Government Law Offices
HM Government of Gibraltar

Requests for Mutual Legal Assistance in Criminal Matters

Guidelines for Authorities outside of Gibraltar

November 2025

Office of Criminal Prosecutions & Litigation
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mla@gibraltar.gov.gi

Contents

1. Introduction

Gibraltar

Gibraltar is a self-governing British Overseas Territory with a unique and distinct identity from the United Kingdom. Although Gibraltar's legal system is rooted in English common law, it operates as a separate jurisdiction with its own constitution, legislature, and judiciary. The Gibraltar Parliament has full legislative authority over domestic matters, enabling it to enact laws independently of the UK, except in areas such as foreign affairs and defence. Its legal framework is supported by institutions including the Supreme Court of Gibraltar, the Magistrates' Court, and the Court of Appeal, with further appeals possible to the Judicial Committee of the Privy Council in London. This autonomy allows Gibraltar to tailor its laws to local needs while maintaining compatibility with broader common law principles, reinforcing its role as a distinct and sophisticated legal jurisdiction within the international legal landscape.

European Investigation Orders and European Arrest Warrants and other mutual recognition instruments, no longer extend and apply in Gibraltar. Furthermore, the EU-UK Trade and Cooperation Agreement signed on 30 December 2020 does not extend to Gibraltar.

What is Mutual Legal Assistance

Mutual Legal Assistance (MLA) is a formal mechanism through which States cooperate to support the investigation and prosecution of criminal offences. Unlike informal law enforcement cooperation (e.g., police-to-police channels), MLA is typically invoked when coercive measures are required, such as obtaining evidence through search and seizure, compelling witness testimony, or freezing assets. These requests are made via formal instruments such as International Letters of Request (ILORs), Letters Rogatory, or Commissions Rogatoires in civil jurisdictions, and are generally issued by judicial or prosecutorial authorities, hence the term "judicial cooperation."

MLA is also instrumental in tracing, freezing, and confiscating the proceeds of crime, whether pursued through criminal conviction-based proceedings or civil non-conviction-based asset recovery mechanisms. Given the transnational nature of modern criminal activity, MLA has become indispensable to effective law enforcement and judicial processes both within Gibraltar and globally.

As a separate legal jurisdiction from the United Kingdom, Gibraltar maintains its own legal system and statutory framework for MLA, enabling it to respond to a wide range of international requests. Gibraltar is committed to facilitating cooperation with foreign investigative and judicial authorities, particularly in complex financial crime and asset recovery cases. MLA serves as a vital tool in disrupting criminal enterprises and recovering illicit assets that may have been transferred or concealed across borders.

Purpose of these Guidelines

These guidelines are designed to assist requesting authorities in submitting formal MLA requests to Gibraltar, ensuring that such requests can be processed and executed in a timely, effective, and efficient manner.

These guidelines are issued by the HM Government of Gibraltar to provide basic information on Gibraltar's MLA regime and its requirements. It is not intended as a substitute for reference to the relevant legislation.

Should requesting authorities have any queries about the process, please contact us on mla@gibraltar.gov.gi. Preliminary discussions are welcome and we also happy to review a draft MLA request before it is issued and formally transmitted.

Transmission of Requests

MLA Requests can be transmitted directly to Gibraltar.

Whilst the Central Authority for MLA is the Minister for Justice, the Competent Authority for receiving and processing Requests is the Attorney General, and the Office of Criminal Prosecutions & Litigation (OCPL) discharges this function on his behalf.

Requests should be addressed and sent to:

The Competent Authority in Gibraltar
Government Law Offices
Office of Criminal Prosecutions & Litigation
6th Floor NatWest House
57/63 Line Wall Road
Gibraltar

mla@Gibraltar.gov.gi

Although direct transmissions is recommended, some countries may wish to use the Post-boxing Arrangements and route MLA Requests via:

UK Government/Gibraltar Liaison Unit (UKGGLU)
Foreign and Commonwealth Office
King Charles Street
London, SW1H 2AH
United Kingdom

Confidentiality

As a matter of standard policy, the Gibraltar authorities do not confirm or deny the existence of MLA Requests, nor do they disclose its contents outside of government departments, agencies, the courts, or Gibraltar law enforcement bodies without the express consent of the requesting authority.

