CC will:
- a) Will follow up with the Clerk of Court or the FCU to ensure that the order has been complied with and documentary evidence has been obtained and sent to Requesting State;
 - b) If the order has not been complied with, take necessary steps to ensure compliance;
 - c) If appropriate close the file.

13. Where the request is for restraint of assets (including accounts), every effort will be made to process the request immediately on receipt.
14. Where the request is for extradition proceedings to be instigated or involves matters related to terrorism, terrorist financing (TF) or proliferation financing (PF), every effort must be made to process the request immediately on receipt. PF matters should be brought to the attention of Crown Counsel on the Proliferation Inter-Agency Group (PIAG) and TF matters should be brought to the attention of Crown Counsel on the Counter-Terrorism Group.
15. Where further information has been sought from the Requesting State and no response obtained within the period of three (3) months (for English-speaking States) and six (6) months (for non-English speaking States), then a letter should be sent to the Requesting State indicating that the file will be closed.
16. Where assistance is provided to the Requesting State CC assigned is to request feedback from the Requesting State when the assistance is provided and to request an update regarding the outcome of the investigation. If no response is received, follow up is to be sent within three (3) months.

THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) LAW

17. Upon receipt of a Mutual Legal Assistance Treaty (MLAT) request, the PA to the Chief Justice will acknowledge receipt and log the request.
18. Within seven (7) days of receipt of the MLAT request, the PA to the Chief Justice will e-mail the request to Counsel to the Central Authority.
19. Upon receipt of the request, Counsel to the Central Authority will within forty-eight (48) hours decide between themselves who will take conduct of the request and notify the PA to the Chief Justice accordingly, and seek a meeting with the Chief Justice as soon as practicable. A meeting with the Chief Justice must be arranged within twenty-one (21) days of receipt of the request.
20. The request must be sent to the SCC (International Cooperation) and the PA to the DPP for it to be logged in the database.

21. Upon meeting with the Chief Justice, Counsel to the Central Authority must write to the United States Department of Justice (DOJ) within seven (7) days, notifying them of whether the request is granted, refused or further information is required.
22. If the request is for the production of documents, Counsel to the Central Authority must draft a Request for Service and Notice to Produce within fourteen (14) days of the meeting with the Chief Justice. The Chief Justice should be provided with four (4) copies of each document for him/her to sign and for it to be sealed.
23. Once the Request for Service and Notice to Produce are signed, Counsel to the Central Authority will contact the DI of the FCU requesting collection of the documents for service.
24. Within fourteen (14) days of receipt of the material, Counsel to the Central Authority will copy the material and arrange for the material to be sent by courier to the DOJ.
25. The PA to the Chief Justice must be copied into all communication between Counsel for the Central Authority and the DOJ.
26. Where the request is for restraint of assets (including accounts), every effort will be made to process the request immediately on receipt.

EXTRADITION MATTERS

27. Incoming requests concerning extradition matters must be dealt with expeditiously and contact must be maintained with the Requesting State. In addition:
 - a) The number of days from the date on which the request was received until the final outcome must be recorded;
 - b) Any further information required from the Requesting State must be sought immediately;
 - c) There must be liaison with the Governor's Office, the RCIPS, Customs and Border Control and any other relevant departments where appropriate.

- d) Extradition matters must be entered on the International Database and all relevant actions must be recorded on the endorsement sheet as well as on the database.
- e) At each entry the next stage must be entered including a date by which a response should be received/ given in order that the database will prompt the action to be taken.

OUTGOING REQUESTS

CRIMINAL JUSTICE (INTERNATIONAL COOPERATION) LAW (CJICL)

28. All outgoing requests for International assistance from other States must be processed by SCC (International Cooperation). These must be given an LR number and logged on the International Database. An International file form must be completed for logging.
29. If a request has been made and there is no response, it must be followed up within two (2) months of the request being made.
30. Upon receiving assistance, CC with conduct should provide feedback to the Requested State within fourteen (14) days.
31. Actions must be updated on the Database via the PA to the DPP upon completion, and an alert regarding the next action date must be set. The PA to the DPP will be responsible for the administration of the International Database. Actions to be logged include letters sent and received, e-mails sent and received and the completed International File form.
32. Matters involving the recovery of assets abroad should be treated urgently, particularly where there is a risk of dissipation of assets.
33. The mandate of the International Team includes increasing awareness in the ODPP in identifying domestic ML matters and associate predicate, TF and PF cases with transnational elements and in assisting in preparing the appropriate outgoing requests. It also includes providing outreach to Law Enforcement on the procedure as outlined.
34. General criminal cases logged with the ODPP should be proactively identified in circumstances where matters have an international nexus or in which evidence from another jurisdiction is required. This should be done from as early as the stage at which the Ruling is made. Finished file memos should also reflect whether or not the matter concerned an outgoing request for International assistance.
35. Upon completion of an International file the file must be returned to the DPP's

PA to be closed, with a completed four page information sheet for logging.

36. Where the Requested State requires our request to be translated, the request should be provided to the PA to the DPP to obtain a certified translation for transmission to the Requested State.

THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) LAW

37. Counsel to the Central Authority is to prepare the draft request with the supporting material and send it with a cover memo to the Chief Justice.
38. Within fourteen (14) days of sending the draft request to the Chief Justice, Counsel to the Central Authority will arrange a meeting with the Chief Justice.
39. If the Chief Justice approves the request, Counsel to the Central Authority will notify the SCC (International Cooperation) and the PA to the DPP for the request to be logged.
40. If approved, the request should be sent forthwith to the DOJ.
41. Counsel to the Central Authority will at all times keep the Investigating Officer abreast of the progress of the request.

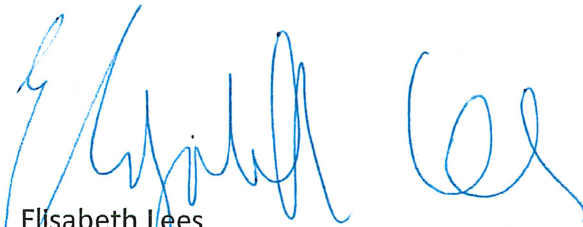
EXTRADITION MATTERS

42. Outgoing requests concerning Extradition matters must be dealt with expeditiously and contact must be maintained with the Requested State. In addition:
 - a) Extradition matters must be entered on the International Database and all relevant actions must be recorded on the endorsement sheet as well as on the database;
 - b) At each entry the next stage must be entered including a date by which a response should be received/ given in order that the database will prompt the action to be taken;

- c) The number of days from which the request was made until the final outcome must be recorded;
- d) It is the responsibility of CC to maintain contact with the Requested State and ensure they have all the documentation and information they require;
- e) An Investigator must be appointed at an early stage to assist with the request and to coordinate actions required upon the request being granted. The date of the appointment of the officer and their details should also be maintained on the database;
- f) There must be liaison with the Governor's Office, the RCIPS, Customs and Border Control and any other relevant departments where appropriate.

RISKS AND TRENDS

43. The SCC (International Cooperation) will update the AMSLG annually or as required in relation to any noticeable risks/trends in relation to the type/nature of requests being received or being sent.



Elisabeth Lees
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September, 2019



Acting D.P.P.
September, 2019

