

GUIDELINES
PROMULGATED IN 2025

ON THE REQUESTS TO BE SENT & RECEIVED
UNDER THE MUTUAL ASSISTANCE IN
CRIMINAL MATTERS
ACT NO. 25 OF 2002 AS AMENDED

FOR THE COMPETENT AUTHORITIES IN SRI
LANKA

MINISTRY OF JUSTICE & NATIONAL INTEGRATION
SRI LANKA

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Part 1- Overview

1.1 Mutual Assistance in Criminal Matters in Sri Lanka

1.1.1 Legislative Provisions

Mutual Legal Assistance is a mechanism through which Sri Lanka cooperates with specified countries or specified organizations to provide and obtain assistance in criminal matters. Facilitating of this process includes the enhancement of international cooperation, collection of evidence, matters concerning witnesses, enforcement of court orders, prosecution of crimes, ensuring due punishment of perpetrators, assistance relating to electronic evidence, matters relating to tracing, identification, seizure and repatriation of proceeds of crime. The Sri Lankan law on mutual assistance in criminal matters is contained in the Mutual Assistance in Criminal Matters Act No. 25 of 2002, as amended by Act No. 24 of 2018 (hereinafter referred as ‘the Act’).

1.1.2 Implementing the provisions of the Act

In view of the amendment introduced in 2018, the application of the provisions of the Act has been extended to the following and, it indicates that the requests received from the respective Requesting States within the ambit of the limbs stated below can be executed, and the requests can be sent to the respective Central Authorities of the Requested States based on the specified criteria. The Minister may, by Order published in the Gazette, declare that the provisions of the Act shall apply to;

- 1) every country that is a party to an International or a Regional Convention or other agreement which is in the interest of mutual assistance in criminal matters to which Sri Lanka has become a party (**Table 1**).
- 2) a country that has entered into an agreement with Sri Lanka for mutual assistance in criminal matters (**Table 2**).
- 3) a country which has not entered into any agreement with Sri Lanka, where the Minister may determine that it is in the best interest of the sovereign nations that Sri Lanka extends and obtains assistance on the basis of reciprocity.

- 4) an intergovernmental organization combating corruption, money laundering, or financing of terrorism, on such terms and conditions as may be necessary and on the assurance of reciprocity.

From the time of such enactment, Sri Lanka has become a party to international or regional Conventions or other agreements or has entered into several bilateral agreements, with the following countries or organizations to facilitate requests of obtaining and providing assistance in criminal matters-

Convention/ Other	Date of Signature by Sri Lanka	Gazette Notification No.
United Nations Convention against Corruption	15.03.2004	2088/28
Council of Europe Convention on Cybercrime	29.05.2015 (Accession)	
Members of the Commonwealth	N/A	
BIMSTEC Convention	30.03.2022	2301/33

Table 1

No.	Country	Date on which the Agreement/ MOU signed	Gazette Notification No.
1	Thailand	30.07.2004	1725/3
2	China -Hong Kong	16.06.2008	1684/16
3	India	09.06.2010	1736/3
4	Belarus	26.08.2013	1875/28
5	UAE	27.01.2014	1906/17
6	China	16.09.2014	1920/27
7	Russian Federation	28.05.2015	1926/46
8	Ukraine	25.06.2016	1992/78
9	Switzerland – MOU	11.12.2017	N/A
10	Republic of Maldives	21.07.2025	2470/04
11	Republic of Philippines	To be signed.	

Table 2

1.1.3 Mode of operation

Applications are being made to the Central Authority of Sri Lanka by an appropriate authority of a specified country or specified organization requesting for information or assistance in criminal and related matters. Such information can be obtained to prevent, detect, investigate or institute proceedings in respect of a criminal activity in or outside that country.

The Requesting State should substantially make the application in the Form set out in the Schedule specified in the Act. Such request should accompany the relevant documents as may be required for the execution of such request.

Upon perusing such a request, it is the duty of the respective Competent Authority to identify any additional document/ material, if required enabling the Central Authority to inform the respective Requesting State.

A competent authority also might directly receive, a request which is in accordance with the format specified in the Act through electronic means from the specified country.

The assistance or information on a request referred to the Competent Authority by the Central Authority shall be transmitted to the Appropriate Authority of a specified country or specified organization directly either by the Central Authority or by the relevant Competent Authority. In the context of direct transmission of the requested assistance by the Competent authority, it shall be the duty of the respective Competent Authority to report to the Central Authority on the progress made or on the completion of the request.

