

State Party¹

**National Procedures for Mutual Assistance in Criminal Matters
MLA**

Updated 07/12/2020

<p>The Central Authority responsible for MLA</p>	<p>Unidad de Cooperación Internacional y Extradiciones - UCIEX, de la Fiscalía Nacional del Ministerio Público (International Cooperation and Extradition Unit, Office of the National Public Prosecutor)</p> <p>Catedral N° 1437, 9° piso Santiago, Chile. DP: 8340302 Tel: +56 2 2965 9576 +56 2 2965 9595 E-mail: uciex@minpublico.cl</p> <p><u>Contact persons:</u> 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>
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<p>If different from the Central Authority, the authority to which the request should be sent:</p>	<ul style="list-style-type: none">• <u>For transmitting extracts and information on court files and for requests for copies of convictions and measures:</u> <p>Ministerio de Justicia y Derechos Humanos (Ministry of Justice and Human Rights)</p> <p>Morandé N°107, Santiago, Chile.</p> <p>Tel: +56 2 2674 3291 Fax: ---</p> <p><u>Contact person(s):</u> Name: Cristián Jara Brito Position: Head of the International Cooperation Unit Tel: + 56 2 2674 3210 E-mail: cjara@minjusticia.cl</p> <p>Name: Fernando Gyi Toloza Position: Deputy Head of the Unit for International Cooperation Tel: +56 2 2674 3224 E-mail: fgyi@minjusticia.cl</p>
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¹ Please indicate your state.

<p>Channels of communication for the request of MLA:</p> <p>(through diplomatic channels or other):</p> <p>In case of urgency (Art 15.2) direct transmission (link to contact details of competent authorities) or other</p>	<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. Diplomatic channel is not needed.</p> <p>Notwithstanding this, urgent requests may be forwarded, in advance, to the Chilean Central Authority by e-mail or any other safe electronic means of communication that might be available.</p> <p>In general, the Chilean Central Authority encourages the use of electronic means for the formal transmission of MLA requests. In order to implement this, a simple agreement with the Foreign Central Authority suffices for this purpose.</p>
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<p>Means of communication (eg. by post, fax, e-mail²):</p>	<p>E-mail, preferably and post, as well.</p> <p>Encryption or electronic signature is not required in regular communications.</p>
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<p>Language requirements:</p>	<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>
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<p>Double criminality requirement, if applicable:</p>	<p>Only required when coercive or precautionary measures are requested, such as confiscation, seizure and searches, including house searches</p>
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<p>Limitation of use of evidence obtained:</p>	<p>By declaration made under art. 26, par. 5, of the 2nd Protocol to the Convention, the handling and lapse of the requesting party's information is submitted to Chilean domestic law.</p>
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<p>Other relevant information: (e.g. documentation required for special types of assistance)</p>	<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 with Chilean law. • 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.
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² Please indicate if encryption or electronic signature is required.

	<ul style="list-style-type: none"> • 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 in cases in which the Chilean law allows them (For example, Law N°20.000, on Illegal Drug Trafficking)
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Links to national legislation, national guides on procedure:	<ul style="list-style-type: none"> • Criminal Procedure Code (Criminal Procedure Legal Reform): http://bcn.cl/1i18v • Criminal Proceedings Code (Former System): http://bcn.cl/1il0o • 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
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Parties to the Second Additional Protocol: Channels of communication for <u>direct transmission requests</u> (Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests)	
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