



**Defensoría**  
Sin defensa no hay Justicia

# **Access to Justice As a condition to strength the Judicial Criminal System**

**Issue by the Public Defender's Office of Chile**

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# Procedural Penal Reform in Chile

S i n d e f e n s a n o h a y J u s t i c i a



## **The Former Procedural System:**

- Inquisitorial, a secret and written proceeding.
- The same person, a judge, investigated, tried and sentenced a criminal defendant in a secret proceeding.
- A built-in inequality among the parties involved in the process.

## **The New Procedural System:**

- Adversarial; a public and oral trial.
- Several actors: Prosecutor's Office (Ministerio Publico), Public Defender's Office, Pre-trial and Trial judges, Defendant/Accused and the Victim.
- The trial promotes debate about the facts, the law and the appropriate solution of the case.

# The offender's rights

S i n d e f e n s a n o h a y J u s t i c i a

## Who is the offender?

Is the person which has been implicated as an author, accomplice or ---  
- in the commission of any kind of crime.

## The Offender's rights under the new Procedural Code:

The right to an oral and public trial.

The right to be presumed innocent.

The right to be judged by an independent and impartial court.

The right to be informed the charges and one's rights.

The right to be assisted by counsel and to speak with him or her privately.

The right to not be deprived of liberty or to be detained without legal cause.

The right to be informed of the reasons for a pre-trial detention.

The right to remain silent.

The right to not be submitted to torture or other cruel or inhuman treatment.

# The Right to Defense

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## The right to defense involves many aspects:

1. The right to be part of the process from the beginning of the proceeding.
2. The right to know the accusation's content.
3. The right to challenge the allegations contained in the accusation.
4. The right to express one's own allegations.
5. The right to present proof.
6. The right to participate in the defense's strategy.
7. The right to a professionally trained attorney.
8. The right to confidential legal advice.
9. The right to a public defender.
10. The right to free legal assistance.

# What is the Public Defender's Office (PDO)?

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The Public Defender's Office is a public, decentralized service, whose objective is to provide a defense to all persons who have been accused of a crime and who do not have a legal adviser.

## How is the Public Defender's Office organized?

The PDO has a National Headquarter and fourteen (14) Regional branches ("Defensorias Regionales"), one for each region of the country (12), and two branch offices in the Metropolitan region of Santiago. Within each Regional branch, there are Local offices ("Defensorias Locales").

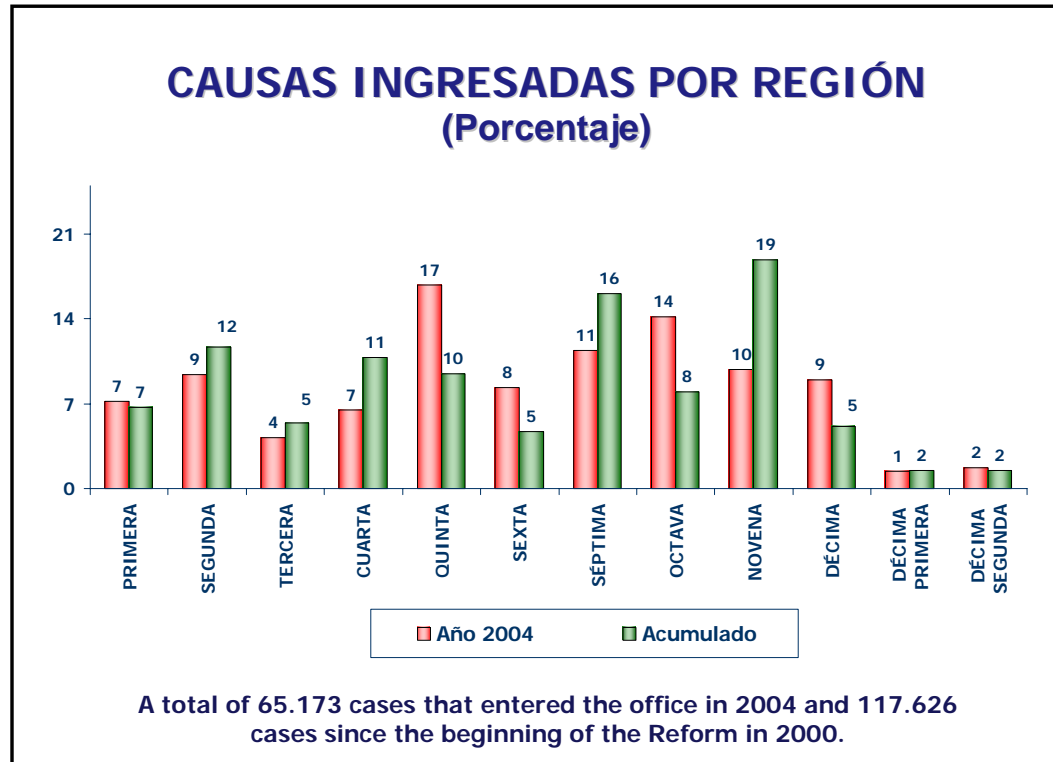
## How does the Public Defender's Office provide its services?

- a) Public Sub-system
- b) Private Sub-system

# Number of cases and defendants served by the Public Defender's Office

Since the beginning of the Reform until December 2004, the PDO handled 117.626 cases.

During 2004, the PDO handled 65.173 cases, which was a 234% increase in cases from 2003.





All persons implicated in or accused of a crime who does not have a legal adviser, regardless of ability to pay.

The general rule is that public defense is free of charge.