No Court in Sri Lanka may reject request on the ground that the Central Authority did not receive such request directly from the appropriate authority of specified country or specified organization.

1.2 Central Authority of Sri Lanka

In terms of section 4(1) of the Act No. 25 of 2002 as amended, the Secretary to the Ministry of the Minister in charge of the subject of Justice, shall be the Central Authority for the purposes of the Act.

Contact details

Secretary

Central Authority of Sri Lanka

Ministry of Justice & National Integration

No. 19, Sri Sangaraja Mawatha, Colombo 10

Tel - +94112323022

Email - mlassistance@moj.gov.lk

Part 2- Out-bound Requests

2.1 Nature of requests that can be forwarded to foreign jurisdictions

The Central Authority may, on the request of a Court or a Competent Authority, request the appropriate authority of a specified country or specified organization to arrange for the following-

- (a) Evidence, including computer evidence to be taken,
- (b) Investigative materials to be produced,
- (c) Bank statements to be produced,
- (d) Any other documents or other articles to be produced for the purposes of investigating a criminal matter or a proceeding of a criminal matter. (sec.11)
- (e) With the availability of reasonable grounds to believe that an offence under the Anti- Corruption Act No. 09 of 2023 has been committed in which a foreign public official or an official of a public International organization is involved, the Central Authority may request the appropriate authority of a specified country or specified organization where such foreign official resides, to identify and locate such official assess the value and locate the proceeds of bribery, relating to the said foreign official, his proxies and beneficiaries. (sec. 14B)
- (f) Summons requiring a person charged with an offence to appear before a Court in Sri Lanka (sec. 09)
- (g) Summons or an order requiring a person to attend before a Court in Sri Lanka for the purpose of giving evidence in criminal proceedings (sec. 09)
- (h) Request for search and seizure (sec. 16)
- (i) Request for tracing proceeds of crime (sec. 18)
- (j) Requests made to the appropriate authority of a specified country to make arrangements for the enforcement of an Order relating to a criminal matter, forfeiting any property or having the effect of forfeiting or confiscating any property, imposing a fine or other pecuniary penalty on any person or requiring that person to pay compensation to any other person in such specified country. (sec. 20)
- (k) For the identification of the locations of witnesses or suspects,
- (l) Request for temporary transfer of a person in custody to appear as a witness.

2.2 Outline of submitting out-bound requests

The Competent Authorities identified as a law enforcement authority or any other authority established by law, may send the requests in order to obtain assistance from a specified country for the fulfilment of a criminal matter in relation to an investigation, prosecution or judicial proceeding. The respective Competent Authorities must focus on the following in order to facilitate the process of smooth transmission of outbound requests to specified countries.

The details and the format might vary from one Central Authority to another based on the domestic laws of the respective country. The web sites of the respective Central Authorities give the exact requirements in making request to that particular Central Authority.

In general, the following salient points may be included by the Competent Authorities in sending requests to the Ministry of Justice and National Integration which is designated as the Central Authority in order to send requests to the other Central Authorities (Central Authorities of Requested States) seeking assistance in criminal matters.

It is advised to the Competent Authorities that the following checklist is not inclusive and you may consider inclusion of any other matter that is deemed essential for the investigation related to the request.

2.3 The checklist

(a) Background

The background of the request may include details reflecting the reasons for initiating the investigation, the investigative authority, the current progress of the matter, whether facts have been reported to the Court, the next Court date, etc.

(b) Purpose of the request

This part should specify the reason(s) to make the request. The facts available to determine that the required details are located in the Requested State have to be justified. The nexus between the need and the requested information, the information to justify that the required information is available within the requested State, should be stated clearly. Disclose required details up to the level that can be helpful in obtaining a clear response without allowing the respective Central Authority to prompt further clarifications.

(c) Required Information/ Requested Assistance

In this section, the Competent Authority should clearly demonstrate what exactly they require from the specified country. (Requested State).

E.g.

