

**No. 54311\***

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**Switzerland  
and  
Chile**

**Treaty on mutual legal assistance in criminal matters between the Swiss Confederation and the Republic of Chile. Santiago, 24 November 2006**

**Entry into force:** *23 August 2016, in accordance with article 38*

**Authentic texts:** *English, German and Spanish*

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**Suisse  
et  
Chili**

**Traité d'entraide judiciaire en matière pénale entre la Confédération suisse et la République du Chili. Santiago, 24 novembre 2006**

**Entrée en vigueur :** *23 août 2016, conformément à l'article 38*

**Textes authentiques :** *anglais, allemand et espagnol*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Suisse, 28 février 2017*

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**TREATY**

**ON**

**MUTUAL LEGAL ASSISTANCE**

**IN CRIMINAL MATTERS**

**BETWEEN**

**THE SWISS CONFEDERATION**

**AND THE**

**REPUBLIC OF CHILE**

The Swiss Confederation

And

The Republic of Chile

Hereinafter referred to as the Contracting States

Desiring to improve the effectiveness of co-operation between the Contracting States in the investigation, prosecution and punishment of crime by making provision for mutual legal assistance in criminal matters

Have agreed as follows:

## **CHAPTER I - GENERAL PROVISIONS**

### **ARTICLE 1**

#### **OBLIGATION TO PROVIDE MUTUAL LEGAL ASSISTANCE**

1. The Contracting States undertake to provide each other, in accordance with the provisions of this Treaty, the widest measure of mutual legal assistance in any investigations or proceedings in respect of offences the punishment of which falls within the jurisdiction of the judicial authorities of the Requesting State.
2. For the purposes of requesting legal assistance, competent authorities may be, in the case of the Republic of Chile, its judicial or prosecutorial authorities, as stated in the national law.
3. Assistance shall include the following measures taken to advance criminal proceedings in the Requesting State:
  - a) taking testimony or other statements;
  - b) transmitting objects, documents, records and evidence;
  - c) handing over of objects and assets for the purpose of forfeiture or return;
  - d) exchanging information;
  - e) searching of persons and of property
  - f) tracing, seizing and confiscating proceeds of crime;
  - g) serving documents;
  - h) transferring detained persons with a view to interrogation or confrontation;
  - i) inviting witnesses and experts to appear and provide testimony in the Requesting State;
  - j) any other assistance consistent with the objects of this Treaty mutually acceptable to the Contracting States.

## **ARTICLE 2 EXCLUSION**

This Treaty shall not apply to the following cases:

- a) arrest or detention of a person prosecuted or convicted of an offence with a view to extradition;
- b) execution of penal judgements.

## **ARTICLE 3 GROUNDS FOR REFUSING OR POSTPONING ASSISTANCE**

1. Mutual legal assistance in criminal matters may be refused if:
  - a) the request concerns an offence which the Requested State considers a political offence or an offence connected with a political offence;
  - b) the request concerns an offence under military law which is not an offence under ordinary criminal law;
  - c) the request concerns a fiscal offence; however, the Requested State may grant a request if the object of the investigation or the proceeding is a duty or tax fraud;
  - d) the Requested State considers that the execution of the request is likely to prejudice the sovereignty, security, public order or other essential interests of its country as determined by its competent authority;
  - e) the request concerns facts on the basis of which the prosecuted person has been finally acquitted or convicted in the Requested State for an essentially similar offence, provided the penalty possibly imposed is currently being carried out or has already been carried out;
  - f) there are substantial grounds for believing that the request for assistance will result in a person being prejudiced on account of his race, religion, ethnic origin, sex or political opinions;
  - g) there are substantial grounds for believing that the criminal proceeding against the prosecuted person is not in conformity with the guarantees contained in international instruments for the protection of human rights, including the International Covenant on Civil and Political Rights of 16 December, 1966;