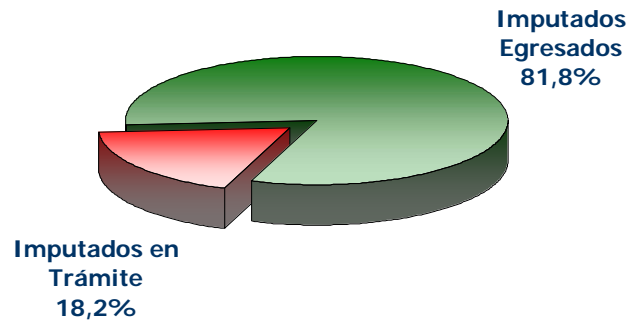
However, the PDO will charge those who have the means to pay for its services.

# Meanings to finalize the cases

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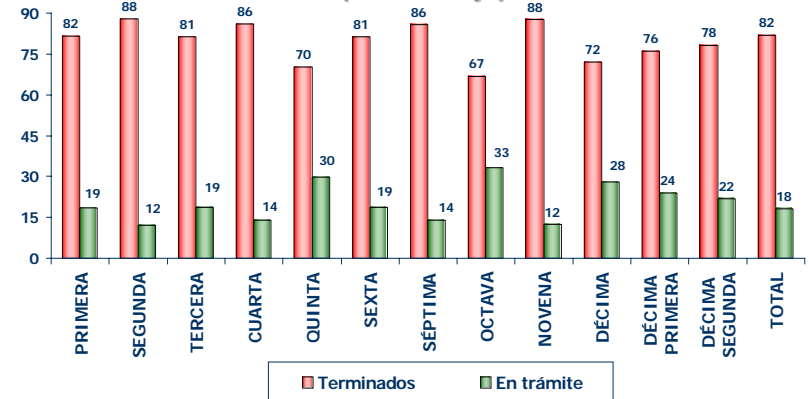
Until December 2004, the 81,8% of the offenders handled by the PDO had finished his or her cases.

## SITUACION DE IMPUTADOS ATENDIDOS



De un total de 142.975 imputados ingresados desde el inicio de la reforma hasta el 31 de diciembre de 2004

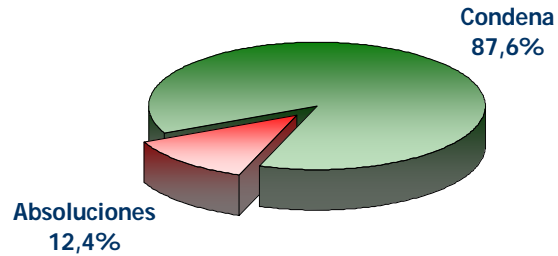
## IMPUTADOS TERMINADOS Y EN TRÁMITE POR REGIÓN (Porcentaje)



Del total de imputados ingresados en cada región desde el inicio de la Reforma hasta diciembre de 2004

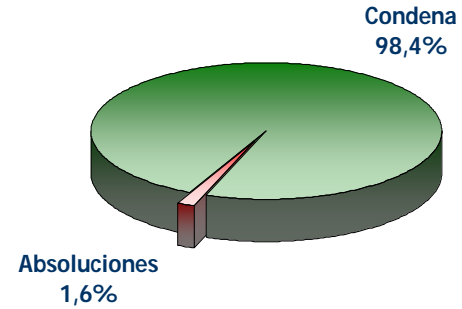


### SENTENCIAS EN JUICIOS ORALES



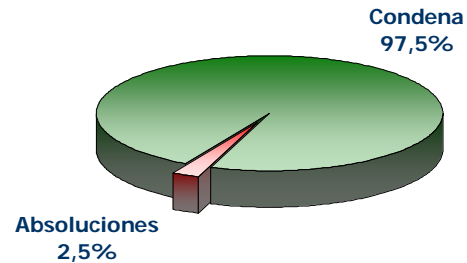
De un total de 3.079 sentencias en juicio oral en el año 2004

### SENTENCIAS EN PROCEDIMIENTOS ABREVIADOS



De un total de 5.713 sentencias en procedimiento abreviado en el año 2004

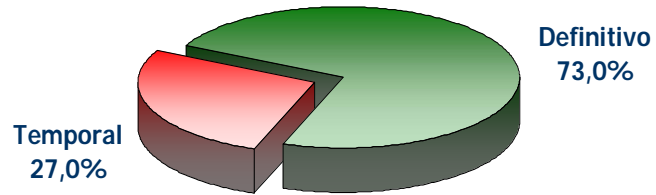
### SENTENCIAS EN JUICIOS SIMPLIFICADOS



De un total de 15.088 sentencias en procedimiento simplificado en el año 2004

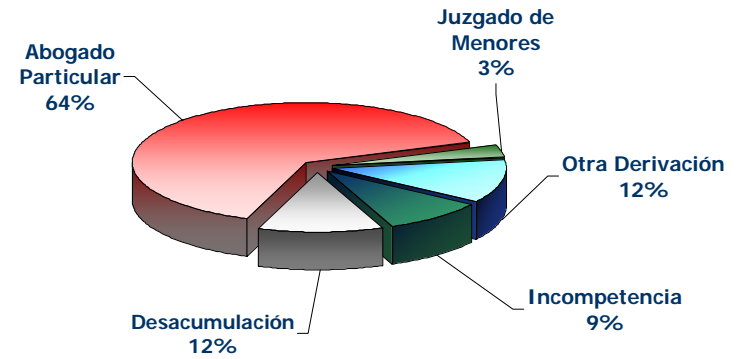


## SOBRESEIMIENTOS



De un total de 7.705 sobreseimientos decretados en el año 2004

## DERIVACIONES



De un total de 4.008 derivaciones en el año 2004

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