While confidentiality is a fundamental principle in the handling of MLA Requests, there are limited and clearly defined circumstances under which disclosure may be required. Exceptions to confidentiality may arise where disclosure is mandated by Gibraltar law, such as in compliance with statutory obligations and court orders. If Gibraltar domestic law requires disclosure of all or part of a request for it to be executed, the requesting authority will be consulted and given the opportunity to withdraw the request before any information is disclosed to third parties.

Generally, MLA requests are not shared with, or copied to, any witnesses or third parties. Witnesses are not informed of the identities of other witnesses involved. However, limited disclosure may be necessary to facilitate execution, for example, confirming the existence of a request to explain the purpose of a witness statement, etc.

In all cases, any departure from confidentiality is carefully considered to ensure it is lawful, proportionate, and consistent with the principles of mutual trust and cooperation.

2. Preliminary Enquiries – Law Enforcement Cooperation

MLA is not intended to be used as a means of conducting speculative enquiries or "fishing expeditions." MLA Requests must be precise, targeted, and supported by sufficient factual and legal basis, ensuring that any assistance sought is necessary, proportionate, and directly relevant to an ongoing investigation or proceedings. This principle safeguards against misuse of the process and upholds the integrity of international judicial cooperation.

To ensure that MLA Requests are targeted, police and other law enforcement officers in a requesting state are encouraged to conduct preliminary enquiries before a Request is issued. Such enquiries should be directed as appropriate to:

The Gibraltar Financial Intelligence Unit (GFIU) – if the assistance is related to financial information through:

- EGMONT
- General Enquiries
  Suite 945 Europort
  Gibraltar
  admin@gfiu.gov.gi

(+350) 200 43618 If busy call: (+350) 200 70211
Out of Hours: (+350) 56346000 (Urgent calls only e.g. Terrorist Financing)

The Royal Gibraltar Police

ecu@royalgib.police.gi

HM Customs

hmc.investigation@hmcustoms.gov.gi

(+350 56003214)

Enquiries can also be made using networks such as CARIN.

These types of enquiries offer a quicker and more accessible means of obtaining information. However, information obtained in this way cannot generally be used as evidence. If the information is required for evidential purposes, a formal MLA request must subsequently be submitted.

