

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

শনিবার, সেপ্টেম্বর ২৯, ২০১২

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

Ministry of Law, Justice and Parliamentary Affairs
Legislative and Parliamentary Affairs Division

NOTIFICATION

Dated the, 09 July, 2012

S. R. O. No. 255-Law/2012.—In exercise of the powers conferred by section 40 of the Mutual Legal Assistance in Criminal Matters Act, 2012, the Government is pleased to publish the following English translation of the Act to be called the Authentic English Text of the Act, and it shall be effective from the date on which the Act comes into force under sub-section (2) of section 1 of the Act :

Mutual Legal Assistance in Criminal Matters Act, 2012

Act No. 4 of 2012

[20 February, 2012/8 Falgun, 1418]

An Act to provide for mutual Legal Assistance in Criminal Matters

Whereas it is expedient and necessary to make provisions for giving or receiving inter-states assistance in enquiry, prosecution and judicial proceedings in relation to criminal matters including the matters for freezing and seizing of the proceeds of crime or terrorist property;

(১৮১৩২৫)
মূল্য : টাকা ২০.০০

Therefore it is hereby enacted as follows :—

Chapter-1

Preliminary

1. Short title and commencement.—(1) This Act may be called the Mutual Legal Assistance in Criminal Matters Act, 2012.

(2) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (1) “**criminal matters**” means enquiry, investigation, judicial or other proceeding in respect of the offences falling under the laws of Bangladesh and the requesting State and includes the following matters, namely :—
 - (a) to determine whether any property is proceeds of crime or instrumentalities of crime or terrorist property or is involved in money laundering;
 - (b) a possible confiscation order, whether or not based on and criminal charge;
 - (c) the freezing or seizure of proceeds of crime or instrumentalities of crime or terrorist property.
- (2) “**competent authority**” means any organization which is asked for by the Central Authority on request of a foreign State for assistance under this Act to take steps and is authorized and able for affording such assistance;
- (3) “**agreement**” means any treaty, convention or other international contracts in which Bangladesh is a party and there contains one or more provisions regarding mutual assistance in criminal matters;
- (4) “**Central Authority**” means the authority determined in accordance with section 3 of this Act;
- (5) “**computer data**” means representation of any facts, information or concepts in a form suitable for processing in a computer system and also includes a programme suitable for any function;
- (6) “**computer system**” means one or more interconnected devices which make any programme or automatically process or record data;

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- (7) “**subscriber information**” means any information contained in the form of data or any other form that is held by a service provider for the services of subscriber; but shall not include such traffic or content data by which the following matters can be established, namely :—
- (a) the type of communication services used, the technical provisions relating thereto and the period of service;
 - (b) the subscribers identity, postal or other address, telephone and other access number; billing and payment information as well as any other information on the site of the installation of the communication equipments which is disclosed by or from the service.
- (8) “**traffic data**” means any computer data relating to a communication by means of a computer system that is generated by a computer system and forms a part in the chain of communication indicating the origin, destination, route, time, date, size, duration or type of communication;
- (9) “**freezing of seizure**” means temporarily prohibiting the transfer, conversion, disposition or movement of any property or temporarily assuming custody or control of the property on the basis of an order issued by a court or other competent authority and shall also include a restraining order;
- (10) “**Code of Criminal Procedure**” means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (11) “**assistance**” means enquiry, prosecution, confiscation and judicial and other criminal proceedings;
- (12) “**terrorist property**” means any property which is, partly or on the whole, used or derived from by using directly or indirectly in terrorist activities and any property of any person, organization or entity identified as terrorist by Bangladesh or any foreign State;
- (13) “**service provider**” means—
- (a) any government or non-government person or organization that provides any user with the ability to communicate by means of a computer system; and
 - (b) any other person, entity or organization that processes or stores computer data on behalf of such service or the users of such service.

Chapter-2

Central Authority

3. Central Authority.—(1) For the purposes of this Act, the Government shall, by notification in the official Gazette, determine the Central Authority.

(2) The central authority may vest in all or any of its powers to any government officer.

