

Sample Letter of Request for evidence

The Competent Legal Authority of the United Kingdom
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Home Office
2, Marsham Street
London SW1P 4DF
Fax: 00 44 (0) 207-035-6985
(or 0870-3369016)

*[insert case reference number/
contact details as appropriate]*

Dear Sir

**[CONFIDENTIAL / URGENT] LETTER OF REQUEST:
[NAMES OF OPERATION OR SUSPECT(S)]**

I am empowered to make this request pursuant to *[- insert relevant domestic law authorising you to make this request]*

I have the honour to request your assistance in relation to [a criminal investigation being conducted by [insert details] into / a criminal prosecution being conducted by [insert details] for offence(s) of [brief description of offence(s)].

I would be grateful if this request could be forwarded to the Director of the Serious Fraud Office for execution.

Basis of the Request

I make this request pursuant to:

[Cite legal base – for example: the 2000 European Convention on Mutual Assistance in Criminal Matters]

Purpose of the Request

The request relates to the [prosecution which has been instituted against] / [ongoing investigation involving] / [restraint of assets suspected to be the proceeds of criminal conduct and the related proceedings for confiscation of those assets against] the following:

SUBJECT	DATE OF BIRTH	PLACE OF BIRTH	NATIONALITY	PASSPORT NUMBER	ADDRESS
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for the following offences:

[use appropriate wording from charge or proposed charge referring to statutory provisions. State the maximum penalty. Annex extracts of relevant domestic law.]

[Provide details of the stage of the investigation or prosecution and, as appropriate, the court, date of next hearing and any date by which the assistance requested is required – if the request is urgent, explain the reasons.]

[State very briefly and in general terms the assistance required – for example, ‘This is an urgent request for banking evidence’]

Summary of Facts

[Give a clear, concise, considered summary of the case. The information provided here is the foundation for the request; it will be considered critically by a judge or other judicial authority. If the information provided here does not provide a legitimate and clear connection between the offences under investigation and the assistance requested, or if it is otherwise insufficient to enable the requested state to comply with the request, the assistance may be delayed or refused.

If the request requires the use of compulsory powers, for example, the execution of a search warrant, this summary should contain sufficient information to enable a judicial authority to justify the use of those powers, for example, (a) the reasons for believing that there are on specific premises material of value to the investigation, (b) the reasons for believing that our serving a notice upon the occupier would not be complied with or that the investigation would be jeopardised if we did so (c) any other material fact such as those things you anticipate the occupier might say as to why a search is not necessary or justifiable].

Please also carefully select and annex any documents which may be necessary to or might assist the execution of the request.]

Assistance Requested

[Specify the assistance requested, giving brief details as to the relevance of that assistance, and the justification for the request, especially where execution of the request will require the use of compulsory powers. Where assistance requested includes the taking of testimony or statements or conducting interviews, consider annexing a list of the questions you wish to be put.]

- 1.
- 2.
3. That such other enquiries be made, persons interviewed and evidence secured as appears to be necessary to further our investigation or the investigative objective of this Letter of Request.

I additionally request that any requisite court order or other order necessary to enable the provision of the above requested assistance be sought.

Unless you indicate otherwise, any evidence obtained pursuant to this request may be used in any criminal prosecution or other judicial proceedings connected with this investigation, including any restraint or confiscation proceedings, whether relating to the above named subject(s) or to any other person who may become a subject of this investigation.

[If you require evidence to be taken in a particular format, please specify the manner in which it is to be taken and recorded. [Consider including further details in an annex]]

[Confidentiality [Only include if necessary]]

In order not to prejudice the investigation and to the extent permissible under domestic law, I request that no person (including [any of] the above subject(s)) is notified by the competent authorities in your country of the existence and contents of this Letter of Request and any action taken in response to it. I further request that action is taken to ensure that any person from whom evidence is sought does not so notify any other person.

The reason[s] for requesting confidentiality [is / are] that it is feared that, if the above subject[s] or an associated party became aware of the existence or contents of this Letter of Request or of action taken in response to it, [evidence might be interfered with / assets potentially liable to restraint and confiscation might be dissipated] and thus the [investigation / prosecution] could be prejudiced.

If it is not possible to preserve confidentiality, please notify me prior to executing this Letter of Request.]

Reciprocity

I confirm that the assistance requested above may be obtained under current [domestic] law if in a like case a request for such assistance were made to our competent authorities.

Contacts

[Insert contact details where appropriate.]

I extend my thanks in anticipation of your valued co-operation and assistance in this matter.

Yours faithfully,