

# Chile - Mutual Legal Assistance on Criminal Matters

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# LEGAL FRAMEWORK FOR MLA REQUESTS

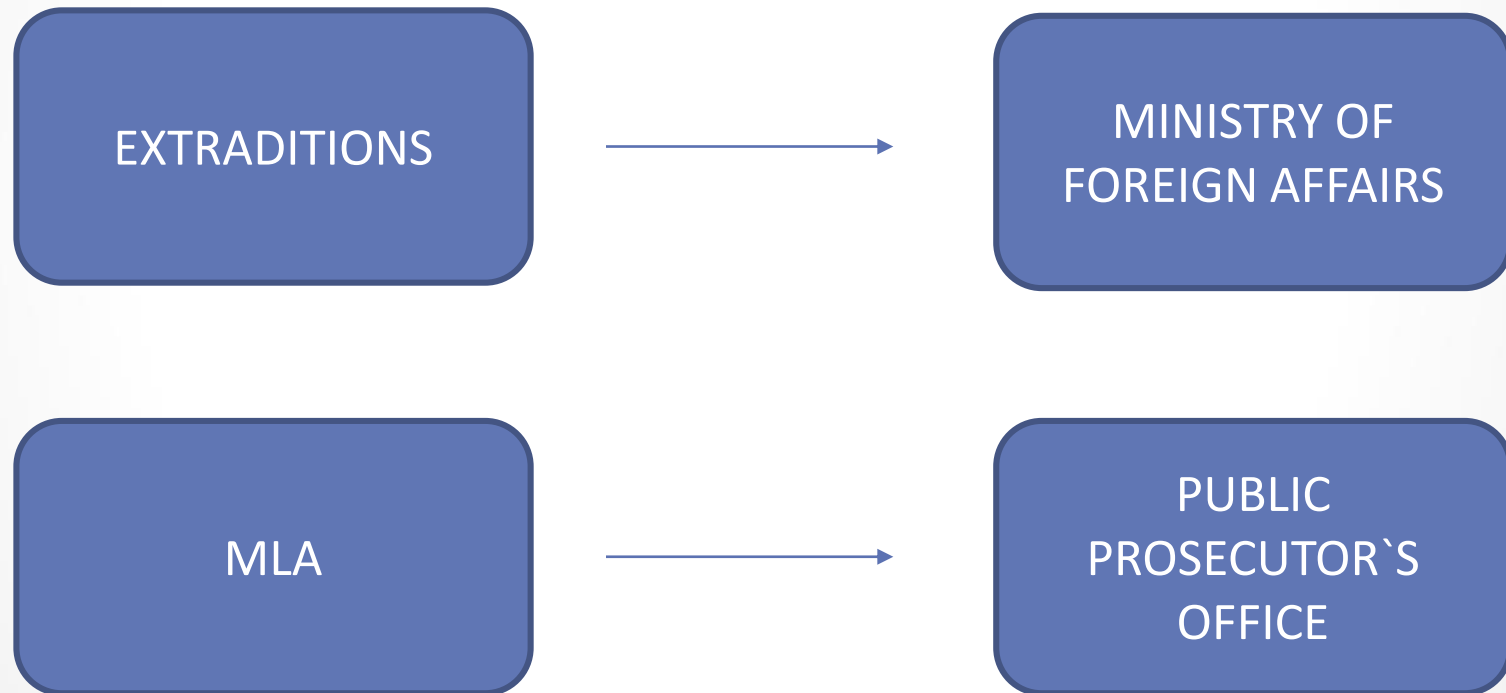
- **MULTILATERAL CONVENTIONS**
  - EUROPEAN CONVENTION OF 1959 AND ADDITIONAL PROTOCOLS
  - UNCAC
  - THE INTERAMERICAN CONVENTION OF MLA IN CRIMINAL MATTERS (NASSAU)
  - UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS
- **RECIPROCITY**
- **BILATERAL TREATIES:**
  - SPAIN - 14.04.1992
  - ITALY - 27.02.2000

# LEGAL FRAMEWORK FOR MLA REQUESTS

## NATIONAL LAW:

- ART. 20 BIS - CRIMINAL PROCESS CODE (CRIMINAL PROCEDURE REFORM)
  - Requests for legal assistance from the relevant authorities of a foreign country will be carried out by the Public Prosecutor's Office, which will sought the Guarantee Judge's authorisation when necessary according to Chilean law.
  - ART.9: Guarantee Judge's authorization is always required when inquiries could affect (deprive, restrict or disturb) the rights of the accused or of a third party.
- ART. 76 CIVIL PROCEDURE CODE (CASES PRIOR TO THE CRIMINAL PROCEDURE REFORM)

## CENTRAL AUTHORITIES



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PUBLIC  
PROSECUTOR'S  
OFFICE OF CHILE



INTERNATIONAL  
COOPERATION AND  
EXTRADITION UNIT  
(UCIEX)