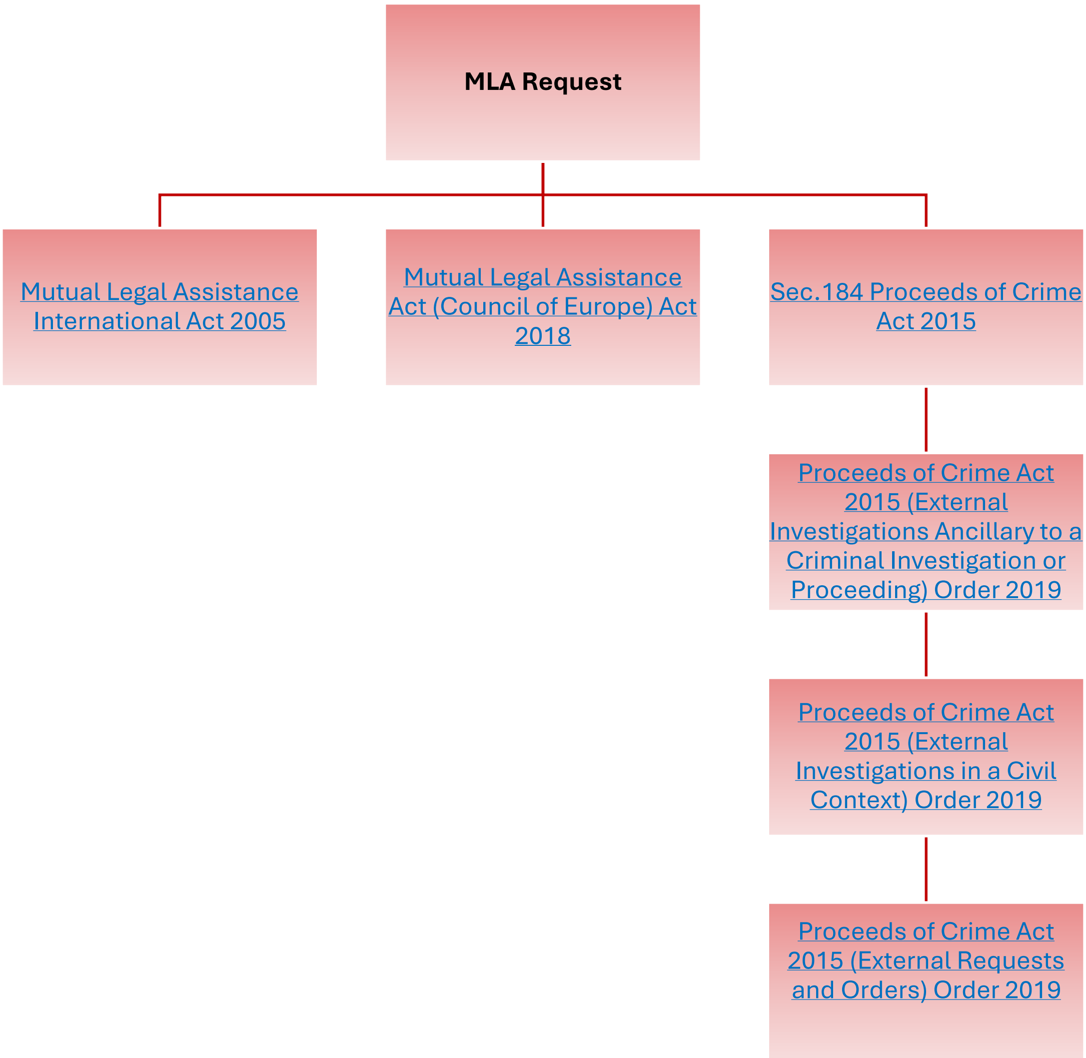
3. Types of Assistance

Gibraltar can provide a wide range of assistance at all stages of a criminal investigation and criminal proceedings and any related restraint, confiscation and enforcement proceedings, as well as in connection with investigations and proceedings for civil recovery of the proceeds of criminal conduct using various legislative framework.

Such assistance includes, but is not restricted to:

- Obtaining documentary evidence, including banking evidence, business records, etc
- Search and seizure warrants
- Production orders
- Freezing/ Restraint of property
- Confiscation of property
- Taking of evidence in Court on oath
- Obtaining Witness Statements
- Suspect Interviews
- Service of documents
- Hearing by video link/ telephone
- Transfer of Prisoners
- Extradition

Depending on the basis upon which the Request is made, the offences under investigation or the type of assistance sought, several different legal gateways are available to give effect to requests. The most suitable gateway will be used, and the following illustrate those that are most used:



Specifically, in respect of investigations and proceedings in respect money laundering and the proceeds of crime, the following assistance can be provided:

Proceeds of Crime Act 2015 (External Investigations Ancillary to a Criminal Investigation or Proceeding) Order 2019	• Production Orders – Part 1 • Search and seizure Warrants – Part 2 • Disclosure Orders – Part 3 • Customer information Orders – Part 4 • Account monitoring Orders – Part 5
Proceeds of Crime Act 2015 (External Investigations in a Civil Context) Order 2019	• Production Orders – Part 1 • Search and seizure Warrants – Part 2 • Disclosure Orders – Part 3 • Customer information Orders – Part 4 • Account monitoring Orders – Part 5
Proceeds of Crime Act 2015 (External Requests and Orders) Order 2019	• Giving effect to external Orders in connection with criminal investigation or proceedings – Part 2 • Restraint & confiscation Orders • Giving effect to external Orders in connection with civil recovery- Part 3 • Freezing & recovery Orders

4. Letters of Request

Who can send a Mutual Legal Assistance Request

Any authority that under the law of the requesting state has the power to issue a request for assistance, including a court exercising criminal jurisdiction, or a prosecuting authority.

Basis of a Mutual Legal Assistance Request

Generally, Gibraltar can provide mutual legal assistance either under the framework of an applicable treaty or international convention, or simply, on the basis of reciprocity where no formal agreement exists.

British Overseas Territory, Gibraltar does not have the power under international law to independently enter treaties with other countries, as the UK retains responsibility for Gibraltar's external affairs, including treaty-making.

