

**TREATY
ON
MUTUAL LEGAL ASSISTANCE IN CRIMINAL
MATTERS
BETWEEN
THE UNITED ARAB EMIRATES
AND
THE KINGDOM OF DENMARK**

The United Arab Emirates and the Kingdom of Denmark (hereinafter referred to as “The Parties”;

Guided by the friendly relations between the Parties;

Desiring to strengthen the close cooperation between the Parties and recognizing the need to facilitate the widest measure of Mutual Legal Assistance in Criminal Matters by improving the effectiveness of the competent authorities of the Parties in the investigation and prosecution of crimes, and the confiscation of criminal proceeds and resulting proceedings;

Pursuant to the prevailing laws of the respective Parties.

HAVE AGREED as follows:

Article 1

Scope of assistance

1. The Parties shall, in accordance with the provisions of this Treaty, grant each other assistance in criminal matters.
2. For the purpose of this Treaty, criminal matters mean investigations, prosecutions or proceedings in relation to any offence which at the time of the request for assistance, falls within the jurisdiction of the competent authorities of the Requesting Party.
3. Assistance may be granted in connection with offences against a law related to taxation, customs duties, foreign exchange control or other revenue matters.

4. Assistance shall include:
 - a. Taking evidence or statements from persons, including witnesses, victims, accused persons, defendants in criminal proceedings, experts;
 - b. Providing information, documents, records and items of evidence, information related to bank accounts and financial institution accounts;
 - c. Locating or identifying persons or items;
 - d. Serving documents;
 - e. Executing requests of search and seizure;
 - f. Making arrangements for persons in custody or others, to give evidence or assist in criminal investigations, prosecutions, or proceedings in the Requesting Party,
 - g. Tracing, restraining, forfeiting, confiscating and returning the proceeds and/or instrumentalities of crimes;
 - h. Information on criminal proceedings, previous convictions and sentences imposed in the Requested Party against citizens of the Requesting Party; and
 - i. Other assistance deemed necessary by the Requesting Party and consistent with this Treaty as well as the law of the Requested Party.
5. This Treaty applies solely to the provisions of mutual assistance between the Parties. The provisions of this Treaty shall not create any right on the part of any private person to obtain, suppress or exclude any evidence or to impede the execution of any request of assistance.

Article 2

Exchange of information

The Parties may exchange information concerning the laws in force and the judicial practice in their respective countries related to the implementation of this Treaty.

Article 3

Non-Application

1. This Treaty shall not apply to:
 - a. The arrest or detention of any person with a view to the extradition of that person;

- b. The enforcement in the Requested Party of criminal judgments imposed in the Requesting Party except to the extent permitted by the law of the Requested Party;
 - c. The transfer of persons in custody to serve sentences; and
 - d. The transfer of proceedings in criminal matters
2. Nothing in this Treaty entitles any Party to undertake in the territory of the other Party the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other Party by its national law.

Article 4

Other assistance

This Treaty shall not affect any existing obligations between the Parties, whether pursuant to other agreements, arrangements, or otherwise, nor prevent the Parties from providing assistance to each other pursuant to other agreements, arrangement, or otherwise.

Article 5

Central Authority

1. The Central Authorities of the Parties shall process requests for mutual legal assistance pursuant to this Treaty.
2. The Central Authority for the United Arab Emirates is the Ministry of Justice and for the Kingdom of Denmark is the Director of Public Prosecutions.
3. Either Party may change its Central Authority in which case, it shall notify the other Party of the change.