4. Power and duties of the Central Authority.—The Central Authority shall have the following duties, namely:—

- (a) to receive requests for assistance from any foreign State and to send it to a competent authority for taking action;
- (b) to receive requests made by Bangladesh for assistance from any foreign State and upon the request, to make a request to the foreign State for giving the assistance;
- (c) to consider and determine whether any assistance shall be given or received;
- (d) to follow up the activities of the concerned competent authority in giving assistance and assist to conclude the activities of the requesting State through disposition thereof;
- (e) to exercise the authority and power of a coordinator in the case of giving or receiving assistance to or from a foreign State under this Act;
- (f) to determine terms and conditions and make procedural provisions with a view to responding the requests for assistance for the purposes of this Act; and
- (g) to take necessary measures for the implementation of the requested assistance under this Act.

5. Advisory Board.—There shall be an Advisory Board to assist the competent authority by giving opinion in any case where there is possibility of involving the question of sovereignty and national security, important public interest, international relation or military offences in the matter of receiving assistance from any foreign State or giving assistance to any foreign State, and the Advisory Board shall consist of the following members, namely :—

- (a) one representative not below the rank of Additional Attorney General nominated by the Attorney General, who shall also be the Chairman of the Advisory Board;

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- (b) one representative not below the rank of a Joint Secretary nominated by the Ministry of Home Affairs;
 - (c) one representative not below the rank of a Joint Secretary nominated by the Ministry of Defence;
 - (d) one representative not below the rank of the Director General nominated by the Ministry of Foreign Affairs;
 - (e) one representative not below the rank of Joint Secretary nominated by the Legislative and Parliamentary Affairs Division;
 - (f) one representative not below the rank of a Joint Secretary nominated by the Finance Division;
 - (g) one representative not below the rank of a Joint Secretary nominated by the Bank and Financial Institution Division;
 - (h) the Solicitor, Ministry of Law, Justice and Parliamentary Affairs;
 - (i) one representative not below the rank of a Joint Secretary nominated by the Division of Armed Forces;
 - (j) one member nominated by the Central Authority, who shall perform the duties of the Member-Secretary of the Advisory Board; and
 - (k) one representative having experience in the relevant matter nominated by the Government.

6. Procedures of the Advisory Board.—(1) If the Central Authority requests, the meetings of the Advisory Board shall be convened by the Member-Secretary of the Advisory Board with consent of the Chairman of the Advisory Board at such places and times as may be determined by him.

(2) The Central Authority shall provide the secretarial assistance to the Advisory Board.

(3) Subject to the other provisions of this section, the Advisory Board may determine its procedures.

(4) The Advisory Board shall determine its tenure unanimously, unless it is determined by the Central Authority.

(5) The first meeting of the Advisory Board may be convened by the Central Authority.

7. Finality of decision.—In case of receiving or giving assistance under this Act, the decision of the Central Authority shall be deemed to be final :

Provided that, if the Central Authority does not agree with the opinion of the Advisory Board, the matter shall be referred to the Minister in charge of the Ministry of Law, Justice and Parliamentary Affairs and in this regard his decision shall be final.

Chapter-3
Giving Assistance and Requests for Assistance
Part-1
General Provisions

8. Scope of assistance.—(1) Whether there is any agreement between Bangladesh and any other foreign State regarding mutual assistance in criminal matters or not, if any request is made by a foreign State for assistance in any enquiry, investigation and in any judicial or other proceedings in respect of committing any offence and if the offence is punishable under the laws of that country, the best mutual assistance about the matter shall be given :

Provided that, in the request letter, it shall be certified that if such assistance is asked for by Bangladesh to the requesting State, the State shall also reciprocally give such assistance.

(2) Notwithstanding anything contained in Sub-section (1), if there is no agreement between the requesting State and Bangladesh regarding the mutual assistance in criminal matters, or otherwise provided in the agreement, if there is any, the offence for which assistance is asked for shall be required to be punishable under the existing laws of Bangladesh.