- Council of Europe European Convention on Mutual Legal Assistance in Criminal Matters, 1959
- Council of Europe European Convention on Extradition, 1957
- UN Convention on Transnational Organised Crime (Palermo Convention)
- UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (Vienna Convention)
- UN Convention against Corruption (Merida Convention)
- Council of Europe Convention on the Transfer of Sentenced Persons, Strasbourg 1983,
- The Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Strasbourg 1990
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism 2005 (Warsaw Convention)

However, Gibraltar is pleased that several multilateral treaties have been extended to it by the UK, including the following treaties/conventions relating to international cooperation or containing provisions on international cooperation:
In addition to the above, the UK have entered into a number of bi-lateral treaties/ agreements which have been extended to Gibraltar. Please contact us if your jurisdiction is not a party to any of the abovementioned Conventions, to ascertain if there are any applicable bi-lateral treaties/ agreements which have been extended to Gibraltar.

Note: Reciprocity is not required in respect of money laundering and asset recovery investigations and proceedings, although it is expected from countries that are parties to relevant conventions.

Dual Criminality

Generally, Gibraltar only requires dual criminality for coercive measures such as search and seizure, productions orders and restraint and confiscation. A conduct-based approach is taken when considering whether there is dual criminality; as long as the conduct which forms of the basis of the criminal offence in the Requesting state, is also an offence in Gibraltar, this requirement would be satisfied.

Information and Contents of a Letter of Request

Requests that do not comply with the requirements set out herein, may be returned to the requesting authority and may not be exercised. Also see reasons for refusal set out below.

Language of a Request

All requests must be in English. If an English translation is not provided, is incomplete, or is not carried out to a high professional standard, the request will be sent back to the requesting authority.

Format of a Request

MLA Requests must always be made in writing. They can be sent electronically (e.g. in a 'pdf' format via email), but an original hardcopy may be requested.

The form of the Request is not prescribed but must include the following:

☑	**LOR Checklist**
☐	Be on letter-headed paper of the requesting authority
☐	The original request must be signed by the requesting authority
☐	For requests not made in English, the original language request must be accompanied by one certified English translation
☐	Urgency and/ or any relevant dates/ deadlines. Reasons for urgency should be specified, e.g. person in custody, trial dates, risk of dissipation of assets, etc
☐	Details of the requesting authority, including name, telephone number and email address of a contact person
☐	Legal basis of the request i.e. whether pursuant to a Treaty/Convention or on the basis of reciprocity

☐	Purpose for which assistance is sought, and whether a criminal investigation and/or prosecution is ongoing at the time of writing
☐	Details of the suspect(s)/defendant(s) (including legal persons) who are the subject of the request, including date of birth, nationality, addresses, etc
☐	Details of criminal offences under investigation, or which are the subject of the prosecution, including penalty
☐	A copy of the relevant legislation that criminalises the conduct that gives rise to the offence(s) under investigation, including the sentence and/or penalty provided
☐	A summary of facts giving rise to the request, which should include: - Details of the investigation/ proceedings - Details of any intelligence received - Details of suspects involvement and their criminal activity - Dates of the criminal conduct - link to Gibraltar
☐	Status of the persons named in the request; whether they are witnesses, suspects or victims
☐	Details of the connection between the evidence/ assistance sought and the offence under investigation or proceedings i.e. why is the evidence necessary
☐	Details of the assistance/ evidence sought and details from where it can be obtained. Any date ranges should reflect the criminal activity and must be justified
☐	If applicable, any pre-MLA enquiries with either any Gibraltar LEAs or GFIU, including contact details and references number, if available
☐	If applicable, the reference number of any previous/ linked requests
☐	If applicable, details of any media attention, sensitivities or reasons for high profile interest in the matter

A sample MLA Request is set out at Annex A.

Exceptionally, where permitted under an applicable Treaty or Convention, and in cases of urgency, an MLA Request may be made orally, provided that the requested authority has given prior agreement. In such instances, the oral request must be confirmed in writing without delay.

Refusal of MLA Requests

In practice, the Gibraltar accedes to the majority of MLA Requests it receives, operating on the presumption that assistance will be granted where all legal requirements for the requested assistance sought under Gibraltar law are satisfied. The Central Authority, however, retains a broad discretion in determining whether to grant a request, and each case is assessed on its individual merits. Should there be grounds for refusal, the Competent Authority will always clearly communicate the same to the requesting authority and engage in constructive dialogue. Where such grounds are capable of being remedied, the requesting authority is given the opportunity to remedy the same by amending, supplementing or reformulating their request to allow for execution. This could include providing additional information, clarifying the legal basis for the request/ providing a declaration of reciprocity, or narrowing its scope.