Article 6

Requests

1. Requests for assistance shall be formally made in writing.
2. Requests for assistance and communications shall be addressed through diplomatic channels, for the purpose of this Treaty. In urgent and in emergency cases, a request may be transmitted through the International Criminal Police Organization (Interpol) or through the central authority by expedited means of communication, including fax or e-mail, in this case it shall be confirmed within thirty (30) days by a formal request through diplomatic channels.
3. Requests for assistance shall include:
 - a. The name of the competent authority conducting the investigation or criminal proceedings to which the request relates;

- b. The purpose of the request and the nature of the assistance sought;
 - c. A description of the nature of the criminal matter and its current status, and a statement setting out a summary of the relevant facts and law, including the maximum penalty for the offence to which the request relates;
 - d. a description of the evidence, information or other assistance sought;
 - e. the reasons for and details of any particular procedure or requirement that the Requesting Party wishes to be followed;
 - f. specification of any time limit within which compliance with the request is desired;
 - g. any special requirements for confidentiality and the reasons for it;
 - h. such other information or undertaking as may be under the national law of the Requested Party or otherwise necessary for the proper execution request
4. Requests for assistance may also, to the extent necessary, contain the following information:
- a. The identity, nationality and location of the person or persons who are the subject of the investigation or criminal proceedings;
 - b. The identity and location of any person from whom evidence is sought;
 - c. The identity and location of a person to be served, that person's relationship to the criminal proceedings, and the manner in which service is to be made;
 - d. A description of the manner in which any testimony or statement is to be taken and recorded;
 - e. A list of questions to be asked of a witness;
 - f. A description of the documents, records or items of evidence to be produced as well as a description of the appropriate person to be asked to produce them and, to the extent not otherwise provided for, the form in which they should be produced and authenticated;
 - g. A statement as to whether sworn or affirmed evidence or statements are required;
 - h. A descriptions of the property, asset or article to which the request relates; including its location;
 - i. Any court order relating to the assistance requested and a statement relating to the finality of that order;

- j. The list of the names and capacities of the persons to be authorised to be present at the execution of the request;
 - k. The location and description of the place to be searched and the indication of the items to be seized or confiscated;
 - l. Information as to the allowances and reimbursements to which is entitled the person who is requested to appear in the Requesting Party for the purpose of taking evidence.
5. All requests and supporting documents shall be accompanied by a translation into the official language of the Requested Party or English language and shall be officially signed and stamped by the relevant authorities.

Article 7

Additional information

If the Requested Party considers that the information contained in the request is not sufficient to enable the request to be dealt with, the Requested Party may request additional information. The Requesting Party shall supply such additional information as the Requested Party considers necessary to enable the request to be fulfilled.

Article 8

Refusal of assistance

1. Assistance shall be refused if:
 - a. The offence for which it is requested is an offence of a political nature. In the application of the provisions of this Treaty the following offences shall not be considered as political offences:
 - i. assault on the President or his Deputy or Head of Government of either Party or any member of such a person's family or any member of the Supreme Council of the State of the United Arab Emirates or of a Member of such a person's family;
 - ii. Terrorist offences;
 - iii. Any other offence not considered as a political offence under any international treaty, convention or agreement to which the Requested Party adhere;
 - b. The request relates to an offence only under military law;
 - c. The request relates to the prosecution of a person for an offence in respect of which the person has been finally convicted, ac-

- quitted, pardoned or has served the sentence imposed in the Requested Party or any other party;
- d. Are substantial grounds for believing that the request for assistance has been made or the purpose of investigating, prosecuting or punishing a person on account of that person's race, sex, religion, nationality or political opinions, or that the request for assistance will result in that person being prejudiced for any of those reasons;
 - e. The provision of the assistance would impair the sovereignty, security, public order or essential interests of the Requested Party.
2. The Requested Party may refuse assistance if:
 - a. The act or omission alleged to constitute the offence to which the request relates, would not, if they had taken place within the jurisdiction of the Requested Party, have constituted an offence;
 - b. The request relates to an offence, which is subject to investigation or proceeding, or a final judgment has been rendered in respect of that offence, in the requested Party under its own jurisdiction;
 - c. The execution of the request would be contrary to the national law of the Requested Party.
 3. Assistance may 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.
 4. Before refusing a request, the Requested Party shall consider whether assistance may be granted subject to certain conditions.
 5. If the Requesting Party accepts assistance subject to the terms and conditions required under paragraph 4 of this Article, it shall comply with such terms and conditions.
 6. If the Requested Party refuses assistance, it shall promptly inform the Requesting Party of the grounds of refusal.

