

No. 19983

**ARGENTINA
and
URUGUAY**

**Agreement concerning equality of judicial treatment and
letters rogatory. Signed at Buenos Aires on 20 No-
vember 1980**

Authentic text: Spanish.

Registered by Argentina on 30 June 1981.

**ARGENTINE
et
URUGUAY**

**Accord relatif à l'égalité de traitement devant les tribu-
naux et aux commissions rogatoires. Signé à Buenos
Aires le 20 novembre 1980**

Texte authentique : espagnol.

Enregistré par l'Argentine le 30 juin 1981.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE ARGENTINE REPUBLIC AND
THE EASTERN REPUBLIC OF URUGUAY CONCERNING
EQUALITY OF JUDICIAL TREATMENT AND LETTERS
ROGATORY

The Governments of the Argentine Republic and the Eastern Republic of Uruguay, desirous of strengthening their close ties and aware of the need to confirm the equality of judicial treatment for persons domiciled in the two States and to facilitate mutual co-operation in their judicial acts where letters rogatory in non-contentious, procedural and evidential matters are concerned, agree as follows:

Article 1. Persons domiciled in one of the States Parties shall be entitled to the same treatment before the courts of the other State Party as persons domiciled in that other State.

Article 2. Letters rogatory which the competent bodies of the two countries transmit to each other in civil, commercial, labour, criminal or administrative matters shall be forwarded through the respective Ministries of Justice, shall not require authentication of signature and shall be executed in accordance with the laws of the requested country, when such letters concern:

- (a) Non-contentious legal acts, such as the opening of wills, inventories, appraisals and the like;
- (b) Procedural measures, such as summonses, subpoenas, intimations, notifications and the like;
- (c) Evidence.

Article 3. Letters rogatory shall contain:

- (a) The name and address of the requesting competent body, together with the names of the judge and the registrar or clerk concerned;
- (b) The file number and title; a description of the purpose and nature of the case; and the names and addresses of the parties;
- (c) The text of the decision requiring the letters rogatory to be issued;
- (d) The name and address of the applicant and the name and address of his attorney in the requested country, where appropriate;
- (e) An explicit description of the purpose of the letters rogatory and the name and address of the addressee, where appropriate;
- (f) Precise information regarding the time available for compliance by the addressee and the legal consequences of inertia on his part;

¹ Came into force on 12 May 1981 by the exchange of the instruments of ratification, which took place at Montevideo, in accordance with article 15.

- (g) All other factual details which are deemed useful in facilitating the task of the requested competent body;
- (h) The signature and seal of the court. Each page must bear the signature of the registrar or clerk concerned.

Article 4. If the taking or securing of evidence is requested, the letters rogatory shall also contain:

- (a) A summary of the case in order to facilitate the evidential proceedings;
- (b) The names and addresses of the witnesses, experts, persons or institutions called upon to take part;
- (c) The text of questions and the documents necessary for the taking of evidence;
- (d) The name and address of the person who, where appropriate, will be responsible in the requested country for defraying the administrative costs of the evidential proceedings, or, alternatively, a money draft in the estimated amount of such proceedings.

Article 5. Any additional formalities or special procedures provided for in the judicial system of the requesting competent body shall, at the instance of that body, be carried out unless they are manifestly incompatible with the international public policy of the requested State.

Article 6. The Ministry of Justice which receives letters rogatory for execution shall transmit them without delay for this purpose to the competent body for determination of the internal legal procedure and shall inform the Ministry of Justice which forwarded the letters rogatory of the name and address of the court with which they have been filed.

Article 7. The requested competent body shall order the execution of the letters rogatory unless such execution is manifestly incompatible with its international public policy.

Execution of the letters rogatory shall not imply recognition of the international competence of the requesting court.

Article 8. The necessary measures and proceedings for the execution of letters rogatory shall not require express applications or interventions by the party concerned but shall be carried out by the requested competent body of its own motion, although the party concerned shall be entitled to intervene either in person or through an attorney.

Article 9. When the requested competent body considers that further information or extracts from the record are necessary for the execution of the letters rogatory, it shall so inform the requesting party, the request being made through the respective Ministries of Justice.

Article 10. The execution of the letters rogatory which are the subject of this Agreement shall be effected free of charge.

If the party interested in the execution of the letters rogatory has appointed an attorney in the requested jurisdiction, the costs and fees incurred by reason of the authority granted to the attorney shall not be borne by the States Parties.

Article 11. The cost of evidential proceedings and the production of evidence in criminal matters shall be borne by the requested State.

The same principle shall prevail in other matters except where the means of obtaining the evidence requested gives rise to special costs.

Article 12. As regards evidence, the requested competent body shall be free to decide whether or not to execute letters rogatory which it deems have not complied with article 4, paragraph (d), and in cases of non-execution it shall inform the party concerned how the warranty should be supplemented.

If the actual cost of the proceedings exceeds the amount provided by the means specified in the paragraph in question, this shall not be cause for delaying or not effecting the execution of the letters rogatory; in such cases, the Ministry of Justice of the requested country shall, when returning the executed letters rogatory, request that the party concerned should pay the balance of the cost.

Article 13. The Ministries of Justice shall inform the requesting competent bodies of all the communications they receive in connection with the letters rogatory forwarded by them, which letters, once dealt with, shall be returned through the same channel.

Article 14. The Ministries of Justice shall keep each other informed regarding the existence in their countries of public and private bodies which provide legal aid free of charge.

Article 15. This Agreement shall remain in effect indefinitely and shall enter into force upon the exchange of the instruments of ratification, which shall take place at Montevideo.

It may be denounced by either Party and shall cease to have effect six (6) months after the receipt of the notice of denunciation.

DONE at Buenos Aires on 20 November 1980 in two original copies, both being equally authentic.

For the Argentine Republic:

[ALBERTO RODRÍGUEZ VARELA]

For the Eastern Republic
of Uruguay:

[FERNANDO BAYARDO BENGÓA]