

No. 24386

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## MULTILATERAL

**Inter-American Convention on letters rogatory. Concluded at Panama City on 30 January 1975**

**Rectification of the authentic English and Portuguese texts  
Additional Protocol to the above-mentioned Convention  
(with annexes). Concluded at Montevideo on 8 May  
1979**

**Rectification of the authentic English text of the Additional  
Protocol of 8 May 1979 to the above-mentioned Con-  
vention**

*Authentic texts: Spanish, English, Portuguese and French.*

*The Convention, Additional Protocol and certified statements were registered by the Organization of American States on 23 October 1986.*

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## MULTILATÉRAL

**Convention interaméricaine sur les commissions rogatoires.  
Conclue à Panama le 30 janvier 1975**

**Rectification des textes authentiques anglais et portugais  
Protocole additionnel à la Convention susmentionnée (avec  
annexes). Conclu à Montevideo le 8 mai 1979**

**Rectification du texte authentique anglais du Protocole  
additionnel du 8 mai 1979 à la Convention susmen-  
tionnée**

*Textes authentiques : espagnol, anglais, portugais et français.*

*La Convention, le Protocole additionnel et les déclarations certifiées ont été enregistrés par l'Organisation des États américains le 23 octobre 1986.*

## INTER-AMERICAN CONVENTION<sup>1</sup> ON LETTERS ROGATORY

The Governments of the Member States of the Organization of American States, desirous of concluding a convention on letters rogatory, have agreed as follows:

### I. USE OF TERMS

*Article 1.* For the purposes of this Convention the terms “*exhortos*” and “*cartas rogatorias*” are synonymous in the Spanish text. The terms “letters rogatory”, “*commissions rogatoires*”, and “*cartas rogatorias*” used in the English, French and Portuguese texts, respectively, cover both “*exhortos*” and “*cartas rogatorias*”.

### II. SCOPE OF THE CONVENTION

*Article 2.* This Convention shall apply to letters rogatory, issued in conjunction with proceedings in civil and commercial matters held before the appropriate authority of one of the States Parties to this Convention, that have as their purpose:

<sup>1</sup> Came into force on 16 January 1976, i.e., the thirtieth day following the date of deposit with the General Secretariat of the Organization of American States of the second instrument of ratification, in accordance with article 22:

| <i>State</i>  | <i>Date of deposit<br/>of the instrument<br/>of ratification</i> |
|---------------|--|
| Ecuador ..... | 10 September 1975  |
| Panama .....  | 17 December 1975   |

Subsequently, the Convention came into force for the following States on the thirtieth day after deposit of their instrument of ratification or accession with the General Secretariat of the Organization of American States, in accordance with article 22:

| <i>State</i>  | <i>Date of deposit<br/>of the instrument<br/>of ratification</i> |
|---|--|
| Chile* .....  | 13 August 1976   |
| (With effect from 12 September 1976.)   |  |
| Paraguay .....  | 15 December 1976   |
| (With effect from 14 January 1977.)   |  |
| Uruguay .....   | 25 April 1977  |
| (With effect from 25 May 1977.)   |  |
| Peru .....  | 25 August 1977   |
| (With effect from 24 September 1977.)   |  |
| Costa Rica .....  | 20 January 1978  |
| (With effect from 19 February 1978.)  |  |
| Mexico* .....   | 27 March 1978  |
| (With effect from 26 April 1978.)   |  |
| Honduras .....  | 22 March 1979  |
| (With effect from 21 April 1979.)   |  |
| Guatemala .....   | 8 May 1980   |
| (With effect from 7 June 1980.)   |  |
| El Salvador* .....  | 11 August 1980   |
| (With effect from 10 September 1980. With a reservation in respect of article 7.)   |  |
| Venezuela .....   | 4 October 1984   |
| (With effect from 3 November 1984. With a reservation in respect of article 2 (b).) |  |

\* See p. 306 of this volume for the text of the declarations and notifications made upon ratification.

In addition, notifications under article 4 were received from the Governments of Ecuador, Uruguay and Venezuela by the General Secretariat of the Organization of American States. See p. 307 of this volume for the text of the notifications.

- a. The performance of procedural acts of a merely formal nature, such as service of process, summonses or subpoenas abroad;
- b. The taking of evidence and the obtaining of information abroad, unless a reservation is made in this respect.

*Article 3.* This Convention shall not apply to letters rogatory relating to procedural acts other than those specified in the preceding article; and in particular it shall not apply to acts involving measures of compulsion.

### III. TRANSMISSION OF LETTERS ROGATORY

*Article 4.* Letters rogatory may be transmitted to the authority to which they are addressed by the interested parties, through judicial channels, diplomatic or consular agents, or the Central Authority of the State of origin or of the State of destination, as the case may be.

Each State Party shall inform the General Secretariat of the Organization of American States of the Central Authority competent to receive and distribute letters rogatory.

### IV. REQUIREMENTS FOR EXECUTION

*Article 5.* Letters rogatory shall be executed in the States Parties provided they meet the following requirements:

- a. The letter rogatory is legalized, except as provided for in Articles 6 and 7 of this Convention. The letter rogatory shall be presumed to be duly legalized in the State of origin when legalized by the competent consular or diplomatic agent;
- b. The letter rogatory and the appended documentation are duly translated into the official language of the State of destination.

*Article 6.* Whenever letters rogatory are transmitted through consular or diplomatic channels or through the Central Authority, legalization shall not be required.

*Article 7.* Courts in border areas of the States Parties may directly execute the letters rogatory contemplated in this Convention and such letters shall not require legalization.