Article 9

Execution of requests

1. Requests for assistance shall be executed promptly by the competent authorities of the Requested Party in accordance with the law

of that Party and, to the extent that law permits, in the manner requested by the Requesting Party.

2. Provided it is not contrary to its domestic law, the Requested Party may authorize the persons specified in the request for legal assistance to be present to the execution of the same. To this end, the Requested Party shall promptly inform the Requesting State on the date and place of execution of the request for assistance. The persons who have been authorized may request the competent authority of the Requested Party to consider the possibility to submit specific questions referred to the assistance procedures.
3. The Requested Party shall promptly inform the Requesting Party of circumstances, when they become known to the Requested Party, which are likely to cause a significant delay in the execution of the request.
4. The Requested Party may postpone the execution of the request if its immediate execution would interfere with any ongoing criminal matters in the Requested Party. The Requested Party may also postpone the delivery of documents if such documents are required for civil proceedings in that Party, in which case the Requested Party shall, upon request, provide certified copies of documents.
5. Before postponing the execution of a request, the Requested Party shall consider whether assistance may be granted subject to certain conditions.
6. If the Requested Party postpones assistance, it shall promptly inform the Requesting Party of the grounds of postponement.

Article 10

Return of material to the requested party

When required by the Requested Party, the Requesting Party shall return material provided under this Treaty when it is no longer needed for the criminal matter to which the request relates.

Article 11

Confidentiality and limitation on use

1. The Requested Party shall use its best efforts to keep confidential a request for assistance, the contents of the request and its supporting documentation, and any action taken pursuant to the request. If the request cannot be executed without breaching confidentiality, the Requested Party shall so inform the Requesting Party before executing the request, and the Requesting Party shall advise whether it nevertheless wishes the request to be executed.

2. The Requesting Party shall use its best efforts to keep confidential the information and evidence provided by the Requested Party, except to the extent that the evidence and information is needed for the criminal matters to which the request relates and where otherwise authorized by the Requested Party.
3. The Requesting Party shall use its best efforts to ensure that the information or evidence is protected against loss, unauthorized access, modification, disclosure or misuse.
4. The Requesting Party is obligated not to use the information or evidence obtained, or anything derived therefrom, for purposes other than those stated in a request without the prior consent of the Requested Party.

Article 12

Service of documents

1. The Requested Party shall, to the extent its law permits, carry out requests for the service of documents in respect of a criminal matter.
2. A request for service of summons requiring the appearance of persons, including witnesses, victims, accused persons, defendants in criminal proceedings, experts, in the Requesting Party shall be made to the Requested Party within a reasonable time before the scheduled appearance.
3. The Requested Party, after having effected service, shall provide the Requesting State with an attestation of proof of service bearing the signature or stamp of the Authority that effected service, and indicating the date, time, place and modalities of delivery, as well as the person to which the documents have been delivered. If service is not effected, the Requested State shall inform promptly the Requesting State and communicate the reasons of failure to serve.
4. A person who fails to comply with any process served on him or her shall not thereby be liable to any penalty or coercive measure pursuant to the law of the Requesting Party or the Requested Party.

Article 13

Taking of evidence or statements from persons

1. The Requested Party, in compliance with its domestic law, shall take statements from witnesses, victims, suspects and defendants, experts, or other persons, and shall also obtain records, documents and any

other evidence indicated in the request for legal assistance, and shall transmit them to the Requesting Party.

2. A person from whom evidence is to be taken/to be heard/to be questioned in the Requested Party – pursuant to a request under this Article may decline to give evidence or statements where the law of the Requested Party or that of the Requesting Party so provides.
3. If any person in the Requested Party claims that there is a right or obligation to decline to give evidence under the law of the Requesting Party, the Requesting Party shall, upon request, provide a certificate to the Requested Party as to the existence of that right. In the absence of evidence to the contrary, the certificate shall be sufficient of the matters stated in it.
4. For the purposes of this Article, the taking of evidence includes the production of documents or other material.

