



OECD International Academy for Tax  
Crime Investigation



*Recupero de Activos: Aseguramiento y Decomiso de  
Activos*



# Mutual Legal Assistance Treaties (MLAT) The Fundamentals

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ARGENTINA

# Mutual Legal Assistance Treaties



# Overview: Methods

1. Formal sources:
  1. Diplomatic norms
2. Informal sources
  1. Police – Police
  2. Prosecutor's Office - Prosecutor's Office
  3. FIU – FIU

# Overview: Sources

1. Bilateral Co-operation Agreements (MLATs)
2. Multilateral Co-operation Agreements
3. Courtesy and international reciprocity



# Example: Argentinian MLATs

(<http://www.cooperacion-penal.gov.ar/tratados-internacionales>)

- ▶ Australia
- ▶ Canada
- ▶ China
- ▶ Colombia
- ▶ El Salvador
- ▶ France
- ▶ Italy
- ▶ Mexico
- ▶ Peru
- ▶ Portugal
- ▶ Russia
- ▶ South Africa
- ▶ South Korea
- ▶ Spain
- ▶ Switzerland
- ▶ Tunisia
- ▶ United Kingdom
- ▶ United States



# Example: Argentinian Multilateral Agreements

(<http://www.cooperacion-penal.gov.ar/tratados-internacionales>)

- ▶ Agreement on Mutual Legal Assistance in Criminal Matters between MERCOSUR, Bolivia and Chile
- ▶ Vienna Convention on Drug Trafficking
- ▶ UN Convention against Organised Crime
- ▶ UN Convention against Corruption
- ▶ Inter-American Convention against Corruption
- ▶ Inter-American Convention on Mutual Assistance in Criminal Matters
- ▶ Convention against Transnational Bribery
- ▶ MERCOSUR MLAT Protocols

# INFORMACION GENERAL DEL TRATADO: A-55

PAISES SIGNATARIOS	FIRMA	RATIFICACION/ADHESION	DEPOSITO	INFORMACION*
Antigua y Barbuda	-	07/14/2004	01/05/2005 RA	-
Argentina	06/06/2004	10/09/2006	12/12/2006 AD	Si
Bahamas	04/26/2001	04/22/2009	04/30/2009 RA	Si
Barbados	-	-	-	-
Belize	-	-	-	-
Bolivia	-	11/28/2006	12/14/2006 AD	-
Brasil	01/07/1994	10/10/2007	11/12/2007 RA	-
Canada	06/03/1996	05/29/1996	06/03/1996 RA	-
Chile	04/24/1997	06/05/2003	04/28/2004 RA	Si
Colombia	-	12/04/2002	01/13/2003 RA	Si
Costa Rica	03/08/2002	-	-	-
Dominica	-	09/14/2004	10/20/2004 AD	-
Ecuador	10/15/1992	12/26/2001	03/08/2002 RA	Si
El Salvador	07/02/2002	04/21/2004	07/16/2004 RA	Si
Estados Unidos	01/10/1995	01/05/2001	05/25/2001 RA	Si
Grenada	03/10/1993	11/29/2001	01/16/2002 RA	-
Guatemala	12/19/2002	01/24/2003	05/05/2003 RA	Si
Guyana	02/28/2006	04/07/2008	06/09/2008 RA	Si
Haití	-	-	-	-
Honduras	-	09/25/2006	11/10/2006 AD	-
Jamaica	-	07/14/2004	08/12/2004 AD	Si
México	06/05/2001	01/07/2003	02/11/2003 RA	Si
Nicaragua	03/04/1993	09/24/2002	11/25/2002 RA	Si
Panamá	11/13/2000	10/28/2001	01/29/2002 RA	Si
Paraguay	06/02/1998	07/30/2004	10/22/2004 RA	Si
Perú	10/28/1994	04/03/1995	04/26/1995 RA	Si
República Dominicana	-	-	-	-
San Kitts y Nevis	-	-	-	-
Santa Lucía	-	-	-	-
St. Vicente & Grenadines	-	-	-	-
Suriname	05/16/1995	02/28/2008	03/31/2008 RA	-
Trinidad & Tobago	-	06/01/2004	06/08/2004 RA	-
Uruguay	01/22/1993	-	-	-
Venezuela	08/27/1992	03/11/1995	03/14/1996 RA	Si