*Article 8.* Letters rogatory shall be accompanied by the following documents to be delivered to the person on whom process, summons or subpoena is being served:

- a. An authenticated copy of the complaint with its supporting documents, and of other exhibits or rulings that serve as the basis for the measure requested;
- b. Written information identifying the authority issuing the letter, indicating the time-limits allowed the person affected to act upon the request, and warning of the consequences of failure to do so;
- c. Where appropriate, information on the existence and address of the court-appointed defense counsel or of competent legal-aid societies in the State of origin.

*Article 9.* Execution of letters rogatory shall not imply ultimate recognition of the jurisdiction of the authority issuing the letter rogatory or a commitment to recognize the validity of the judgment it may render or to execute it.

## V. EXECUTION

*Article 10.* Letters rogatory shall be executed in accordance with the laws and procedural rules of the State of destination.

At the request of the authority issuing the letter rogatory, the authority of the State of destination may execute the letter through a special procedure, or accept the observance of additional formalities in performing the act requested, provided this procedure or the observance of those formalities is not contrary to the law of the State of destination.

*Article 11.* The authority of the State of destination shall have jurisdiction to determine any issue arising as a result of the execution of the measure requested in the letter rogatory.

Should such authority find that it lacks jurisdiction to execute the letter rogatory, it shall *ex officio* forward the documents and antecedents of the case to the authority of the State which has jurisdiction.

*Article 12.* The costs and other expenses involved in the processing and execution of letters rogatory shall be borne by the interested parties.

The State of destination may, in its discretion, execute a letter rogatory that does not indicate the person to be held responsible for costs and other expenses when incurred. The identity of the person empowered to represent the applicant for legal purposes may be indicated in the letter rogatory or in the documents relating to its execution.

The effects of a declaration *in forma pauperis* shall be regulated by the law of the State of destination.

*Article 13.* Consular or diplomatic agents of the States Parties to this Convention may perform the acts referred to in Article 2 in the State in which they are accredited, provided the performance of such acts is not contrary to the laws of that State. In so doing, they shall not perform any acts involving measures of compulsion.

## VI. GENERAL PROVISIONS

*Article 14.* States Parties belonging to economic integration systems may agree directly between themselves upon special methods and procedures more expeditious than those provided for in this Convention. These agreements may be extended to include other States in the manner in which the parties may agree.

*Article 15.* This Convention shall not limit any provisions regarding letters rogatory in bilateral or multilateral agreements that may have been signed or may be signed in the future by the States Parties or preclude the continuation of more favorable practices in this regard that may be followed by these States.

*Article 16.* The States Parties to this Convention may declare that its provisions cover the execution of letters rogatory in criminal, labor, and "contentious-administrative" cases, as well as in arbitrations and other matters within the jurisdiction of special courts. Such declarations shall be transmitted to the General Secretariat of the Organization of American States.

*Article 17.* The State of destination may refuse to execute a letter rogatory that is manifestly contrary to its public policy (*ordre public*).

*Article 18.* The States Parties shall inform the General Secretariat of the Organization of American States of the requirements stipulated in their laws for the legalization and the translation of letters rogatory.

#### VII. FINAL PROVISIONS

*Article 19.* This Convention shall be open for signature by the Member States of the Organization of American States.

*Article 20.* This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

*Article 21.* This Convention shall remain open for accession by any other State. The instrument of accession shall be deposited with the General Secretariat of the Organization of American States.

*Article 22.* This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

*Article 23.* If a State Party has two or more territorial units in which different systems of law apply in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them.

Such declaration may be modified by subsequent declarations, which shall expressly indicate the territorial unit or units to which the Convention applies. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall become effective thirty days after the date of their receipt.

*Article 24.* This Convention shall remain in force indefinitely, but any of the States Parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of deposit of the instrument of denunciation, the Convention shall no longer be in effect for the denouncing State, but shall remain in effect for the other States Parties.

*Article 25.* The original instrument of this Convention, the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States. The Secretariat shall notify the Member States of the Organization of American States and the States that have acceded to the Convention of the signatures, deposits of instruments of ratification, accession, and denunciation as well as of reservations, if any. It shall also transmit the information mentioned in the second paragraph of Article 4 and in Article 18, and the declarations referred to in Articles 16 and 23 of this Convention.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Panama City, Republic of Panama, this thirtieth day of January one thousand nine hundred and seventy-five.

[For the signature pages, see p. 301 of this volume.]

Por Haití:  
For Haiti:  
Pelo Haiti:  
Pour Haïti :

Por Perú:  
For Peru:  
Pelo Peru:  
Pour le Pérou :

[Signed — Signé]

ALBERTO RUÍZ ELDREDGE  
30 de enero de 1975<sup>1</sup>

[Signed — Signé]

CECILIA PASTOR DE MARCHAND

Por Trinidad y Tobago:  
For Trinidad and Tobago:  
Por Trinidad e Tobago:  
Pour la Trinité-et-Tobago :

Por Uruguay:  
For Uruguay:  
Pelo Uruguai:  
Pour l'Uruguay :

[Signed — Signé]

EDISON GONZÁLEZ LAPEYRE  
30 de enero de 1975<sup>1</sup>

Por Bolivia:  
For Bolivia:  
Pela Bolívia:  
Pour la Bolivie :

[Signed — Signé]

FERNANDO SALAZAR PAREDES  
2 de agosto de 1983<sup>2</sup>

<sup>1</sup> 30 January 1975 — 30 janvier 1975.

