

**OR TITLE 32 – CRIMINAL PROCEDURES**  
**CHAPTER 4 - MUTUAL ASSISTANCE IN CRIMINAL MATTERS**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**MUTUAL ASSISTANCE IN CRIMINAL MATTERS**  
**ACT 2002**

**Arrangement of Sections**

Section	Page
<b>PART I - PRELIMINARY</b>	
§401. Short title. ....	3
§402. Purpose. ....	3
§403. Application. ....	3
§404. Interpretations. ....	4
<b>PART II- MUTUAL ASSISTANCE</b>	
§405. Authority of the RMI to make requests for mutual legal assistance. ....	6
§406. Mutual legal assistance requests by the RMI. ....	6
§407. Authority of the RMI to grant requests for mutual legal assistance. ....	7
§408. Contents of requests by foreign Countries for mutual legal Assistance. ....	8
§409. Considerations for grant of request for mutual legal assistance. ....	9
§410. Foreign requests for evidence gathering order or a search warrant. ....	9
§411. Foreign requests for consensual transfer of detained persons. ....	12
§412. Detention of persons transferred to the RMI. ....	12
§413. Safe conduct guarantee. ....	14
§414. Foreign requests for RMI restraining orders. ....	14
§415. Requests for enforcement of foreign confiscation or restraining orders. ....	15
§416. Foreign requests for the location of tainted property. ....	17
§417. Sharing confiscated property with foreign Countries. ....	17
§418. Privilege for foreign documents. ....	17

**PART III - MISCELLANEOUS** **17**

---

§418. Privilege for foreign documents. .... 17

§419. Restriction on use of evidence and materials obtained by mutual assistance. .... 18

§420. Repeal and savings provision ..... 18

§421. Regulations. .... 19

§422. Effective date. .... 19

**TITLE 32 – CRIMINAL PROCEDURES**  
**CHAPTER 4 - MUTUAL ASSISTANCE IN CRIMINAL MATTERS**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**MUTUAL ASSISTANCE IN CRIMINAL MATTERS**  
**ACT 2002**

AN ACT to regulate international cooperation in investigations and prosecutions of serious offenses, and for related purposes.

<i>Commencement:</i>	<i>November 11, 2002</i>
<i>Source:</i>	<i>P.L. 2002-67</i>
<i>Amended By:</i>	<i>P.L. 2011-61</i>
<i>P.L.2020-03</i>	

**PART I - PRELIMINARY**

**§401. Short title.**

This Chapter may be cited as the “Mutual Assistance in Criminal Matters Act, 2002.” [P.L. 2002-67, §1.]

**§402. Purpose.**

The purpose of this Chapter is to enable the Republic of the Marshall Islands to cooperate with foreign countries in criminal investigations and proceedings. [P.L. 2002-67, §3.]

**§403. Application.**

This Chapter applies to the Republic of the Marshall Islands and to any foreign State which may request assistance in criminal matters on a reciprocal basis. [P.L. 2002-67, §4; P.L. 2011-61.]

#### §404. Interpretations.

Unless the subject or context otherwise requires, in this Chapter:

- (a) **“appeal”** includes proceedings by way of discharging or setting aside a judgment, and an application for a new trial or for a stay of execution;
- (b) **“Attorney-General”** means the Attorney-General of the RMI and includes the Deputy Attorney General or Assistant Attorney-General to whom the Attorney- General may delegate authority to carry out specific duties and responsibilities of the Attorney-General established by the Act.
- (c) **“data”** means representations, in any form, of information or concepts;
- (d) **“document”** means any record of information and any material on which data is recorded or marked and which is capable of being read or understood by a person, computer system or other device, and includes:
  - (i) anything on which there is writing;
  - (ii) anything on which there are marks, figures, symbols, or perforations having meaning for persons qualified to interpret them;
  - (iii) anything from which sounds, images or writings can be produced, with or without the aid of anything else; or
  - (iv) a map, plan, drawing, photograph or similar thing;
- (e) **“foreign confiscation order”** means an order, made by a court in a foreign country, for the purposes of the:
  - (i) confiscation or forfeiture of property in connection with; or
  - (ii) recovery of the proceeds of a serious offense;
- (f) **“foreign restraining order”** means an order made in respect of a serious offense by a court in a foreign country for the purpose of restraining a particular person or all persons from dealing with property;
- (g) **“foreign country”** means:
  - (i) any country other than the Republic of the Marshall Islands; and

- (ii) every constituent part of such country, including a territory, dependency or protectorate, or political subdivision which administers its own laws relating to international cooperation;
- (h) **“High Court”** means the High Court of the RMI.
- (i) **“interest,”** in relation to property, means a:
  - (i) legal or equitable estate or interest in the property; or
  - (ii) right, power or privilege in connection with the property, whether present or future and whether vested or contingent;
- (j) **“person”** means any natural or legal person;
- (k) **“place”** includes any land (whether vacant, enclosed or built upon, or not), and any premises;
- (l) **“premises”** includes the whole or any part of a structure, building, aircraft, or vessel;
- (m) **“proceedings”** means any procedure conducted by or under the supervision of a judge, magistrate or judicial officer however described in relation to any alleged or proven offense, or property derived from such offense, and includes an inquiry, investigation, or preliminary or final determination of facts;
- (n) **“proceeds of crime”** means fruits of a crime, or any property derived or realized directly or indirectly from a serious offense and includes, on a proportional basis, property into which any property derived or realized directly from the offense was later successively converted, transformed or intermingled, as well as income, capital or other economic gains derived or realized from such property at any time since the offense;
- (o) **“property”** means real or personal property of every description, whether situated in the RMI or elsewhere and whether tangible or intangible, and includes an interest in any such real or personal property;
- (p) **“RMI”** means the Republic of the Marshall Islands;
- (q) **“serious offense”** means an offense against a provision of:
  - (i) any law of the RMI, for which the maximum penalty is imprisonment or other deprivation of liberty for a period of