Possible grounds for refusal may include:

Gibraltar does not operate a de minimis policy. However, requests considered to be de minimis in nature, such as an offence where the financial loss or gain or damage of less than £1,000 or the alleged offence was committed more than 10 years ago (and there is no, or insufficient, explanation for the delay in investigation or prosecution), may be assigned a lower priority. This approach ensures that resources are allocated efficiently, particularly considering the volume and complexity of requests received. All requests are still assessed on a case-by-case basis, and where appropriate, the requesting authority may be invited to provide further justification or clarification to support prioritisation.

- The request or accompanying documents are not in English and are not accompanied by a certified English translation.
- The principle of dual criminality is not satisfied, particularly where coercive or intrusive measures are sought.
- The request is contrary to Gibraltar’s fundamental legal principles, or raises concerns regarding sovereignty, national security, public order, or essential interests.
- Execution would breach Gibraltar’s obligations under data protection or human rights legislation.
- The request relates to a political offence or appears to be politically motivated.
- The request is not made in accordance with Gibraltar law or the provisions of the applicable international convention.
- The requested action would not be permissible under Gibraltar law if the conduct were subject to a domestic criminal investigation or prosecution.
- The conduct underlying the request does not constitute a criminal offence under Gibraltar law.
- There are substantial grounds to believe the request is made to investigate, prosecute, or punish a person based on their race, sex, religion, nationality, ethnic origin, political opinions, or other discriminatory grounds, or that the person’s position may be prejudiced for any of these reasons.
- The request concerns a person who would be protected by the principle of double jeopardy, having already been acquitted or convicted of the same offence.
- Execution of the request would prejudice an ongoing investigation or prosecution in Gibraltar or endanger the safety of any individual.

5. Restraint

Under Gibraltar law (Proceeds of Crime Act 2015 (External Requests and Orders) Order 2019), relevant property (including the instrumentalities of crime), i.e. property which may be restrained, is property which is needed to satisfy an external order (for confiscation/forfeiture/restitution) which may be or has been made. An external order is an order made in relation to property found or believed to have been obtained as a result of criminal conduct. It is an order for the recovery of specified property, or a specified sum of money. Criminal conduct is conduct which would constitute an offence in Gibraltar if it occurred there, i.e. dual criminality is required.

Applications to the Supreme Court of Gibraltar for a restraint order may be made *ex parte* (without notice to the affected parties), but the Request must set out why it is necessary for the suspect (or others likely to be affected by the restraint) to be excluded from the hearing. As they are not given the opportunity to put their case to the Supreme Court, it is necessary to demonstrate that all relevant information (including any defence put forward by the suspect, and other information which may be detrimental to the restraint application) has been brought to the attention of the Supreme Court.

The Supreme Court may make a restraint order if the following conditions are satisfied:

a) a criminal investigation or criminal proceedings have been started (and not concluded) in the requesting jurisdiction;

b) relevant property in Gibraltar has been identified in the request; and

c) there are reasonable grounds to believe that the alleged offender or defendant named in the request has benefitted from their criminal conduct.

It is also necessary for the Request to show that there is a risk of dissipation if the assets are not restrained. The Request should state to what extent the suspect or defendant has (or is believed to have) benefitted from their criminal conduct so that the Supreme Court can be satisfied that the value of the asset to be restrained does not exceed that amount.

If granted, the restraint order must be served upon the alleged offender or defendant (or the person in whose name the asset is held) and upon the financial institution which holds the asset. Any person affected by the order may file an application for the order to be varied or discharged.

The restraint order must be discharged if:

- if proceedings for an offence are not commenced within a reasonable time;
- no external order is registered within a reasonable time; or
- no external order (i.e. confiscation order) is made.