<sup>2</sup> 2 August 1983 — 2 août 1983.

Por Honduras:  
For Honduras:  
Por Honduras:  
Pour le Honduras :

[*Signed — Signé*]  
CARLOS ROBERTO REINA  
30 de enero de 1975<sup>1</sup>

Por los Estados Unidos de América:  
For the United States of America:  
Pelos Estados Unidos da América:  
Pour les Etats-Unis d'Amérique :

[*Signed — Signé*]  
GALE W. MCGEE  
April 15, 1980  
[*Signed — Signé*]  
PETER D. TROBOFF

Por Barbados:  
For Barbados:  
Por Barbados:  
Pour la Barbade :

Por la República Argentina:  
For the Argentine Republic:  
Pela República Argentina:  
Pour la République Argentine :

[*Signed — Signé*]  
GASTÓN DE PRAT GAY

Por Costa Rica:  
For Costa Rica:  
Por Costa Rica:  
Pour le Costa Rica :

[*Signed — Signé*]  
GONZALO ORTÍZ MARTÍN  
30 de enero de 1975<sup>1</sup>

<sup>1</sup> 30 January 1975 — 30 janvier 1975.

Por Nicaragua:  
For Nicaragua:  
Por Nicarágua:  
Pour le Nicaragua :

[Signed — Signé]

DIEGO SIRERA HERRERO  
30 de enero de 1975<sup>1</sup>

Por Ecuador:  
For Ecuador:  
Pelo Equador:  
Pour l'Équateur :

[Signed — Signé]

HUMBERTO GARCÍA ORTÍZ  
30 de enero de 1975<sup>1</sup>

Por Guatemala:  
For Guatemala:  
Pela Guatemala:  
Pour le Guatemala :

[Signed — Signé]

FRANCISCO VILLAGRÁN KRAMER  
30 de enero de 1975<sup>1</sup>

Por Jamaica:  
For Jamaica:  
Pela Jamaica:  
Pour la Jamaïque :

Por Brasil:  
For Brazil:  
Pelo Brasil:  
Pour le Brésil :

[Signed — Signé]

HAROLDO TEIXEIRA VALLADÃO  
30/1/1975

[Signed — Signé]

GERALDO DO NASCIMENTO E SILVA

<sup>1</sup> 30 January 1975 — 30 janvier 1975.

Por Panamá:  
For Panama:  
Pelo Panamá:  
Pour le Panama :

[Signed — Signé]

JUAN MATERNO VÁSQUEZ  
30/1/75

Por Paraguay:  
For Paraguay:  
Pelo Paraguai:  
Pour le Paraguay :

*Ad referendum*

[Signed — Signé]

MIGUEL SOLANO LÓPEZ  
26 de agosto de 1975<sup>1</sup>

Por Venezuela:  
For Venezuela:  
Pela Venezuela:  
Pour le Venezuela :

[Signed — Signé]

GONZALO PARRA ARANGUREN  
30/1/75

Por la República Dominicana:  
For the Dominican Republic:  
Pela República Dominicana:  
Pour la République Dominicaine :

Por El Salvador:  
For El Salvador:  
Por El Salvador:  
Pour Le Salvador :

[Signed — Signé]

FRANCISCO BERTRAND GALINDO  
30 de enero de 1975<sup>2</sup>

<sup>1</sup> 26 August 1975 — 26 août 1975.

<sup>2</sup> 30 January 1975 — 30 janvier 1975.

Por México:  
For Mexico:  
Pelo México:  
Pour le Mexique :

El Gobierno de México interpreta que el Art. 9 de esta Convención se refiere a la validez internacional de las sentencias extranjeras.<sup>1</sup>

[*Signed — Signé*]

RAFAEL DE LA COLINA  
27 de octubre de 1977<sup>2</sup>

Por Chile:  
For Chile:  
Pelo Chile:  
Pour le Chili :

[*Signed — Signé*]

RAFAEL EYZAGUIRRE ECHEVARRÍA  
30 de enero de 1975<sup>3</sup>

Por Colombia:  
For Colombia:  
Pela Colômbia:  
Pour la Colombie :

[*Signed — Signé*]

MARCO GERARDO MONROY CABRA  
30 de enero de 1975<sup>3</sup>

<sup>1</sup> [*Translation\** — *Traduction\*\**] It is the interpretation of the Government of Mexico that Article 9 of this Convention refers to the international validity of foreign judgments — [*Traduction\*\** — *Translation\**] Selon l'interprétation du Gouvernement du Mexique l'Article 9 de cette Convention se réfère à la validité internationale des jugements étrangers.

\* Translation supplied by the Organization of American States.

\*\* Traduction fournie par l'Organisation des Etats américains.

<sup>2</sup> 27 October 1977 — 27 octobre 1977.

<sup>3</sup> 30 January 1975 — 30 janvier 1975.

DECLARATION  
MADE UPON SIGNATURE

MEXICO

[See p. 305 of this volume for the text of the declaration made upon signature.]

DECLARATIONS AND NOTIFICATIONS MADE UPON RATIFICATION

CHILE

[SPANISH TEXT — TEXTE ESPAGNOL]

“El instrumento de ratificación correspondiente a esta Convención contiene la declaración de ‘que se extienden las normas de la misma a la tramitación de exhortos o cartas rogatorias que se refieran a materia criminal, laboral, contencioso-administrativa, juicios arbitrales u otras materias objeto de jurisdicción especial’.”

