

## **Description of the process of mutual legal assistance in Argentina**

In Argentina, legal assistance is transacted by means of letters rogatory or forms. These instruments are channeled through the Ministry of Foreign Affairs, International Trade and Worship -Legal Affairs Branch/International Legal Assistance Division- except for requests to or from the United States, which pass through Ministry of Justice, Security and Human Rights.

Legal assistance is governed by the treaties to which Argentina is a signatory or, where no such treaties exist, by the Law on International Cooperation in Criminal Matters (Law 24767), subject to reciprocity. This law is also used to interpret the text of the treaties and to apply to everything not covered by the treaties.

### **Model procedural documents**

With regard to assistance procedure, Argentina follows the model of communication between Central Authorities; this is the case for cooperation with MERCOSUR, Colombia, etc. It is assumed that exchanging requests for assistance between Central Authorities and then passing them on to the appropriate courts will expedite the execution of such warrants and facilitate contact between specialized entities, thus making it possible to resolve any particular difficulties that may arise.

Argentina's Ministry of Foreign Affairs, International Trade and Worship, as the Central Authority for all agreements on legal assistance in criminal matters (except with the United States), advises all courts in Argentina and ensures that requests issued by the courts meet the requirements of legal-assistance treaties. It also ensures that the requirements of content and form are met in warrants addressed to Argentine legal authorities, deciding whether or not to proceed with the request.

Note: Please see the Spanish version of this document for additional information with regard to model procedural documents.

### **Legislation**

In Argentina, cases which are not covered by treaties are subject to the Law on International Cooperation in Criminal Matters (Law 24767). This law is also used to interpret the text of the treaties and is applied to everything not covered by the treaties. A copy of the Law is appended to this report.

### **Additional information**

The Legal Affairs Branch -International Legal Assistance Division- of the Ministry of Foreign Affairs, International Trade and Worship recently set up a website that provides information on international legal assistance. The site provides a list of current agreements, model requests for assistance and information on the specific requirements of some countries. It may be consulted by judges, lawyers, public prosecutors, etc, who are interested in any question of a particular or general nature.

The address of the website is <http://www.cooperacion-penal.gov.ar>