Article 14

Making arrangements for Persons in custody to give evidence or assistance

1. When videoconference is not possible, a person in custody in the Requested Party may, at the request of the Requesting Party, be temporarily transferred to that Party to give evidence or to assist in criminal proceedings in that Party.
2. The Requested Party shall transfer a person in custody to the Requesting Party only if:
 - a. The person freely consent to the transfer;
 - b. The Requesting Party agrees to comply with any conditions specified by the Requested Party relating to the custody or security of the person to be transferred;
 - c. It does not interfere with investigations or criminal prosecutions that are being carried out in the Requested Party, in which said person had to take part;
3. Where the Requested Party advises the Requesting Party that the transferred person is no longer required to be held in custody, that person shall be released and be treated as a person present in the Requesting Party pursuant to a request seeking that person's attendance.
4. The Requesting Party shall return the person transferred in custody to the Requested Party within thirty (30) days, from the date of the said

person's presence in the Requesting Party, or any other period of time as may be agreed on by the Parties.

5. A person in custody who is transferred shall receive credit for service of the sentence imposed in the Requested Party for the time spent in custody in the Requesting Party.
6. A person in custody who does not consent to give evidence or to assist in criminal proceedings in the Requesting Party shall not by reason thereof, be liable to any penalty or coercive measure pursuant to the law of the Requesting Party or the Requested Party.

Article 15

Availability of other persons to give evidence or assistance

1. The Requesting Party may request the assistance of the Requested Party in inviting a person, not being a person to whom Article 14 of this Treaty applies, to give evidence or provide assistance in the Requesting Party. The Requesting Party shall undertake to make satisfactory arrangements for the safety of such person.
2. The Requested Party shall invite the person and promptly inform the Requesting Party of the person's response. If the person consents, the Requested Party shall take all necessary steps to facilitate the request.
3. A person who does not consent to give evidence or to provide assistance under this Article shall not by reason thereof be liable to any penalty or coercive measure pursuant to the law of the Requesting Party or the Requested Party.

Article 16

Video conference

For the purpose of this Treaty, the Parties may agree for the use of live video or all live television links or other appropriate communication facilities in accordance with the laws and procedures of both Parties if it is expedient and in the interests of justice.

Article 17

Transit of persons in custody

1. A Party may, subject to its national laws, authorize the transit through its territory of a person in custody whose appearance has been requested by the other Party requesting for such transit.
2. The Party where the transit takes place shall, subject to its national laws, have the authority and obligation to make the necessary arrangements for keeping the person in custody during transit.

Article 18

Rule of speciality

1. Subject to paragraph 2 of this article, where a person is in the Requesting Party pursuant to a request made under Articles 14 and 15 of this Treaty:
 - a. the person cannot be detained, prosecuted or restricted in his personal liberty in the Requesting Party for any criminal offence which preceded his or her departure from the Requested Party;
 - b. the person shall not, without his or her consent, be required to give evidence in any criminal proceedings or to assist in any criminal investigation other than the criminal matter to which the request relates.
2. Paragraph 1 of this Article ceases to apply if that person, being free to leave, has not left the Requesting Party within a period of thirty (30) days after he or she has been officially notified that his or her presence is no longer required or, having left, has returned.
3. A person who consents to give evidence pursuant to Articles 14 or 15 of this Treaty shall not be subject to prosecution based on his or her testimony, except for perjury or contempt of court.

Article 19

Provision of publicly available documents and other records

1. The Requested Party shall, upon request, provide the Requesting party with copies of publicly available documents or records.
2. The Requested Party may, upon request, subject to its national law, provide the Requesting Party with copies of any documents or records in the possession of government departments and agencies that are not publicly available.