[TRANSLATION]<sup>1</sup>

The instrument of ratification corresponding to this Convention contains the declaration “that its provisions cover the execution of letters rogatory in criminal, labor, and contentious-administrative cases, as well as in arbitrations and other matters within the jurisdiction of special courts”.

EL SALVADOR

[SPANISH TEXT — TEXTE ESPAGNOL]

*Notification made under articles 4 and 18 — Notification faite en vertu des articles 4 et 18.*

“En El Salvador es la Corte Suprema de Justicia la autoridad central competente para recibir y distribuir Exhortos o Cartas Rogatorias. Los requisitos que se exigen en cuanto a legislación y traducción de Exhortos o Cartas Rogatorias, son los que prescriben el Artículo 261 del Código de Procedimientos Civiles y los Artículos 388, 389, 391 y 392 del Código de Bustamante. . . .” (Se omite el texto de los artículos.)

<sup>1</sup> Translation supplied by the Organization of American States.

DÉCLARATION FAITE  
LORS DE LA SIGNATURE

MEXIQUE

[Voir p. 305 du présent volume pour le texte de la déclaration formulée lors de la signature.]

DÉCLARATIONS ET NOTIFICATIONS FAITES LORS DE LA RATIFICATION

CHILI

[TRADUCTION]<sup>1</sup>

L'instrument de ratification de cette Convention reprend la déclaration stipulant que les parties « en étendent les clauses à l'exécution de commissions rogatoires adressées en matière criminelle, sur les questions de travail, en matière de contentieux administratif, d'arbitrage et en toute autre matière relevant d'une juridiction spéciale ».

EL SALVADOR

<sup>1</sup> Traduction fournie par l'Organisation des Etats américains.

[TRANSLATION]<sup>1</sup>*Notification made under articles 4 and 18*

In El Salvador the Supreme Court of Justice is the competent central authority for receiving and distributing Letters Rogatory. The requirements exacted for legalization and translation of Letters Rogatory are those prescribed in Article 261 of the Code of Civil Procedures and Articles 388, 389, 391 and 392 of the Bustamante Code. . . . (The text of the articles is omitted.)

## MEXICO

[*Confirming the declaration made upon signature. See p. 306 of this volume.*]

[TRADUCTION]<sup>1</sup>*Notification faite en vertu des articles 4 et 18*

Au Salvador, la Cour de Cassation est l'autorité centrale compétente pour recevoir et distribuer les commissions rogatoires. Les conditions requises pour la légalisation et la traduction des commissions rogatoires sont prescrites par l'article 261 du code des Procédures civiles et les articles 388, 389, 391 et 392 du Code Bustamante. . . . (Le texte des articles est omis.)

## MEXIQUE

[*Avec confirmation de la déclaration faite lors de la signature. Voir p. 306 du présent volume.*]

## [SPANISH TEXT — TEXTE ESPAGNOL]

*Notification made under article 4 — Notification faite en vertu de l'article 4*

“La Secretaría de Relaciones Exteriores de México es la autoridad central competente para recibir y distribuir exhortos y cartas rogatorias.”

[TRANSLATION]<sup>1</sup>*Notification made under article 4*

The Central Authority competent to receive and distribute letters rogatory is the Secretariat of Foreign Affairs of Mexico.

NOTIFICATIONS under article 4 of the Inter-American Convention of 30 January 1975 on letters rogatory<sup>2</sup>

*Effected with the General Secretariat of the Organization of American States on:*

23 April 1984

ECUADOR

[TRADUCTION]<sup>1</sup>*Notification faite en vertu de l'article 4*

Le Secrétariat des Relations Extérieures du Mexique est l'autorité compétente pour recevoir et distribuer les commissions rogatoires.

NOTIFICATIONS en vertu de l'article 4 de la Convention interaméricaine du 30 janvier 1975 sur les commissions rogatoires<sup>2</sup>

*Effectuées auprès du Secrétariat général de l'Organisation des Etats américains le :*

23 avril 1984

EQUATEUR

<sup>1</sup> Translation supplied by the Organization of American States.

<sup>2</sup> See p. 288 of this volume.

<sup>1</sup> Traduction fournie par l'Organisation des Etats américains.

<sup>2</sup> Voir p. 296 du présent volume.

## [SPANISH TEXT — TEXTE ESPAGNOL]

“... designando la ‘Asesoría Técnico-Jurídica’ del Ministerio de Relaciones Exteriores del Ecuador como ‘autoridad central que deberá desempeñar las funciones que se le asignan en la Convención Interamericana sobre Exhortos o Cartas Rogatorias.’”

[TRANSLATION]<sup>1</sup>[TRADUCTION]<sup>1</sup>

... appointing the “Asesoría Técnico-Jurídica” of the Ministry of Foreign Affairs of Ecuador as the “Central Authority, to carry out the functions entrusted to it in the Inter-American Convention on Letters Rogatory”.

... L’« Asesoría Técnico-Jurídica » du Ministère des Affaires Etrangères a été désignée comme l’Autorité centrale qui remplira les fonctions qui lui ont été attribuées aux termes de la Convention Interaméricaine sur les Commissions Rogatoires.

11 December 1984

11 décembre 1984

VENEZUELA

VENEZUELA

## [SPANISH TEXT — TEXTE ESPAGNOL]

“El Ministerio de Relaciones Exteriores de la República de Venezuela es la autoridad central competente para recibir y distribuir exhortos o cartas rogatorias.”

[TRANSLATION]<sup>1</sup>[TRADUCTION]<sup>1</sup>

The Central Authority competent to receive and distribute letters rogatory is the Ministry of Foreign Affairs of the Republic of Venezuela.