- i. Bank records from the ABC Bank for the Account No. xxxxxxxx covering the period from ----- to ----- .
- ii. To record a statement from XYZ at the address given on a questionnaire provided. (For clarity and to obtain accurate information avoiding any duplication the Competent Authority may provide a questioner)
- iii. Request to obtain details of registration of a company XYZ located at ABC in DEF.
- iv. If necessity arises and, if the investigators are of the opinion that visiting a particular location of the Requested Country to be necessary, then the details of such proposal.

(d) Necessity of the details requested, for the investigation and for the legal proceedings.

This could include the necessity of the requested details for the investigation and for the prosecution. Details on the sentence upon conviction and the relevant legal provisions.

(e) Copies of the relevant Sri Lankan legislative provisions

To describe the applicability of the relevant legislative provisions in the investigation or in the legal proceedings, and attach relevant copies.

(f) Confidentiality

Whether the Competent Authority requires the Central Authority of the specified country to treat the request as confidential and if so, to specify the same.

(g) Timeline

If there is a timeline to obtain the requested information, it has to be mentioned. (eg. Pending court case, prescription)

(h) Details of a focal point to be stated

The contact details (Tel, email, fax, etc.) of an officer familiar with the investigation have to be specified in the request. This step is useful for the Central Authority of the Requested State to initiate direct communication, expedite the process, and avoid posing further questions and clarifications, which result in delays in providing assistance.

(i) Translations

The request as well as all the annexes should be in English. Where the respective Central Authority requires the Sri Lankan Central Authority to send translations in a specified language, the original request along with the annexes should be translated into such specified language.

It is the duty of the respective Competent Authority to comply with such requirement. The list of sworn translators in Sri Lanka could be viewed from the official website of the Ministry of Justice & National Integration. www.moj.gov.lk. It is the duty of the Competent Authority to initiate steps to secure the

confidentiality of the request and to maintain it at every stage. Therefore, if translation facilities are being outsourced, necessary safeguards have to be followed at each and every step.

(j) Manner of Submission

The request should be accompanied with a covering letter addressed to the **Secretary, Central Authority Sri Lanka, Ministry of Justice and National Integration** specifying the necessity to send the request to the respective Central Authority of the Requested State.

The request accompanied by the covering letter should be submitted under a sealed envelope, with the marking of the ***“MLA/Out-Bound/CA/.....(Name of the Requested State)/ 202..”*** on the top left hand corner of the envelope.

2.4 Notification of termination of proceeding

In the event a Competent Authority decides to terminate an investigation whilst the response of the foreign Central Authority is pending, it is the duty of the respective Competent Authority to inform forthwith the Central Authority, Sri Lanka of its desire and such decision of termination.

Part 3- In-bound Requests

3.1 Nature of requests that can be executed

The Central Authority may on the request of specified country or specified organization in the nature of matters referred in section 3 of the Act, shall forward the said request to the competent authority for execution.

Any request received directly from the requesting country by the competent authority shall immediately be informed with a copy to the Central Authority. In the event it is received via electronic means a copy of the relevant request shall be forwarded to the Central Authority.

3.2 The Checklist

3.2.1 Authority to execute the request

- i. The Competent authority shall evaluate its power to execute the request,
 - a. whether it's vested with authority to comply, or
 - b. whether a different authority possesses power to comply such request.
- ii. If the competent authority does not possess such power, the respective request shall be returned forthwith to the Central Authority stating the reasons thereto.
- iii. Where the Competent authority identifies the existence of grounds for refusal of the request or part thereof (section 6), the respective request shall be returned forthwith to the Central Authority stating the reasons thereto.

3.2.2 Vetting the request

- i. Ascertain the sufficiency of the information and material provided in support of the request made.
- ii. Where such further information is required, such requirement shall be communicated forthwith to the Central Authority stating the reasons thereto.

3.2.3 Prioritization of execution of requests

The Competent authority shall take necessary steps to prioritize and expedite all the requests based on the urgency.

3.2.4 Requests requiring court orders

- i. Where a request has been forwarded to the Chief Magistrate of Colombo under section 10 with copies to the competent authority, such authority shall assist the court.
- ii. In assisting the court relating to a request forwarded under section 10, the competent authority shall assist the Hon. Attorney-General, when requested.
- iii. Where the Competent authority examines the necessity to obtain court orders for the execution of the request, the authority shall forthwith inform the Central Authority of such requirement.