Article 20

Search and seizure

1. The Requested Party shall, to the extent its national law permits, carry out requests made in respect of a criminal matter in the Requesting Party for search and seizure.
2. The relevant authority of the Requested Party that had executed a request for search and seizure shall provide such information in the form as may be required by the Requesting Party.
3. The Requested Party shall provide such information as may be required by the Requesting Party concerning the result of any search, the place and circumstances of seizure and the subsequent custody of the material seized.

4. The Requesting Party shall observe any conditions required by the Requested Party in relation to any seized material which is delivered to the Requesting Party.

Article 21

Proceeds and instrumentalities of crimes

1. The Requested Party shall, upon request, endeavor to ascertain whether any proceeds and/or instrumentalities of crimes are located within its jurisdiction and shall notify the Requesting Party of the results of its inquiries. In making the request, the Requesting Party shall notify the Requested Party of the basis of its belief that such proceeds and/or instrumentalities of crimes may be located in the latter's jurisdiction.
2. Where, pursuant to paragraph 1 of this Article, suspected proceeds and/or instrumentalities of crimes are found, the Requested Party shall take such measures as are permitted by its law to prevent any dealing in, transfer or disposal of, those suspected proceeds and/or instrumentalities of crimes, pending a final determination in respect of those proceeds by a court of the Requesting Party.
3. The Requested Party shall, to the extent its law permits, give effect to a final order forfeiting or confiscating the proceeds and/ or instrumentalities of crimes made by a court of the Requesting Party.
4. In the application of this Article, the rights of bona fide third party shall be respected under the law of the Requested Party. Where there is a claim from a third party, the Requested Party shall represent the interests of the Requesting Party in seeking to retain the proceeds and/or instrumentalities of crimes until a final determination by a competent court in the Requesting Party.
5. The Requested Party shall return the proceeds and/or instrumentalities of crimes referred to in paragraph 3 of this Article, or the value of the proceeds and/or instrumentalities, to the Requesting Party, to the extent permitted by its national laws and upon such terms as it deems appropriate.
6. For the purpose of this Article proceeds mean any funds derived from or obtained, directly or indirectly, through the commission of criminal offence.

Article 22

Expenses

1. Unless otherwise provided in this Treaty, the Requested Party shall make all necessary arrangements for the representation of the Request-

ing Party in all proceedings arising out of a request for assistance and shall otherwise represent the interests of the Requesting Party.

2. The Requested Party shall meet the cost of fulfilling the request for assistance except that the Requesting Party shall bear:
 1. the travel and accommodation expenses and any other allowances of a person who provides assistance pursuant to a request under Article 14 or 15 of this Treaty;
 2. fees and expenses of experts and the translation of documents.
3. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the Parties shall consult to determine the terms and conditions under which the assistance can be provided.

Article 23

Compatibility with other treaties

Assistance and procedures set forth in this Treaty shall not exempt either Party from its obligations arising out from other international Treaties applicable.

Article 24

Settlement of disputes

Any dispute arising out of the interpretation, application or implementation of this Treaty shall be resolved through diplomatic channels if the Central Authorities are unable to reach agreement.

Article 25

Ratification, entry into force, amendment and termination

1. This Treaty is subject to ratification, the instruments of ratification shall be exchanged.
2. This Treaty shall enter into force on the thirtieth (30) day after the date of the exchange of the instruments of ratification.
3. This Treaty may be amended by mutual consent of the Parties and the provisions of this Article shall be applied thereof.
4. Either Party may terminate this Treaty by notice in writing through diplomatic channels at any time. Termination shall take effect six (6) months after the date on which the notice is given. However, proceedings already commenced before notification shall continue to be governed by this Treaty until conclusion therein.

5. This Treaty shall apply to any request submitted after its entry into force, even if the relevant offences were committed before its entry into force.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty in two original texts, in the Arabic, Danish and English languages, all texts being equally authentic. If there is any divergence of interpretation, the English text shall prevail.

DONE at this..... day of.....201...

FOR **FOR**
THE UNITED ARAB EMIRATES **THE KINGDOM OF DEN-**
MARK