Le Ministère des Relations Extérieures de la République du Venezuela est l’autorité centrale compétente pour recevoir et distribuer des commissions rogatoires.

30 August 1985

30 août 1985

URUGUAY

URUGUAY

## [SPANISH TEXT — TEXTE ESPAGNOL]

“... designando el Ministerio de Educación y Cultura, ‘Asesoría Autoridad Central de Cooperación Jurídica Internacional’ como la autoridad central prevista en el Artículo 4 de la Convención.”

[TRANSLATION]<sup>1</sup>[TRADUCTION]<sup>1</sup>

... appointing the Ministry of Education and Culture “Asesoría Autoridad Central de Cooperación Jurídica Inter-

... Le Ministère de l’Education et de la Culture, « Asesoría Autoridad Central de Cooperación Jurídica Interna-

<sup>1</sup> Translation supplied by the Organization of American States.

<sup>1</sup> Traduction fournie par l’Organisation des Etats américains.

nacional” as the Central Authority provided for in Article 4 of the Convention.

*Certified statements were registered by the Organization of American States on 23 October 1986.*

cional», est l’Autorité centrale telle que prévue dans l’article 4 de la Convention.

*Les déclarations certifiées ont été enregistrées par l’Organisation des Etats américains le 23 octobre 1986.*

RECTIFICATION OF THE AUTHENTIC ENGLISH AND PORTUGUESE TEXTS

RECTIFICATION DES TEXTES AUTHENTIQUES ANGLAIS ET PORTUGAIS

Effected by the Secretary-General of the Organization of American States as reflected in his procès-verbal of rectification dated 14 February 1984, the Signatory and Contracting Parties to the above-mentioned Convention having agreed to the corrections to be effected to the said texts.

Effectuée par le Secrétaire général de l'Organisation des Etats américains ainsi que cela résulte de son procès-verbal de rectification dressé le 14 février 1984, les Signataires et Parties à la Convention susmentionnée ayant approuvé les corrections devant être apportées auxdits textes.

The modified texts read as follows:

Les textes modifiés sont libellés comme suit :

INTER-AMERICAN CONVENTION ON LETTERS ROGATORY

The Governments of the Member States of the Organization of American States, desirous of concluding a convention on letters rogatory, have agreed as follows:

I. USE OF TERMS

*Article 1.* For the purposes of this Convention the terms “*exhortos*” and “*cartas rogatorias*” are synonymous in the Spanish text. The terms “letters rogatory”, “*commissions rogatoires*”, and “*cartas rogatorias*” used in the English, French and Portuguese texts, respectively, cover both “*exhortos*” and “*cartas rogatorias*”.

II. SCOPE OF THE CONVENTION

*Article 2.* This Convention shall apply to letters rogatory, issued in conjunction with proceedings in civil and commercial matters held before the appropriate judicial or other adjudicatory authority of one of the States Parties to this Convention, that have as their purpose:

- a. The performance of procedural acts of a merely formal nature, such as service of process, summonses or subpoenas abroad;
- b. The taking of evidence and the obtaining of information abroad, unless a reservation is made in this respect.

*Article 3.* This Convention shall not apply to letters rogatory relating to procedural acts other than those specified in the preceding article; and in particular it shall not apply to acts involving measures of compulsion.

III. TRANSMISSION OF LETTERS ROGATORY

*Article 4.* Letters rogatory may be transmitted to the authority to which they are addressed by the interested parties, through judicial channels, diplomatic

or consular agents, or the Central Authority of the State of origin or of the State of destination, as the case may be.

Each State Party shall inform the General Secretariat of the Organization of American States of the Central Authority competent to receive and distribute letters rogatory.

#### IV. REQUIREMENTS FOR EXECUTION

*Article 5.* Letters rogatory shall be executed in the States Parties provided they meet the following requirements:

- a. The letter rogatory is legalized, except as provided for in Articles 6 and 7 of this Convention. The letter rogatory shall be presumed to be duly legalized in the State of origin when legalized by the competent consular or diplomatic agent;
- b. The letter rogatory and the appended documentation are duly translated into the official language of the State of destination.

*Article 6.* Whenever letters rogatory are transmitted through consular or diplomatic channels or through the Central Authority, legalization shall not be required.

*Article 7.* Courts in border areas of the States Parties may directly execute the letters rogatory contemplated in this Convention and such letters shall not require legalization.

*Article 8.* Letters rogatory shall be accompanied by the following documents to be delivered to the person on whom process, summons or subpoena is being served:

- a. An authenticated copy of the complaint with its supporting documents, and of other exhibits or rulings that serve as the basis for the measure requested;
- b. Written information identifying the judicial or other adjudicatory authority issuing the letter, indicating the time-limits allowed the person affected to act upon the request, and warning of the consequences of failure to do so;
- c. Where appropriate, information on the existence and address of the court-appointed defense counsel or of competent legal-aid societies in the State of origin.

*Article 9.* Execution of letters rogatory shall not imply ultimate recognition of the jurisdiction of the judicial or other adjudicatory authority issuing the letter rogatory or a commitment to recognize the validity of the judgment it may render or to execute it.

#### V. EXECUTION

*Article 10.* Letters rogatory shall be executed in accordance with the laws and procedural rules of the State of destination.

At the request of the judicial or other adjudicatory authority issuing the letter rogatory, the authority of the State of destination may execute the letter through a special procedure, or accept the observance of additional formalities in performing the act requested, provided this procedure or the observance of those formalities is not contrary to the law of the State of destination.

