

Speaker: **Julieta Veronica Lozano**

PRESENTATION SYNOPSIS

IAP 24th Annual Conference and General Meeting

Second Plenary Session: Collection and Sharing of Evidence (September 17, 2019)

Collection and Sharing of Evidence in the International Context:
The Powers and Limitations of Mutual Legal Assistance

This presentation focuses on the powers and limitations of the Mutual Legal Assistance (MLA) process. Using the UN Model MLAT for reference, we will explore the variable structures (e.g., bilateral, multilateral, regional, subject-specific), scopes (broad, enumerated, carve-outs), and procedural requirements of MLATs.

The presentation will discuss practical considerations, including the materials commonly obtained via MLAT, the responsibilities of the requesting and requested states, the role of the Central Authorities, law applicable to the collection of evidence, interviewing witnesses in foreign jurisdictions, and the common bases for denials of MLAT requests.

We will also address the limitations of obtaining evidence through MLATs (e.g., time-consuming process, laws preventing production of certain materials, lack of recourse in the event of a denial), and discuss alternatives for obtaining the evidence, including through formal and informal requests to foreign courts, law enforcement, and international organizations.