(3) In case of mutual assistance under this Act, the following matters shall be included, namely :—

- (a) searching or identifying any person;
- (b) taking testimony or statements of any person;
- (c) issuing the process of any foreign court;
- (d) providing original or certified copies of documents, records and information regarding the relevant matter in which the banking, financial, corporate or commercial records shall also be included;

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- (e) ensuring the availability of the arrested or any other person for giving assistance in any investigation or taking testimony;
 - (f) enquiry and confiscation or arrest; and
 - (g) any kinds of assistance not inconsistent with this Act which the concerned States are mutually agreed upon to provide with.

(4) In case of mutual assistance under this Act, the following matters shall not be included, namely :—

- (a) detaining or keeping detained any person for the purpose of extradition;
- (b) transferring any person kept in custody for giving punishment;
- (c) transferring any subject matter under trial in a court of Bangladesh; and
- (d) on offence committed under military Law, but not an offence under ordinary criminal law.

(5) In the case of request for assistance from any International Tribunal, the provisions of this Act may also be applied.

9. To send and receive requests for assistance.—(1) The countries having agreements with Bangladesh may make a request to the Central Authority for assistance following the Rules of Business of the Government.

(2) The countries having no agreement with Bangladesh regarding assistance shall submit its request to the Central Authority through diplomatic channel.

(3) A request for any kind of assistance shall be submitted in accordance with such form, provisions or procedures as may be prescribed by the Central Authority.

(4) If any request for assistance is received from any foreign State, the Central Authority shall consider whether the request is sent by following the proper procedure and necessary documents are affixed along with the request that is, whether the request for assistance is fit for giving assistance, and if the request seems to be fit for giving assistance, the Central Authority shall send it to the competent authority for taking next measures.

10. To refuse for suspend request for assistance.—(1) If the request for assistance is not fit for giving assistance, it may be refused, and the matter regarding the refusal shall, with reasons thereof, be informed to the requesting State.

(2) If the request may, subject to meeting up any specific condition, be executed, a request may be made to the requesting State to meet up such condition and the execution may be suspended until such condition is met up.

(3) If it appears to the Central Authority that, the execution of any specific request may affect any enquiry, investigation, prosecution or criminal proceedings which are under consideration in Bangladesh, the request for assistance may be suspended or stipulated and the requesting State shall be informed of the matter.

(4) If the subject matter of assistance is of such a nature that the trial has been concluded under the existing laws of Bangladesh, a request for such assistance may be refused.

(5) If there is any apprehension of affectively impeditment the sovereignty of Bangladesh, national security, important public interest and public order, international relationship or any other interest in execution of the request for assistance, the request may be refused.

(6) If the subject matter of the execution of the request for assistance is repugnant to the existing laws of Bangladesh, it may be refused.

(7) In respect of the execution of the request for seizure, freezing or arrest, forfeiture, it may be refused if such seizure, freezing or arrest or forfeiture is not enforceable under the existing laws of Bangladesh.

(8) If there is any reasonable ground to believe that the request for assistance is made for in consideration of the religion, race, sex, nationality or political back-ground of the concerned person or for the purpose of prejudicing the social status of the person, the request for assistance may be refused.

(9) In case of any Military offence, the request for assistance may be refused.

11. Execution of the request.—(1) The Government may, by notification in the official Gazette, determine the competent authority and until such authority is determined, the Central Authority may determine the competent authority for the execution of the request for assistance.

(2) If the request relates to recording of any statement of a person, documents, material and evidence collected from outside the court, service of document or process, search, seizure of any document or material and identification of any person the matters may be referred to the Inspector General of Police and in this regard, he shall be deemed to be the competent authority.

(3) Any request received for any evidence taken and any confiscation or seizure order passed by the court shall be submitted to the relevant public prosecutor and in this regard, he shall be deemed to be the competent authority.

(4) If any request for assistance is received from the Central Authority, the relevant competent Authority shall execute the request promptly and submit a report to it along with every document and material regarding such execution.

(5) If any request for assistance is such a nature that it is not possible to execute, the Central Authority shall be informed of the matter without delay.

(6) If the competent Authority reports about the result of any request after its execution, the Central Authority shall submit it with all relevant documents and materials to the proper authority of the requesting State.

