ANNEX B

CHECKLIST FOR FOREIGN CONFISCATION REQUESTS

Use this form with your formal request for mutual legal assistance under the Mutual Assistance in Criminal Matters Act, 2022.

HOW TO USE: Click the boxes in this PDF. Select ONE category (A, B or C), complete only that category, and attach the documents indicated, including the relevant certificate where relied upon.

1. Request details and type of assistance

Requesting State:		**Authority / reference:**	
Date of request:		**Case / confiscation reference:**	

Stage of proceedings — select ONE:

☐ A — Proceedings have not yet been instituted (anticipated).

☐ B — Proceedings have been instituted but are not concluded.

☐ C — A confiscation order has already been made.

Assistance sought — select as applicable:

☐ Preservation / restraint of property pending proceedings.

☐ Giving effect to an existing confiscation order.

☐ Other (specify in the request).

☐ The property is identified and grounds are provided for believing it is in Seychelles.

2 Supporting documents — complete ONLY the applicable category

CATEGORY A | Proceedings not yet instituted

☐ The request states when proceedings are expected to be instituted.

☐ CERTIFICATE: a certificate is enclosed (relied on for statutory proof under Seychelles law).

Certificate: issued by or on behalf of the requesting State and authenticated by a Judge, Magistrate or officer of the court. It should confirm (i) proceedings will be instituted at a future date and (ii) the property remains unrecovered.

CATEGORY B | Proceedings instituted, not concluded

☐ CERTIFICATE: a certificate is enclosed (relied on for statutory proof under Seychelles law).

Certificate: issued by or on behalf of the requesting State and authenticated by a Judge, Magistrate or officer of the court. It should confirm (i) proceedings have been instituted but are not concluded and (ii) the property remains unrecovered.

CATEGORY C | Confiscation order already made

Required order — attach ONE of the following:

☐ Original confiscation order or judgment bearing the court seal and signature of the Judge, Magistrate or court officer.

☐ Duly authenticated (certified true) copy of the confiscation order, authenticated by a Judge, Magistrate or court officer.

The request also confirms:

☐ The order is final, remains in force and is not subject to "appeal" as defined by the Act.

☐ No proceedings to set aside, oppose, obtain a new trial or stay the order are pending.

☐ The affected person attended the proceedings OR received sufficient notice and opportunity to participate or challenge them.

Supporting certificate:

☐ CERTIFICATE: a duly authenticated certificate is enclosed (relied on for statutory proof under Seychelles law).

Certificate should confirm: (i) the order is in force and not subject to appeal; (ii) appearance or sufficient notice to the affected person; (iii) the order concerns assets received or realised in connection with an offence; and (iv) an amount remains unpaid or the property remains unrecovered.

3. Asset-sharing arrangements- Requesting State to select ONE:

☐ Yes — the requesting State confirms its willingness, in principle, to enter into an asset-sharing agreement with the Republic of Seychelles in relation to assets confiscated or recovered through the assistance provided in this matter.

☐ No — the requesting State does not presently indicate willingness to enter into an asset-sharing agreement.

☐ To be discussed — the requesting State's position is not yet confirmed.

NB: Any asset-sharing agreement is subject to applicable law and separately agreed terms. This indication does not itself constitute an agreement and is not a condition for providing mutual legal assistance.

4. Final submission check

☐ The formal MLA request contains the general information required by the Act and Guidelines.

☐ Supporting documents for the selected category have been enclosed.

☐ Any urgency and relevant deadlines are explained (if applicable).

☐ The request is sent through diplomatic channels, or a supplementary request is submitted in accordance with the Central Authority's directions.

Important notes

- Order and certificate are distinct documents. For Category C, an original or duly authenticated copy of the confiscation order must accompany the request. Where a certificate is relied upon as proof of relevant matters, use the certificate appropriate to the stage of proceedings.
- "Appeal" includes proceedings to discharge or set aside the order, applications for a new trial, opposition to the order and applications for a stay of execution. Confirm whether any such proceedings are pending.
- This checklist is a practical aid. It does not replace the Act or impose additional statutory requirements.