

CHILE – national procedures for mutual legal assistance in criminal matters

Updated 15/06/2018

The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance:</p>	<p>Unidad de Cooperación Internacional y Extradiciones - UCIEX, de la Fiscalía Nacional del Ministerio Público (International Cooperation and Extraditions Unit, National Public Prosecutor's Office)</p> <p>Address: Catedral N° 1437, 9° piso Santiago, Chile. DP: 8340302 Telephone: +56 2 2965 9576 +56 2 2965 9595 Fax: +56 2 2965 9596 E-mail: uciex@minpublico.cl</p> <p>Contact persons: Name: Antonio Segovia Position: Director of UCIEX E-mail: asegoviaa@minpublico.cl</p> <p>Name: Alvaro Hernández Position: Deputy Director UCIEX E-mail: ahernandez@minpublico.cl</p>
<p>If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	<p><u>For transmitting extracts and information on court files and for requests for copies of convictions and measures:</u></p> <p>Ministerio de Justicia (Ministry of Justice) Address: Morandé N°107, Santiago, Chile. Telephone: +56 2 2674 3291 Fax: ---</p> <p>Contact person(s): Name: Marta Canto Castro Position: Head of the Unit for International Cooperation Telephone: +56 2 2674 3291 E-mail: mcanto@minjusticia.cl</p> <p>Name: Fernando Gyi Toloza Position: Deputy Head of the Unit for International Cooperation Telephone: +56 2 2674 3224 E-mail: fgyi@minjusticia.cl</p>

Channels of communication for the request for mutual legal assistance (directly, through diplomatic channels or other):	<p>Requests for MLA should to be sent directly to the Chilean Central Authority or to the authorities above-mentioned, in copy to the Chilean Central Authority.</p> <p>Notwithstanding this, urgent requests may be forwarded, in advance, to the Chilean Central Authority by e-mail, fax or any other safe electronic means of communication that might be available.</p>
Means of communication (eg. by post, fax, e-mail ¹):	<p>Post and e-mail, preferably.</p> <p>Electronic transmission of requests and replies is recommended, where possible.</p> <p>Encryption or electronic signature is not required in regular communications.</p>
Language requirements:	<p>According to a declaration made under art.16, par.2, of the Convention, MLA requests should always be translated into Spanish, while the translation of annexes may be required only when deemed necessary.</p>
Double criminality requirement, if applicable:	<p>Only required when coercive or precautionary measures are requested, such as confiscation, seizure and searches, including house searches.</p>
Limitation of use of evidence obtained:	<p>Chile made a declaration under art. 26, par. 5, of the 2nd Protocol to the Convention, submitting the handling and lapse of the requesting party's information to our domestic laws.</p>
Other particularly relevant information (e.g. documentation required for special types of assistance):	<ul style="list-style-type: none"> • Videoconference: Art. 10 of the 2nd Protocol to the Convention, doesn't apply to the deposition of the accused or suspect. • Requests for Search and Seizure: Only if consistent

¹ Please indicate if encryption or electronic signature is required.

	<p>with Chilean law.</p> <ul style="list-style-type: none"> • Temporary transfer of detained persons: Only with consent of the concerned person. • Requests for summons: Must be received, at least, 50 days in advance to the date of appearance before Court. • Joint investigation teams: Chile reserved the right to accept such requests. • Service by post and cross-border observations: None of which are permitted, according to the reservation made under art. 33 of the Convention. • Covert investigations and controlled deliveries: May be accepted only on cases in which the Chilean law allows them (For example, Law N°20.000, on Illegal Drug Trafficking)
<p>Links to national legislation, national guides on procedure:</p>	<ul style="list-style-type: none"> • Criminal Procedure Code (Criminal Procedure Legal Reform): http://bcn.cl/li18v • Criminal Proceedings Code (Former System): http://bcn.cl/li10o • Criminal Code: http://bcn.cl/1jh5t • Law N°19.913, on Assets Laundering: http://bcn.cl/329p • Law N°20.000, on Illegal Drug Trafficking: http://bcn.cl/o1k • Law N°20.393, on the Criminal Liability of Legal Persons in Crimes of Asset Laundering, Financing of Terrorism and Bribery: http://bcn.cl/p70
<p>Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests</p>	<p>See second box.</p>