12. Assistance under other laws.—If any request is made by a foreign State for such assistance which is not mentioned specifically in this chapter but there are provisions regarding this in existing laws relating to criminal matters in Bangladesh, then assistance for such requested matter may be given in accordance with the existing laws of Bangladesh.

13. Not to disclose any secrecy.—Unless empowered by any law, no person being on official duty or holding any position shall disclose any body any requested matter which is confidential in nature in the case of acceptance or rejection of such request.

Part-2

Procedure regarding Specific Forms of Assistance

14. Production of statements and testimony.—(1) Where a request is made by a foreign State for recording a statement or taking testimony of a person with a view to conducting investigation, the competent authority shall appoint an investigating officer in the concerned matter and issue direction to execute it.

(2) The investigating officer directed under sub-section (1) shall have the power to record the statement and to take the testimony of the person in accordance with the provisions of the Code of Criminal Procedure and, if necessary, any search and seize any document or thing in this behalf.

(3) The investigating officer shall, concluding his work, submit it to the competent authority with a report.

(4) If there is no agreement between the requesting State and Bangladesh or there is no provision in respect of attesting documents in the agreement and if any document is required to be attested, the competent authority may direct the custodian of the document to attest the document in accordance with rules and regulations or shall act in accordance with the procedure or provision determined by the Central Authority.

15. Taking of testimony by the court of Bangladesh.—(1) Notwithstanding anything contained in any other law, where a testimony or statement is asked for from a witness, or as the case may be, an expert or defendant under section 14, the court or any competent authority of Bangladesh may permit—

- (a) the person to whom the investigation, prosecution or judicial proceeding relates or the person's legal representative; or
- (b) the legal representative of the foreign State;

to participate in the judicial proceeding and question the witness.

(2) In the case of taking testimony in any court of Bangladesh for the execution of a request for assistance made by a foreign country, the Central Authority shall give direction to the public prosecutor to take measures for the execution thereof.

(3) If the public prosecutor empowered under sub-section (2) applies to the concerned court, the court shall take steps to take testimony in accordance with the Code of Criminal Procedure.

(4) For the purpose of sending the testimony taken under sub-section (3) to the Central Authority directly, a copy of the testimony shall be given to the public prosecutor.

(5) the public prosecutor shall, without any delay, send the copy received by him to the Central Authority.

16. Special provisions relating to taking testimony or statement.—(1) Where a testimony or statement of a witness is asked for under section 15, the court may permit the person for whom the investigation or judicial proceeding is made or taken or his legal representative or any legal representative of a foreign State to question the witness at the time of his taking testimony or statement.

(2) The person mentioned in the order issued under section 15 shall be entitled to be paid the same expenses as a witness would be entitled to if required to attend in the judicial proceedings in Bangladesh.

(3) The person ordered for giving testimony may refuse to answer any question or to produce any other evidentiary material for the following reasons, namely :—

- (a) on the basis of a law for the time being in force in Bangladesh, unless this Act provides otherwise;
- (b) by virtue of any privilege recognized by a law in force in the requesting State; and
- (c) on the reason that answering of any specific question or production of any evidence or documents would constitute a crime under any existing law of the requesting State.

(4) If the answering of a question by a person in accordance with sub-section (3) (c) may result in a breach of law of the requesting state or affect the privilege recognized in the requesting State in accordance with sub-section (3)(b), the court or any other competent authority or the investigating officer may permit the refusal on a temporary basis and writing a note of it continue with the examination.

(5) If the competent authority of the requesting State requests the Central Authority of Bangladesh to resume the proceedings by determining the objections for answering any question in accordance with sub-section (3) to be unfounded, the concerned witness may be required to answer the question.

17. Identification of any person, entity or material.—If any foreign State has reason to believe that any person, entity or thing may be located in Bangladesh and it requires to be determined for the inquiry, prosecution or any other criminal proceeding, the competent authority shall proceed on to identify the person, entity or thing and inform the Central Authority about the result.

18. Use of video conferencing technology.—(1) The court or any other competent authority may issue an order that the testimony or statement, the identification of a person or thing or any other from of assistance may be provided by use of video or audio transmission technology.