*Article 11.* The authority of the State of destination shall have jurisdiction to determine any issue arising as a result of the execution of the measure requested in the letter rogatory.

Should such authority find that it lacks jurisdiction to execute the letter rogatory, it shall *ex officio* forward the documents and antecedents of the case to the authority of the State which has jurisdiction.

*Article 12.* The costs and other expenses involved in the processing and execution of letters rogatory shall be borne by the interested parties.

The State of destination may, in its discretion, execute a letter rogatory that does not indicate the person to be held responsible for costs and other expenses when incurred. The identity of the person empowered to represent the applicant for legal purposes may be indicated in the letter rogatory or in the documents relating to its execution.

The effects of a declaration *in forma pauperis* shall be regulated by the law of the State of destination.

*Article 13.* Consular or diplomatic agents of the States Parties to this Convention may perform the acts referred to in Article 2 in the State in which they are accredited, provided the performance of such acts is not contrary to the laws of that State. In so doing, they shall not perform any acts involving measures of compulsion.

## VI. GENERAL PROVISIONS

*Article 14.* States Parties belonging to economic integration systems may agree directly between themselves upon special methods and procedures more expeditious than those provided for in this Convention. These agreements may be extended to include other States in the manner in which the parties may agree.

*Article 15.* This Convention shall not limit any provisions regarding letters rogatory in bilateral or multilateral agreements that may have been signed or may be signed in the future by the States Parties or preclude the continuation of more favorable practices in this regard that may be followed by these States.

*Article 16.* The States Parties to this Convention may declare that its provisions cover the execution of letters rogatory in criminal, labor, and "contentious-administrative" cases, as well as in arbitrations and other matters within the jurisdiction of special courts. Such declarations shall be transmitted to the General Secretariat of the Organization of American States.

*Article 17.* The State of destination may refuse to execute a letter rogatory that is manifestly contrary to its public policy (*ordre public*).

*Article 18.* The States Parties shall inform the General Secretariat of the Organization of American States of the requirements stipulated in their laws for the legalization and the translation of letters rogatory.

## VII. FINAL PROVISIONS

*Article 19.* This Convention shall be open for signature by the Member States of the Organization of American States.

*Article 20.* This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

*Article 21.* This Convention shall remain open for accession by any other State. The instrument of accession shall be deposited with the General Secretariat of the Organization of American States.

*Article 22.* This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

*Article 23.* If a State Party has two or more territorial units in which different systems of law apply in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them.

Such declaration may be modified by subsequent declarations, which shall expressly indicate the territorial unit or units to which the Convention applies. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall become effective thirty days after the date of their receipt.

*Article 24.* This Convention shall remain in force indefinitely, but any of the States Parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of deposit of the instrument of denunciation, the Convention shall no longer be in effect for the denouncing State, but shall remain in effect for the other States Parties.

*Article 25.* The original instrument of this Convention, the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States. The Secretariat shall notify the Member States of the Organization of American States and the States that have acceded to the Convention of the signatures, deposits of instruments of ratification, accession, and denunciation as well as of reservations, if any. It shall also transmit the information mentioned in the second paragraph of Article 4 and in Article 18 and the declarations referred to in Articles 16 and 23 of this Convention.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Panama City, Republic of Panama, this thirtieth day of January one thousand nine hundred and seventy-five.

## ADDITIONAL PROTOCOL<sup>1</sup> TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY<sup>2</sup>

The Governments of the Member States of the Organization of American States, desirous of strengthening and facilitating international cooperation in judicial procedures as provided for in the Inter-American Convention on Letters Rogatory, done in Panama on January 30, 1975,<sup>2</sup> have agreed as follows:

### I. SCOPE OF PROTOCOL

*Article 1.* This Protocol shall apply only to those procedural acts set forth in Article 2 (a) of the Inter-American Convention on Letters Rogatory, hereinafter referred to as "the Convention". For the purposes of this Protocol, such acts shall be understood to mean procedural acts (pleadings, motions, orders, and subpoenas) that are served and requests for information that are made by a judicial or administrative authority of a State Party to a judicial or administrative authority of another State Party and are transmitted by a letter rogatory from the Central Authority of the State of origin to the Central Authority of the State of destination.

### II. CENTRAL AUTHORITY

*Article 2.* Each State Party shall designate a central authority that shall perform the functions assigned to it in the Convention and in this Protocol. At the time of deposit of their instruments of ratification or accession to this Protocol, the States Parties shall communicate the designations to the General Secretariat of the Organization of American States, which shall distribute to the States Parties to the Convention a list containing the designations received. The Central Authority designated by a State Party in accordance with Article 4 of the Convention may be changed at any time. The State Party shall inform the above-mentioned Secretariat of such change as promptly as possible.

<sup>1</sup> Came into force on 14 June 1980, i.e., the thirtieth day following the date of deposit with the General Secretariat of the Organization of American States of the second instrument of ratification or accession in accordance with article 9:

| <i>State</i>   | <i>Date of deposit<br/>of the instrument<br/>of ratification</i> |
|----------------|--|
| Peru .....     | 15 May 1980  |
| Uruguay* ..... | 15 May 1980  |

\* See p. 369 of this volume for the text of the declaration and notification made upon ratification.