Additional Requirements for Requests for Restraint

A Request for restraint, must include the elements set out above, as well as the following:

☑	**Restraint Checklist** **(in addition to the LOR Checklist above)**
☐	Dual criminality
☐	Details of the ongoing (not concluded) criminal investigation into an acquisitive crime or money laundering or proceedings in the requesting state (please note it is not necessary to have laid charges before a request can be made or to have a domestic freezing order)
☐	The material facts of the case, including any defence or explanation put forward by the defendant/alleged offender as to the ownership or location of assets
☐	Why there is reasonable cause to believe that the defendant/accused offender named in the request has benefited (by obtaining money or other property) from his criminal conduct (test is reasonable suspicion at the investigation stage)
☐	Why there are reasonable grounds to believe that the property may be needed to satisfy an external order which has been, or which may be made
☐	Why the order is necessary, including an explanation that will enable the court to consider whether there is a real risk that the identified property will be dissipated if no order is made
☐	The name, address, nationality, date and place of birth and present location of the suspect(s) or defendants whose criminal conduct has given rise to anticipated confiscation or forfeiture proceedings
☐	Details of the property to be restrained in Gibraltar, the persons holding it and the link between the suspect and the property (this is important if the property to be restrained is held in the name of a third party such as a company or another person)
☐	Whether prior assistance in the case (including asset tracing assistance) has been provided and, if so, details of the Gibraltar authorities involved, and details of the assistance already received. If assistance has not previously been sought or provided this should be clearly stated
☐	Where applicable, details of any court orders already made in the requesting state against the suspect in respect of his or her property and a duly authenticated copy of that order certified by a person in his or her capacity as a judge, magistrate or officer of the relevant court of the requesting state, or by an official of the requesting authority. If no court orders have been made, this should be clearly stated (please note it is not necessary to have a domestic order to request freezing in Gibraltar)
☐	If possible, brief details of all known property held by the suspect outside Gibraltar.
☐	State clearly that property in Gibraltar must be restrained because there are insufficient property/assets elsewhere. If there are property/assets located elsewhere but these cannot be frozen, this must be clearly stated by the requesting authority
☐	State clearly whether or not you object to the Gibraltar courts allowing the defendant access to restrained funds for use as living and legal expenses and that you are content for the Gibraltar courts to assess what is a reasonable amount

6. Confiscation

Gibraltar also has legislation which enables it to confiscate assets upon receipt of a Request. In order to give effect to an external order, first, an application to the Supreme Court is made to register the external order. Thereafter, once notice of the registration has been given to the alleged offender/defendant (or the person in whose name the assets are held), a further application for enforcement of the external order is made.

The Supreme Court must be satisfied that all of the following conditions are satisfied in order to effect to an external order:

a) The external order was made on the conviction of the person named in the order and no appeal is outstanding in respect of the conviction

b) The external order is in force and no appeal is outstanding in respect of it; and

c) Giving effect to the external order would not be incompatible with any of the Convention (Human Rights) rights of any person affected by it.

Additional Requirements for Requests for Confiscation

A detailed Request, together with certified copies of the relevant court orders from the requesting jurisdiction are required. The Request must also include or confirm the following:

☑	**Confiscation Checklist** **(in addition to the LOR Checklist above)**
☐	Dual criminality
☐	Person named in the order is convicted and no appeal is outstanding in respect of that conviction
☐	The order is in force and is not subject to appeal
☐	All or a certain amount of the sum payable under the order remains unpaid in the territory of the requesting state or that other property recoverable under the order remains unrecovered there
☐	The order has the purpose of recovering property, or the value of property received in connection with the commission of crime (for example the court order needs to have made a finding in relation to the property being, or representing, the proceeds of crime)
☐	The order made can be enforced outside the jurisdiction of the requesting state
☐	The original or duly authenticated copy of the order must be provided with the request
☐	The material facts of the case, including any defence or explanation put forward by the defendant/alleged offender, any facts that have come to light after the initial freezing order was made (if one has been made)
☐	The name, address, nationality, date and place of birth and present location of the person whose criminal conduct has given rise to the confiscation or forfeiture proceedings
☐	Details of the property to be confiscated in Gibraltar, the persons holding it and the link between the suspect and the property (this is important if the property to be confiscated is held in the name of a third party such as a company or another person).
☐	Whether prior assistance in the case (including asset tracing assistance) has been provided and, if so, details of the Gibraltar authorities involved and details of the

	assistance already received. If assistance has not previously been sought or provided this should be clearly stated
☐	Details of all court orders already made in the requesting state against the suspect in respect of his or her property and a duly authenticated copy of that order certified by a person in his or her capacity as a judge, magistrate, or officer of the relevant court of the requesting state, or by an official of the requesting authority. If no previous court orders for freezing property have been made, this should be clearly stated

7. Requests for Civil Recovery: Non-Conviction-based Recovery

Gibraltar is also able to assist in freezing and recovering assets in non-conviction proceedings (civil recovery).