(2) By the order issued under sub-section (1) the person or the chief of the entity may be directed for the following matters, namely :—

- (a) to attend at such time and place as may be determined by the court or any other competent authority for giving a statement, testimony or otherwise providing assistance by video conference, and to remain in attendance until discharged of;
- (b) to answer any question raised by the authority of the foreign State, or any person authorized by the authority in accordance with the existing law of the concerned foreign State.

(3) The Central Authority may determine the procedure of taking testimony under this section by use of video conference technology.

(4) Notwithstanding anything contained in section 35, the costs of establishing a video or telephone link shall be borne by the requesting State, unless otherwise provided in the agreement.

19. Search and seizure.—(1) Where a request is made by a foreign State for search and seizure to be carried out in Bangladesh, the court may issue a search warrant if satisfied that there are reasonable grounds to believe that the evidence relevant to the investigation, prosecution or judicial proceeding may be found in Bangladesh.

(2) In issuing the search warrant in accordance with sub-section (1), the court of Bangladesh may impose conditions on its execution and may permit for the presence and participation of officers of the foreign State in the search.

(3) The person who conducts search and seizure shall affix a certificate regarding the activities performed by him with the service report.

20. Transfer of a person detained in Bangladesh.—(1) Where a foreign State requests to transfer a person detained in Bangladesh for examining him as a witness by it in its territory, the Central Authority may give necessary direction to the competent authority in this regard to take necessary steps for transferring the person in accordance with procedure prescribed by rules if it considers that such transfer is necessary and the person consents to it.

(2) The time spent in the custody of the foreign State by the person transferred under sub-section (1) shall be counted as part of the time detaining in Bangladesh.

(3) The following conditions shall be applicable in transferring a person to a foreign State in accordance with sub-section (1), namely :—

- (a) the person shall not be detained, prosecuted or punished or subjected to any other restriction of personal liberty or subjected to any civil proceeding in respect of any act or omission that occurred before the person's departure from Bangladesh;
- (b) the person shall not be required to assist in any investigation or proceeding other than that to which the request relates without his consent or the consent of Bangladesh;
- (c) the person shall be returned to Bangladesh in accordance with the arrangement made or initiated by the Central Authority of Bangladesh.

21. Custody of a person in transit.—(1) Where a person is transferred in custody from a foreign State (transferring State) to another foreign State (receiving State) through Bangladesh for the purposes of identification, giving evidence or otherwise providing assistance, the Central Authority of Bangladesh may approve the transportation of the person through Bangladesh and the holding of that person in custody by the authority of the transferring State.

(2) Where an unscheduled transit occurs in Bangladesh, the competent authority of Bangladesh may, at the request of the escorting officer, hold the person in custody for the required time.

Part-3

Request for Freezing Seizure and Confiscation

22. Order for freezing or seizure.—Where a request is made by a foreign State for freezing or seizure of property as proceeds of crime or instrumentalities of crime or terrorist property, the Central Authority may, if satisfied that there is sufficient reason of obtaining such an order under the laws of Bangladesh, direct the competent authority to make an application to a court for issuing order for freezing or seizure.

23. Enforcement of the Judgment of a foreign Court.—(1) If any order for confiscation which seems to be final is passed by a court of a foreign State and if it is also confiscable under the laws of Bangladesh, the Central Authority may, in consultation with the Advisory Board, give necessary direction to the competent authority to take measures for executing the judgment of the Court of the foreign State.

(2) If the court of the foreign State issued an order for attachment before judgment or the attachment order is at the final stage or at the stage of concluding an appeal, an application may be made for attachment before judgment if it is attachable or confiscable under the laws of Bangladesh.

(3) The Court or any competent authority may dishonor the freezing or seizure or confiscation order if the court is satisfied that—

- (a) a foreign freezing or seizure order has ceased to have effect; or
- (b) a foreign confiscation order has been executed or has ceased to have effect.

24. Rights of third parties.—(1) Prior to any execution action in respect of any freezing or seizure or confiscation order, notices with copies of such order, shall be given to all third persons or the head or any entity appearing to have an interest in the concerned property and, in appropriate cases, it may be published in newspapers or electronic media.