## Example: Argentina - International courtesy and reciprocity

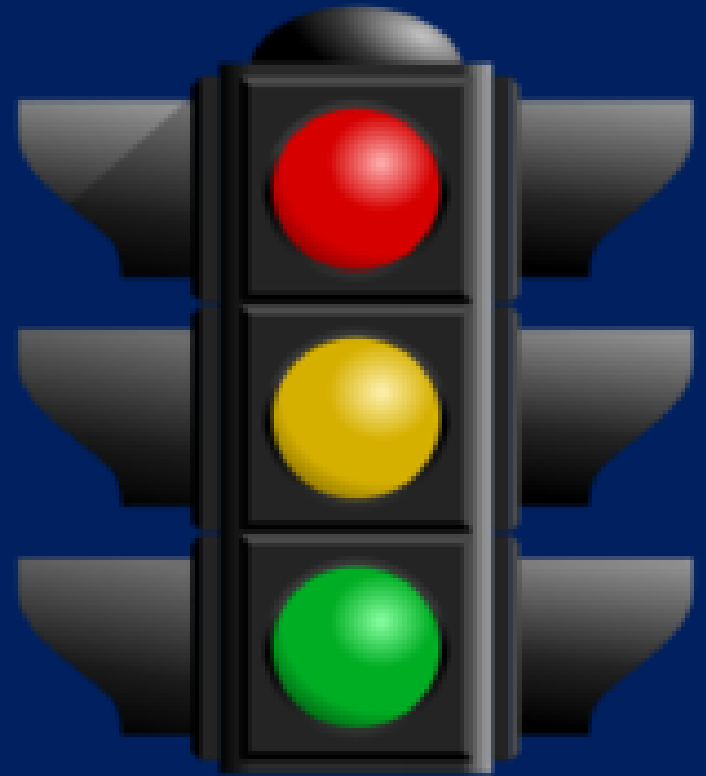
### ► INTERNATIONAL COOPERATION LAW ON CRIMINAL COOPERATION Law 24.767

#### ► Principles:

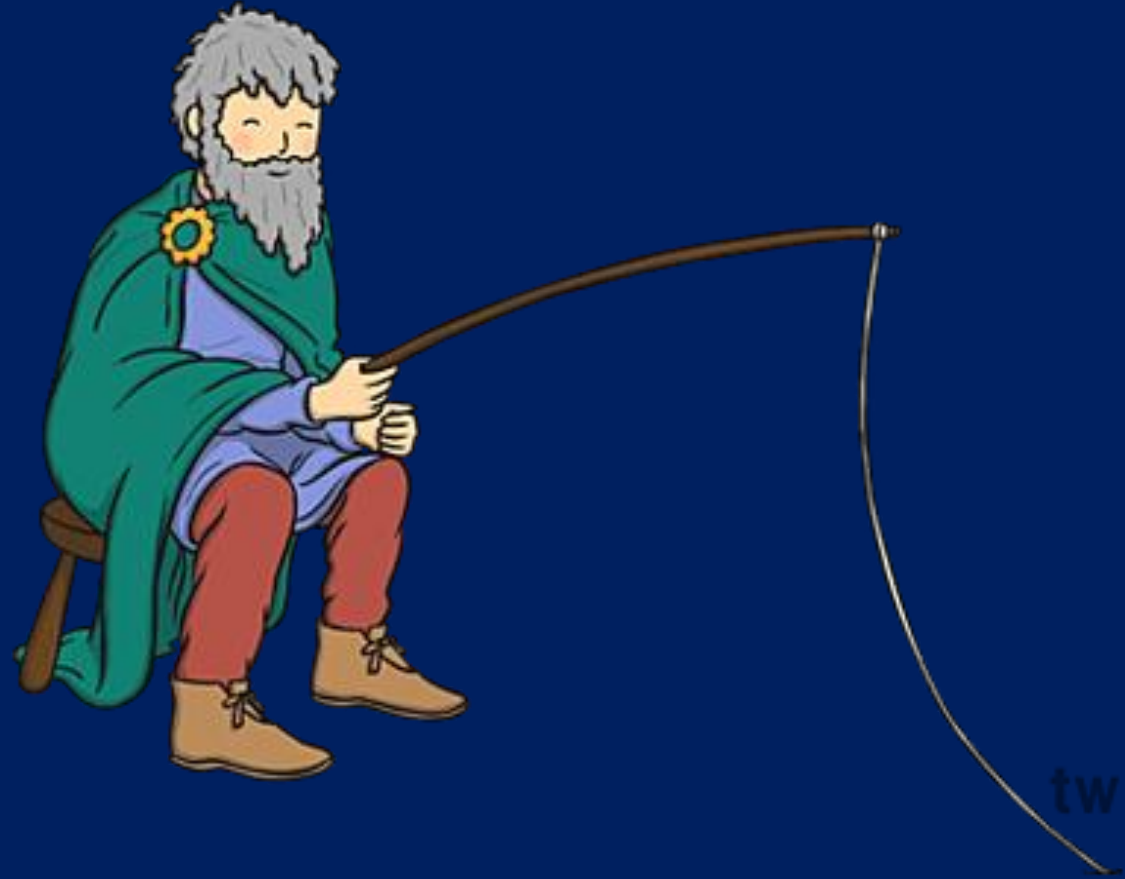
- Broad and prompt cooperation: Art.. 1: *“The Argentine Republic shall render to any State that so requires the broadest assistance in connection with the investigation, prosecution and punishment of offences falling within the jurisdiction of that State. The authorities involved shall act with the utmost diligence to ensure that the procedure is carried out promptly in such a way as not to detract from the assistance.”*
- Subsidiarity
- Reciprocity