Subsequently, the Protocol came into force for the following States on the thirtieth day following deposit of their instrument of ratification or accession with the General Secretariat of the Organization of American States, in accordance with article 9:

| <i>State</i>                          | <i>Date of deposit<br/>of the instrument<br/>of ratification</i> |
|---------------------------------------|--|
| Ecuador .....                         | 18 May 1982  |
| (With effect from 17 June 1982.)      |  |
| Mexico* .....                         | 9 March 1983   |
| (With effect from 8 April 1983.)      |  |
| Paraguay .....                        | 19 August 1985   |
| (With effect from 15 September 1985.) |  |

\* See p. 369 of this volume for the text of the declaration and notification made upon ratification.

In addition, notifications pursuant to articles 2, 6 and 7 were received from the Governments of Ecuador and Uruguay by the General Secretariat of the Organization of American States. See p. 370 of this volume for the text of the notifications.

<sup>2</sup> See p. 288 of this volume.

### III. PREPARATION OF LETTERS ROGATORY

*Article 3.* Letters rogatory shall be prepared on forms that are printed in the four official languages of the Organization of American States or in the languages of the State of origin and of the State of destination and conform to Form A contained in the Annex to this Protocol.

Letters rogatory shall be accompanied by the following:

- a. Copy of the complaint or pleading that initiated the action in which the letter rogatory was issued, as well as a translation thereof into the language of the State of destination;
- b. Untranslated copy of the documents attached to the complaint or pleading;
- c. Untranslated copy of any rulings ordering issuance of the letter rogatory;
- d. Form conforming to Form B annexed to this Protocol and containing essential information for the person to be served or the authority to receive the documents; and
- e. Certificate conforming to Form C annexed to this Protocol on which the Central Authority of the State of destination shall attest to execution or non-execution of the letter rogatory.

The copies shall be regarded as authenticated for the purposes of Article 8(a) of the Convention if they bear the seal of the judicial or administrative authority that issued the letter rogatory.

A copy of the letter rogatory together with Form B and the copies referred to in items *a*, *b*, and *c* of this Article shall be delivered to the person notified or to the authority to which the request is addressed. One of the copies of the letter rogatory and the documents attached to it shall remain in the possession of the State of destination; the untranslated original, the certificate of execution and the documents attached to them shall be returned to the Central Authority of the State of origin through appropriate channels.

If a State Party has more than one official language, it shall, at the time of signature, ratification or accession to this Protocol, declare which language or languages shall be considered official for the purposes of the Convention and of this Protocol. If a State Party comprises territorial units that have different official languages, it shall, at the time of signature, ratification or accession to this Protocol, declare which language or languages in each territorial unit shall be considered official for the purposes of the Convention and of this Protocol. The General Secretariat of the Organization of American States shall distribute to the States Parties to this Protocol the information contained in such declarations.

### IV. TRANSMISSION AND PROCESSING OF LETTERS ROGATORY

*Article 4.* Upon receipt of a letter rogatory from the Central Authority in another State Party, the Central Authority in the State of destination shall transmit the letter rogatory to the appropriate judicial or administrative authority for processing in accordance with the applicable local law.

Upon execution of the letter rogatory, the judicial or administrative authority or authorities that processed it shall attest to the execution thereof in the manner prescribed in their local law, and shall transmit it with the relevant documents to the Central Authority. The Central Authority of the State Party of destination

shall certify execution of the letter rogatory to the Central Authority of the State Party of origin on a form conforming to Form C of the Annex, which shall not require legalization. In addition, the Central Authority of the State of destination shall return the letter rogatory and attached documents to the Central Authority of the State of origin for delivery to the judicial or administrative authority that issued it.

#### V. COSTS AND EXPENSES

*Article 5.* The processing of letters rogatory by the Central Authority of the State Party of destination and its judicial or administrative authorities shall be free of charge. However, this State Party may seek payment by parties requesting execution of letters rogatory for those services which, in accordance with its local law, are required to be paid for directly by those parties.

The party requesting the execution of a letter rogatory shall, at its election, either select and indicate in the letter rogatory the person who is responsible in the State of destination for the cost of such services or, alternatively, shall attach to the letter rogatory a check for the fixed amount that is specified in Article 6 of this Protocol for its processing by the State of destination and will cover the cost of such services or a document proving that such amount has been transferred by some other means to the Central Authority of the State of destination.

The fact that the cost of such services ultimately exceeds the fixed amount shall not delay or prevent the processing or execution of the letter rogatory by the Central Authority or the judicial or administrative authorities of the State of destination. Should the cost exceed that amount, the Central Authority of the State of destination may, when returning the executed letter rogatory, seek payment of the outstanding amount due from the party requesting execution of the letter rogatory.

*Article 6.* At the time of deposit of its instrument of ratification or accession to this Protocol with the General Secretariat of the Organization of American States, each State Party shall attach a schedule of the services and the costs and other expenses that, in accordance with its local law, shall be paid directly by the party requesting execution of the letter rogatory. In addition, each State Party shall specify in the above-mentioned schedule the single amount which it considers will reasonably cover the cost of such services, regardless of the number or nature thereof. This amount shall be paid when the person requesting execution of the letter rogatory has not designated a person responsible for the payment of such services in the State of destination but has decided to pay for them directly in the manner provided for in Article 5 of this Protocol.

The General Secretariat of the Organization of American States shall distribute the information received to the States Parties to this Protocol. A State Party may at any time notify the General Secretariat of the Organization of American States of changes in the above-mentioned schedules, which shall be communicated by the General Secretariat to the other States Parties to this Protocol.

*Article 7.* States Parties may declare in the schedules mentioned in the foregoing articles that, provided there is reciprocity, they will not charge parties requesting execution of letters rogatory for the services necessary for executing them, or will accept in complete satisfaction of the cost of such services either the single fixed amount specified in Article 6 or another specified amount.