(2) Any third person or head of any entity having an interest in the property against which an order shall be executed, may, within 30 (thirty) days of receiving the notice, make an application for excluding his interest in the property from execution of the order.

(3) The time limit for making an application under sub-section (2) may be extended by order of the court or other competent authority.

(4) The provision relating to the rights of the third party in the existing laws of Bangladesh regarding the proceeds of crime, terrorist financing, etc. shall, mutatis mutandis apply for disposing any application made under sub-section (2).

(5) If any person or head of any entity receives any notice of the confiscation proceeding of the foreign State, he shall not make any application under sub-section (2).

(6) Nothing in this section shall prejudice the power of the court or a competent authority to pass necessary order in the interest of justice.

25. Disposition of the proceeds of crime.—Upon request of a foreign State, if the whole or any part of the proceeds or instrumentalities of crime is confiscated, it shall, subject to the final decision of the court of requesting State, be disposed of by the order passed by a court of Bangladesh having jurisdiction.

Part-4

Delivering the Documents or Information of the Government Office

26. Delivering of the document or information of the Government office.—(1) If any foreign State request to deliver the documents or information preserved in any Government office of Bangladesh, the Central Authority shall deliver it to the concerned office.

(2) The relevant office shall on the request received in accordance with sub-section(1), deliver the documents or information to the Central Authority.

(3) If the documents or information required under sub-section (1) is such a nature that may not be published, and if the concerned organization thinks that the publication of such documents or information is impossible or inexpedient or is reasonable to publish subject to specific conditions, the reason for not delivering it or the conditions shall be informed to the Central Authority without any delay.

(4) If there is any agreement in respect of the assistance between the requesting State and Bangladesh and unless otherwise provided in the agreement, the custodian of the relevant documents shall attest it in the manner or provision determined by the Central Authority.

27. To initiate criminal proceedings.—If a foreign State, though able to initiate criminal proceedings, requests Bangladesh to initiate such proceedings and the Central Authority considers that, it is under the Jurisdiction of the court of Bangladesh and upon such request it is justified to initiate criminal proceeding, the Central Authority may direct the competent authority to take steps in accordance with the criminal procedure and to inform it about the actions taken thereof.

Part-5

Assistance relating to Computer System and Computer Data

28. Store computer data.—If any foreign State requests for providing information relating to computer data and traffic data and if the matters relating thereto exist in Bangladesh, the Central Authority may issue order to any person or organization for storing such data and rendering security thereof.

29. Production of stored computer data.—Upon request of a foreign State, the court of other competent authority may issue an order to produce the following matters, namely :—

- (a) Specific computer data in the possession or control of a person which is stored in a computer system or a computer data storage medium; and
- (b) subscriber information in the possession or control of a service provider, where such data or information is relevant to the criminal proceeding of the requesting State.

30. Search and seizure of computer data.—(1) Upon request of a foreign State, the court or any other competent authority may issue a search warrant or any other order authorizing a person designated by it to search or otherwise access any computer system or part thereof as well as any computer storage medium in which computer data may be stored.

(2) For the purpose of sub-section (1), the person to whom the search warrant and other order is issued shall have power, where necessary, to :

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- (a) seize or otherwise secure a computer system or part thereof or a computer data storage medium;
 - (b) make a copy of such computer data;
 - (c) maintain the integrity of the relevant stored computer data; and
 - (d) render inaccessible or remove those computer data in the accessed computer system.

Chapter-4

Requests for Assistance by Bangladesh

31. Requests for assistance by Bangladesh.—(1) Any request for assistance from any foreign state by the relevant organization of Bangladesh shall be made to the Central Authority.

(2) Such requests shall be made following the prescribed procedure or provision and conditions determined by the Central Authority properly and along with all necessary papers.

(3) If the Central Authority considers the request for assistance fit to be made, it shall send the request for assistance to the competent authority of the relevant state.