3.2.5 Special requirements/conditions specified in the request

- i. The competent authority should take necessary steps to fulfill the requirements/conditions specifically stated in a request, to be adhered to in executing the request.
- ii. In the event such special requirements/conditions are incapable of being complying with, it shall be communicated forthwith to the Central Authority.
- iii. The competent authority should mention reasons of their incapability to comply any requirement/ condition.

3.3 Submission of response

- i. All responses and enclosed documents, shall be in the language of English or shall possess a certified English translation.
- ii. Where there is specific requirement for translations to be produced in any other language other than English, competent authority shall take steps to provide translations as required.

- iii. In the event the response related to non-availability of witnesses, such response shall contain reasons for unavailability.
- iv. Where the response is relating to a non-execution of a request or a partially executed request, reasons for such need to be explained.
- v. The response should be accompanied with a covering letter addressed to the **Secretary, Central Authority Sri Lanka, Ministry of Justice and National Integration**. The response accompanied by the covering letter should be submitted under a sealed envelope, with the marking of the ***“MLA/In-Bound/CA/.....(Name of the Requesting State)/ 202..”*** on the top left hand corner of the envelope.

Part 4- Miscellaneous

4.1 Confidentiality

Once a request seeking assistance reaches the Competent Authority through the Central Authority or directly, every officer referred such request shall consider all matters strictly confidential.

Unless otherwise authorized by law, a person who because of his /her official capacity or office, and being aware of the confidential nature of the request has knowledge of the contents of such request, the fact that such request has been or is about to be made or the fact that such request has been granted or refused shall not disclose such content or facts except to the extent that the disclosure is necessary to execute the foreign request.

All communications to the Central Authority shall be done under sealed envelopes and emails sent to Central Authority should be made to the specified email.

4.2 Focal points

Central Authority maintains contact information data-bases of focal points of the competent authorities and the focal points in Sri Lankan diplomatic missions abroad.

All competent authorities are required to update the information of any change of their respective focal points.

4.3 Informal Cooperation

Where any competent authority of Sri Lanka has obtained informal cooperation from an appropriate authority of a requested state or had facilitated an informal cooperation request of an appropriate authority of a requesting state, and subsequently decides to make a formal request, the details of such informal cooperation have to be duly notified to the Central Authority.

4.4 Statistics

Statistics maintained by the competent authority should be updated, and compared once in three months with the statistics maintained by the Central Authority.

4.5 Closure of the file

4.5.1 Out-bound files

- i. In the event that the receipt of response from the Requested State fulfills the requested assistance, the competent authority shall communicate to the Central Authority within the period specified to response, along with constructive feedback on how useful the assistance provided and any legal proceedings have been initiated.
- ii. Where a communication to the effect of item (i) is received from a competent authority, a formal communication will be sent to the appropriate authority of a specified country / specified organisation, by the Central Authority through the Ministry of Foreign Affairs of the completion and feedback based on the competent authority as to the usefulness the assistance provided.
- iii. Where no such communication is made or no specific request to keep the file open is received, then a formal written communication will be sent to the competent authority about the closure of records.

4.5.2 In-bound files

- i. As a policy, all responses received by a competent authority are forwarded to the Ministry of Foreign Affairs of Sri Lanka, requesting submission to the appropriate authority of the requesting country/ organisation via the Diplomatic Channel.
- ii. Simultaneously, an email will be sent to the appropriate authority informing them of the dispatch of such a response via diplomatic channel.
- iii. In the event that the response fulfills the request assistance, the covering letter to the appropriate authority will indicate the closure of the file at the Central

Authority of Sri Lanka, unless requested otherwise within a specified time, along with a request for constructive feedback on how useful the assistance provided and any legal proceedings have been initiated.

- iv. Where no specific request to keep the file open is received, then a formal communication will be sent to the competent authority for closure of the files.

4.6 Interpretation

- i. ‘***Appropriate authority***’, in relation to-
 - (a) a specified country means the person, howsoever described, designated to receive and transmit requests for assistance in criminal matters, by or under any law of that country;
 - (b) a specified organization means the person howsoever described, designated to receive and transmit requests for assistance in criminal matters.
- ii. ‘***Competent authority***’ means a law enforcement authority or any other authority established by law.
- iii. ‘***In-bound requests***’ means an in-coming mutual assistance request of a Requesting State.
- iv. ‘***Out-bound requests***’ means an out-going mutual assistance request forwarded to a Requested State.