# Criteria governing MLATs



# “Fishing trips” and coercive measures

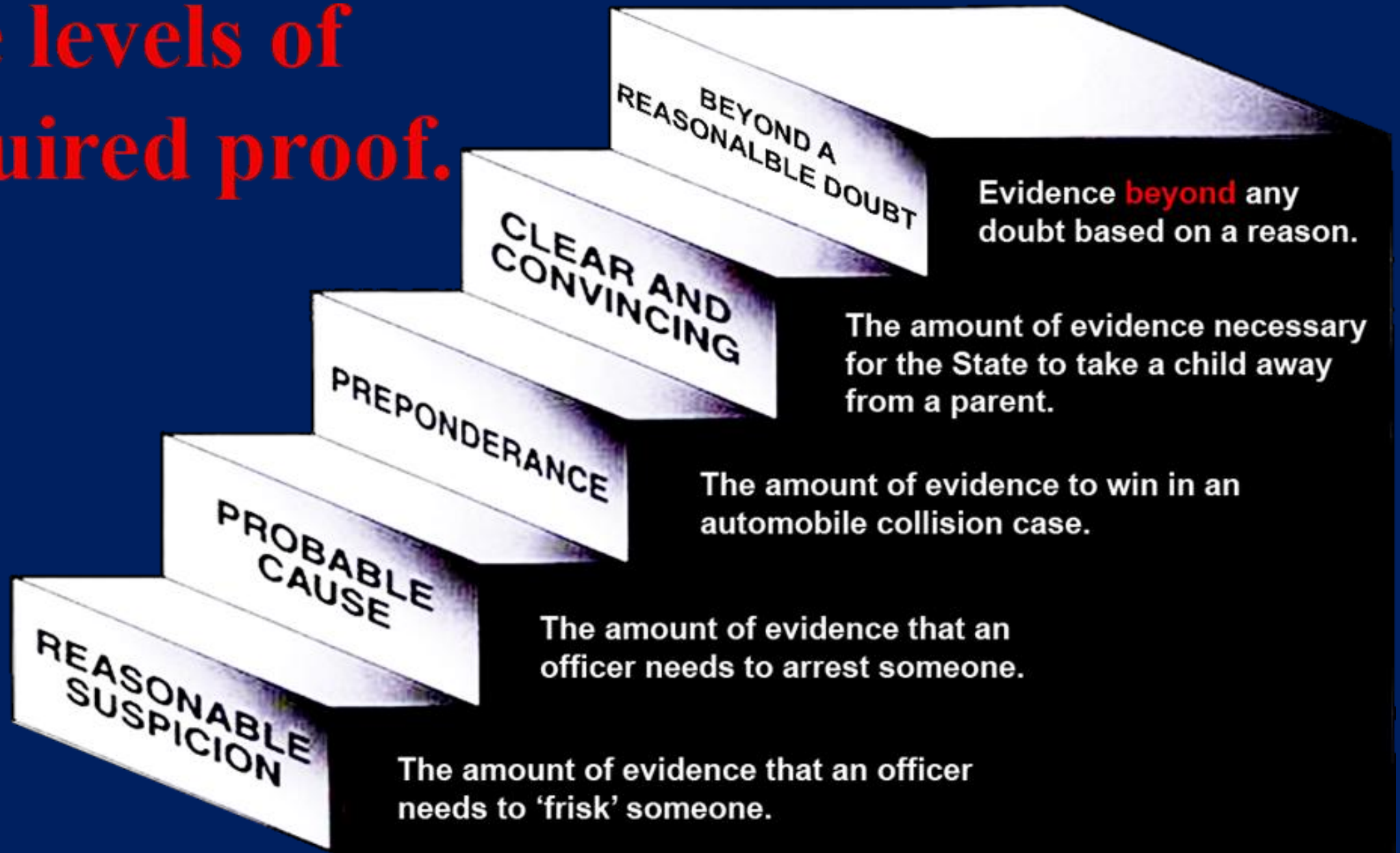


# Specialty principle

**Previous  
investigations:  
demonstrate diligence  
and that all national  
mechanisms have  
been exhausted**



# The levels of required proof.



# Steps for seeking legal assistance



**1. Consult the Central Authority or the corresponding Enforcement Authority before sending a request.**

**2. Specify the legal instrument you will use to request cooperation.**

**3. Identify the authority in charge of the investigation and prosecution of the criminal case.**



**4. Present the case succinctly: include an outline of the evidence collected and state how the evidence supports the case and supports the reasonableness and necessity of the request being made.**

**5. Identify and state the rules applicable to the case (criminal and procedural).**

**6. Ensure that the request will be read by the authorities: add a clear and precise summary of the content of the request. Comply with formal requirements (certification, authentication, translation, etc.).**

**7. Emphasize any requirements regarding confidentiality:  
When the case for which cooperation is requested  
requires confidentiality.**

**8. When there is a Special Urgency in the case, point out  
the reasons for the urgency. If there is no specific  
urgency, do not claim that there is.**

**9. Include the details of the contact points in the jurisdiction making the request: include the names and contact details of the persons with a role in the case (Prosecutors, Special Units, Diplomatic Authority, etc.) with the respective e-mail addresses and telephone numbers, in case clarifications or additional information are required.**

**10. Translate the request into the language required by the agency from which cooperation is being requested (be aware of the translation resources of the central authorities).**

**11. Make it clear to the recipient authority that the information will only be used for a specific purpose (principle of speciality).**

# Thank You

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