32. Special provision relating to transferred persons in custody.—(1) Where a person in custody in a foreign State is brought to Bangladesh pursuant to a request for assistance under this Act, that person shall—

- (a) be permitted to enter and remain in Bangladesh for the purposes of the request;
- (b) be required to leave Bangladesh when no longer required for those purposes;
- (c) be deemed to be in lawful custody if he is kept longer than the required time for the purposes of the request.

(2) The Central Authority shall make necessary arrangements for the transfer of a person in custody in the foreign State to Bangladesh, including arrangements to keep the person in custody and to return the person to the requested State when that person's presence is no longer required pursuant to the request.

(3) Any person who escapes from custody while in Bangladesh pursuant to a request made under this section may be arrested under this section without warrant for bringing him back to the safe custody.

33. Safe conduct for the person remaining in Bangladesh pursuant to a request for assistance.—(1) A person whose presence in Bangladesh has been sought pursuant to a request for assistance under this Act, and to whom the Central Authority has granted safe conduct under this section, shall not—

- (a) be detained, prosecuted or punished or subjected to any other restriction of personal liberty or subjected to any civil proceeding in respect of any act or omission that occurred prior to that person's departure from the foreign State pursuant to the request;
- (b) be required, without his consent and the consent of the foreign State, to assist in an investigation or proceeding other than the investigation or proceeding to which the request relates.

(2) Any safe conduct provided in accordance with sub-section (1) shall cease to apply when the person has had the opportunity to leave Bangladesh and has not done so within a period of 15 (fifteen) days from the date on which he has been informed that his presence is no longer required for the purpose of the request, or when the person has returned to Bangladesh

34. Limitation on use of evidence obtained pursuant to a request for assistance.—If any evidentiary material is sent to Bangladesh for assistance under this Act, it shall not be used for any purpose other than the following, namely;—

- (a) for the criminal investigation and proceedings;
- (b) for prevention of any imminent threat to the public security;
- (c) for any civil, judicial or administrative proceeding directly related to investigation or proceedings mentioned in sub-clause (a);
- (d) for any other purposes, if the information or evidence has been made public within the framework of relevant proceedings or mentioned in sub-clause (a), (b) and (c); and
- (e) for any other purposes, with the prior approval of the informant foreign State.

Chapter-5

Miscellaneous

35. **Costs.**—If there is any agreement between Bangladesh and the requesting State and unless provided different treatment therein or otherwise agreed, the execution of a request for assistance in Bangladesh shall be conducted without charge to the foreign State, except for.

- (a) costs incurred by the attendance of experts in the territory of Bangladesh; or
- (b) costs incurred by the transfer of a person from Bangladesh to the custody of a foreign State and bringing back the person from the requesting State; or
- (c) costs incurred by establishing a video or telephone link, the remuneration given to the interpreters and allowances to the witnesses; or
- (d) any costs of substantial or extraordinary nature.

36. **Admissibility as evidence.**—All the evidences, documents and information taken under this Act shall legally be admissible in a court as evidence.

37. **Language of the request.**—(1) In the case of taking assistance from a foreign State, all requests for assistance shall be made in English and if the attached documents and other papers are not in English, the copies thereof translated into English shall be sent.

(2) The requests sent from foreign States may be made either in English or in Bangla and the attached documents and other papers shall, if required, be sent by translating them in Bangla.

(3) If in Bangladesh any evidence is taken in Bangla and the documents or other papers collected are in Bangla, the attached copies of their English translation may be sent on the request of the requesting State.

38. **Power to make rules.**—For the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

39. Power of the Government to remove difficulty.—If any difficulty arises in giving effect to the provisions of this Act because of ambiguity of any provision of this Act, the Government may, by notification in the official Gazette, give directions about the measures to be taken with the clarification or explanation of the provision, keeping consistency with the other provisions of this Act.

40. Publication of English Text.—After the commencement of this Act, the Government shall, by notification in the official Gazette, Publish an Authentic English Text of this Act:

Provided that, in the event of conflict between the Bangla and the English Text, the Bangla Text shall prevail.

41. Repeal.—The Mutual legal Assistance in Criminal Matters Ordinance, 2012 (Ordinance No. 1 of 2012) is hereby repealed.

By order of the President

Mohammad Shahidul Haque
Secretary.