Where criminal proceedings have not been instituted in the requesting jurisdiction (for example, where the alleged offender/ defendant is a fugitive or has died) but an order for non-conviction-based confiscation has been made, the Supreme Court of Gibraltar may enforce that external order by means of civil recovery (non-conviction based confiscation).

A civil recovery order can only be made where the Supreme Court finds that the property specified in the external order is recoverable property. Property is recoverable, if it was obtained as a result of, or in connection with criminal conduct (or can be directly traced back to such).

The Request must therefore clearly identify the property in Gibraltar and show a link between the said property and the criminal conduct.

Whilst it is not necessary to have and send a domestic order when seeking a freezing of assets, it is essential when seeking a final recovery.

A Request for non-conviction-based recovery, must also include or confirm the following:

☑	**Non-conviction-based Checklist** **(in addition to the LOR Checklist above)**
☐	A criminal investigation or conviction is not required but the criminal conduct underlying the recovery of property must have constituted an offence in Gibraltar or would constitute an offence in Gibraltar if it occurred here
☐	Request must identify “relevant property” in Gibraltar
☐	Order which has been made or may be made relates to property found or believed to have been obtained as a result of or in connection with criminal conduct
☐	For final recoveries, the order is in force and is not subject to appeal
☐	The sum payable (or part thereof) under the final order remains unpaid in the territory of the requesting state or that other property recoverable under the order remains unrecovered there
☐	Why is it “just and equitable” to make the order in Gibraltar having regard to the interests of any person who may have obtained the property in good faith
☐	The final order made can be enforced outside the jurisdiction of the requesting state
☐	The original or duly authenticated copy of the final confiscation order must be provided with the request for confiscation (no order is necessary for freezing)

☐	The material facts of the case including how the property is linked to the conduct, the property that is the subject of the case and any explanation as to how the property has been obtained that may have been given by any individuals in the investigation
☐	Why the order is necessary
☐	The name, address, nationality, date and place of birth and present location of any individuals
☐	Details of the property to be confiscated in Gibraltar, the persons holding it and the link between the suspect and the property (this is important if the property to be frozen is held in the name of a third party such as a company or another person)
☐	Whether prior assistance in the case (including asset tracing assistance) has been provided and, if so, provide reference numbers and details of the assistance already received. If assistance has not previously been sought or provided this should be clearly stated
☐	Where applicable, details of any court orders already made in the requesting state and a duly authenticated copy of that order certified by a person in his or her capacity as a judge, magistrate or officer of the relevant court of the requesting state, or by an official of the requesting authority. If no court orders have been made, this should be clearly stated

8. Asset Sharing

Gibraltar is willing to enter into ad hoc asset sharing agreements with requesting jurisdictions on a case by case basis.

9. Joint Investigation Teams

A Joint Investigation Team (JIT) is a formal agreement between two or more countries to collaborate on a specific criminal investigation for a defined purpose and time period, with the objective of facilitating prosecutions in one or more jurisdictions.

JITs offer a practical alternative to traditional MLA mechanisms by enabling direct cooperation and information exchange between participating authorities without the need for formal letters of request. Key advantages of establishing a JIT include:

- Coordinated Investigations: Enables parallel investigations to proceed in a harmonised manner, including agreement on the jurisdiction for prosecution, coordinated operational actions (e.g., Joint Action Days), and efficient sharing of intelligence and evidence.
- Operational Efficiency: Circumvents the delays often associated with MLA processes, allowing for real-time exchange of information. This approach is more resource-efficient and cost-effective.
- Financial Support: Where at least one EU Member State is involved, Eurojust provides funding to support JIT activities, including costs related to travel, translation, and equipment.
- Global Participation: Any country may participate in a JIT, provided the necessary legal framework is in place to support such cooperation.

Gibraltar can form and take part in a Joint Investigation Team (JIT). The Joint Investigation Team Regulations 2014 with applies to “any international agreement which has been extended to or which applies to Gibraltar”. Therefore, a JIT can be set up under the following (examples):

- Article 19 of the United Nations Convention against Transnational Organised Crime
- Article 9 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
- Article 49 of the United Nations Convention against Corruption

10. Feedback

Feedback on our MLA processes is both welcome and encouraged, as it plays a vital role in enhancing the efficiency, responsiveness, and legal robustness of Gibraltar’s international cooperation framework. Constructive input from requesting authorities helps identify areas for procedural improvement, ensures alignment with evolving international standards, and supports the continuous development of best practices. Gibraltar remains committed to maintaining a high standard of judicial cooperation and values dialogue that contributes to the refinement of its MLA mechanisms and procedures.