CONTACT

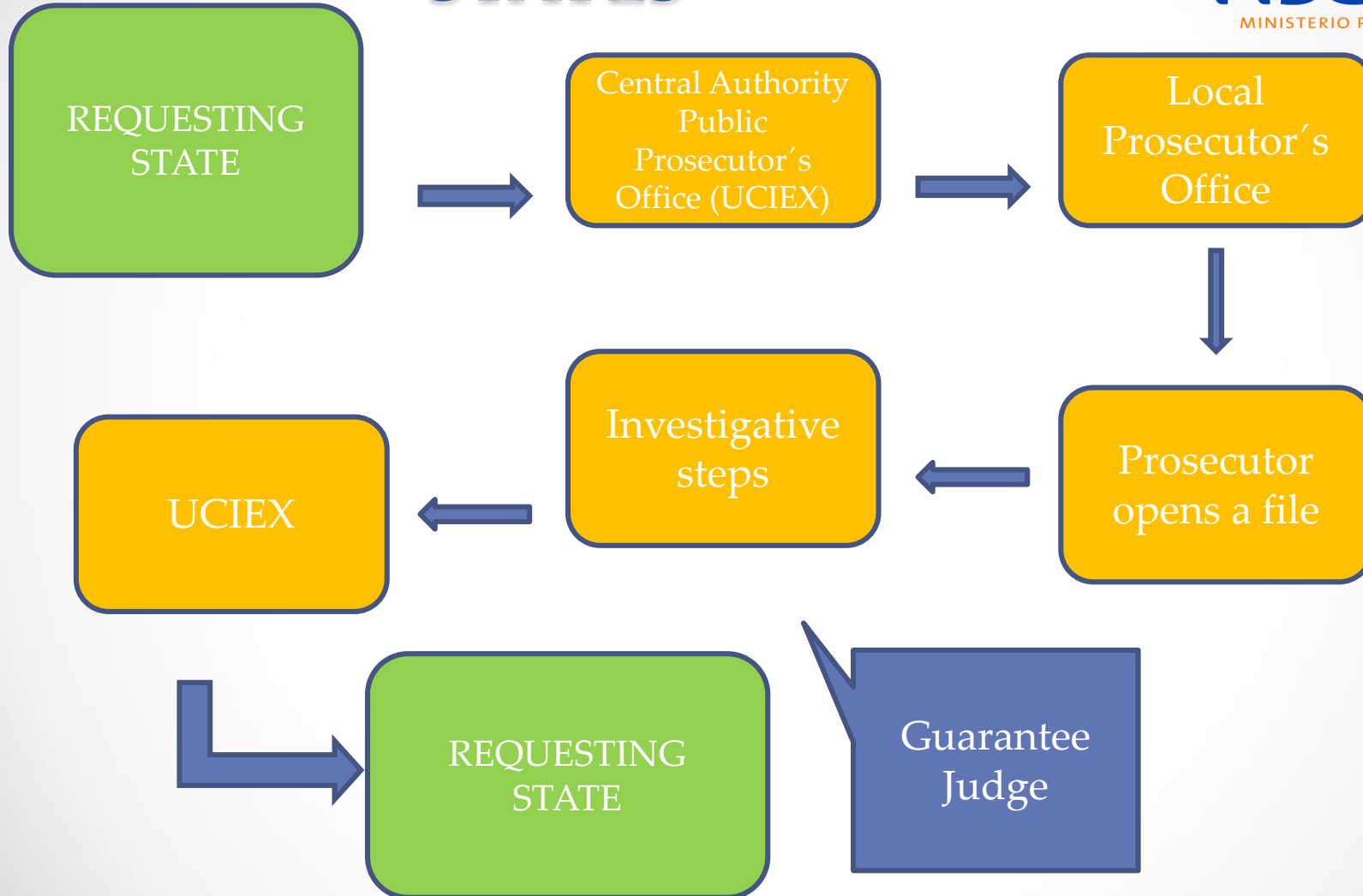


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# MLA FLOW CHART- REQUESTING



## STATES



## **INCOMING MLA**

- **HONDURAS MLA: to search, seize and confiscate assets located in Chile.**
- **In particular, several apartments were confiscated**
- **Extradition request**
- **MLA in order to request the returning the confiscated proceeds of crime or property**
- **OTP opened and investigation for money laundering**

## **INCOMING MLA**

- **Article 469 Procedural Criminal Code: The disposal of confiscated proceeds of crime or property will be earmarked to the Administrative Corporation of the Judicial Branch.**



## **INCOMING MLA**

- **OTP requested to the Judge according to article 14 of the Organize Crime Convention, the disposal of the proceed of crime to the authorities of Honduras.**
- **The judge granted the returning of the confiscated proceeds of crime to Honduras based on the Convention**

## OUTCOMING MLA

MLA Chile to  
Switzerland

To freeze, seize and  
confiscate a bank  
account

Chilean convicted for  
fraud, tax and fiscal  
offenses

Bilateral agreement.  
Equal shares (fifty/fifty)

Swiss Confederation  
transferred US\$310.000  
to the OTP, to give  
compensation to the  
victims

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