Feedback on assistance provided can be submitted electronically and the link to do so is routinely sent out upon execution of requests.

Annexes

Annex A – Sample Letter of Request for assistance

For illustrative purposes only and will need to be adapted for your needs. The writing in *grey italics*, serves as a brief indicator of the information that should be included and should be deleted once you insert before submission.

The Competent Authority in Gibraltar
Government Law Offices
Office of Criminal Prosecutions & Litigation
6th Floor NatWest House
57/63 Line Wall Road
Gibraltar

Date

Dear Sirs

LETTER OF REQUEST – [*Insert Operation Name*]– [*Insert Suspect/Defendant Name(s)*]

[*Set out the name of the authority (including the domestic power for that authority to issue a request) and the person making the request*]

Legal Basis of the Request

The Request is made pursuant to [*insert relevant Treaty/Convention e.g. The European Convention on Mutual Assistance in Criminal Matters of the 20 April 1959 was ratified by the United Kingdom on the 29 August 1991 and was extended to Gibraltar and came into force on the 27 October 2019*]

and/ or

This request upon the basis of reciprocity.

(*Delete as applicable*)

Purpose of Request

This Request relates to a criminal investigation/ criminal prosecution into offences of [*insert offences*] against [*insert suspect/ defendant name(s)*], and any subsequent criminal prosecution in Gibraltar and any other related ancillary proceedings, including confiscation and restraint proceedings.

Suspect/ Defendant Details

Full Name [*insert if known*]

DOB [*insert if known*]
Nationality [*insert if known*]
Address [*insert if known*]
Passport No. [*insert if known*]

Urgency

[*Indicate the urgency of the matter. If urgent, set out the reasons why the request is urgent, e.g. a person is in custody, imminent trial dates/ deadlines, risk of dissipation of assets*]

Offences

[*Set out offences, e.g. fraud contrary to section 415 of the Crimes Act 2011*]

(1)
(2)
(3)

A copy of the legislation [*This should include the relevant section(s) that details the offence and the criminal conduct under investigation, including the penalties associated with the offence(s)*] is at **Annex B**.

Background

[Set out a comprehensive summary of the case under investigation/proceedings]

Link to Gibraltar

[*Set out the NEXUS clearly – show the connection between the evidence requested and the offence(s) under investigation or proceedings i.e. why the evidence is necessary*]

Assistance Required

[*Insert full details of the assistance sought*]
[*Explain how the assistance sought will assist in the criminal investigation or prosecution of the offences specified*]

Unless it is otherwise indicated, it will be assumed that consent is also given for any evidence obtained as a result of this request to be used in support of any other criminal charges arising out of this investigation, particularly in relation to the subject mentioned in this request.

Any evidence or other information obtained pursuant to this request, will not, without the consent of the appropriate authority in Gibraltar be used for, any purpose other than the investigation and criminal proceedings described in this letter, including any related restraint, confiscation and enforcement proceedings and any ancillary proceedings related thereto, and will be returned to the appropriate authority in Gibraltar when it is no longer required for these purposes unless you indicate that the evidence need not be returned.

Formalities

[*Set out any formalities that you may require, e.g. form of witness statements, etc*]

Declarations

Contacts

The details of Issuing Authority are as follows:

Name: [*insert*]
Address: [*insert*]
Email: [*insert*]
Telephone: [*insert*]

The investigating officer is:

Name: [*insert*]
Address: [*insert*]
Email: [*insert*]
Telephone: [*insert*]

When are the documents required

The evidence is required [*insert any relevant deadlines by which the evidence is required*].

Reciprocity

I can confirm that the assistance requested above may be obtained under the current law of [*country*] if in a like case, a request for such assistance were made by the authorities in [*country*] to the authorities in Gibraltar.

I extend my gratitude for such cooperation and assistance as may be extended to the bearer of this Letter of Request.

Yours faithfully

[*Name of the person making the request and Authority*]