*Article 8.* This Protocol shall be open for signature and subject to ratification or accession by those Member States of the Organization of American States that have signed, ratified, or acceded to the Inter-American Convention on Letters Rogatory signed in Panama on January 30, 1975.

This Protocol shall remain open for accession by any other State that accedes or has acceded to the Inter-American Convention on Letters Rogatory, under the conditions set forth in this article.

The instruments of ratification and accession shall be deposited with the General Secretariat of the Organization of American States.

*Article 9.* This Protocol shall enter into force on the thirtieth day following the date on which two States Parties to the Convention have deposited their instruments of ratification or accession to this Protocol.

For each State ratifying or acceding to the Protocol after its entry into force, the Protocol shall enter into force on the thirtieth day following deposit by such State of its instrument of ratification or accession, provided that such State is a Party to the Convention.

*Article 10.* If a State Party has two or more territorial units in which different systems of law apply in relation to matters dealt with in this Protocol, it may, at the time of signature, ratification or accession, declare that this Protocol shall extend to all its territorial units or only to one or more of them.

Such declaration may be modified by subsequent declarations that shall expressly indicate the territorial unit or units to which this Protocol applies. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall become effective thirty days after the date of their receipt.

*Article 11.* This Protocol shall remain in force indefinitely, but any of the States Parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of deposit of the instrument of denunciation, the Protocol shall no longer be in effect for the denouncing State, but shall remain in effect for the other States Parties.

*Article 12.* The original instrument of this Protocol and its Annex (Forms A, B and C), the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which will forward an authenticated copy of the text to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of its Charter. The General Secretariat of the Organization of American States shall notify the Member States of that Organization and the States that have acceded to the Protocol of the signatures, deposits of instruments of ratification, accession and denunciation, as well as of reservations, if any. It shall also transmit to them the information mentioned in Article 2, the last paragraph of Article 3, and Article 6 and the declarations referred to in Article 10 of this Protocol.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

DONE at Montevideo, Republic of Uruguay, this eighth day of May, one thousand nine hundred and seventy-nine.

[For the signature pages, see p. 335 of this volume.]

Por Grenada:  
For Grenada:  
Por Grenada:  
Pour la Grenade :

Por Suriname:  
For Suriname:  
Pelo Suriname:  
Pour le Suriname :

Por Ecuador:  
For Ecuador:  
Pelo Ecuador:  
Pour l'Équateur :

[*Signed — Signé*]

WILSON VELA HERVAS

Por la República Argentina:  
For the Argentine Republic:  
Pela República Argentina:  
Pour la République Argentine :

[*Signed — Signé*]

GASTÓN DE PRAT GAY

Por Uruguay:  
For Uruguay:  
Pelo Uruguai:  
Pour l'Uruguay :

[*Signed — Signé*]

MANUEL A. VIEIRA<sup>1</sup>

Por Colombia:  
For Colombia:  
Pela Colômbia:  
Pour la Colombie :

[*Signed — Signé*]

ALVARO LEAL MORALES

[*Signed — Signé*]

FABIO TORRIJOS QUINTERO

<sup>1</sup> See p. 368 of this volume for the text of the declaration made upon signature — Voir p. 368 du présent volume pour le texte de la déclaration faite lors de la signature.

Por Haití:  
For Haiti:  
Pelo Haiti:  
Pour Haïti :

[Signed — Signé]  
YVES FRANÇOIS  
[Signed — Signé]  
RODRIGUE CASIMIR  
[Signed — Signé]  
VICTOR PIERRE-LOUIS

Por México:  
For Mexico:  
Pelo México:  
Pour le Mexique :

*Ad referendum*  
[Signed — Signé]  
RAFAEL DE LA COLINA  
3 de agosto de 1982<sup>1</sup>

Por Brasil:  
For Brazil:  
Pelo Brasil:  
Pour le Brésil :

[Signed — Signé]  
HAROLDO TEIXEIRA VALLADÃO

Por Panamá:  
For Panama:  
Pelo Panamá:  
Pour le Panama :

[Signed — Signé]  
JUAN MATERNO VASQUEZ

Por Perú:  
For Peru:  
Pelo Peru:  
Pour le Pérou :

[Signed — Signé]  
LUIS ALVARADO GARRIDO

<sup>1</sup> 3 August 1982 — 3 août 1982.

Por Nicaragua:  
For Nicaragua:  
Por Nicaragua:  
Pour le Nicaragua :

Por El Salvador:  
For El Salvador:  
Por El Salvador:  
Pour Le Salvador :

[Signed — Signé]

ERNESTO ARRIETA PERALTA

Por Bolivia:  
For Bolivia:  
Pela Bolívia:  
Pour la Bolivie :

[Signed — Signé]

FERNANDO SALAZAR PAREDES  
2 de agosto de 1983<sup>1</sup>

Por Venezuela:  
For Venezuela:  
Pela Venezuela:  
Pour le Venezuela :

[Signed — Signé]

GONZALO PARRA ARANGUREN

Por Paraguay:  
For Paraguay:  
Pelo Paraguai:  
Pour le Paraguay :

[Signed — Signé]

RAMÓN SILVA ALONSO

Por Guatemala:  
For Guatemala:  
Pela Guatemala:  
Pour le Guatemala :

[Signed — Signé]

JUAN JOSÉ MARTINEZ

[Signed — Signé]

FRANCISCO VILLAGRÁN KRAMER

<sup>1</sup> 2 August 1983 — 2 août 1983.

Por Barbados:  
For Barbados:  
Por Barbados:  
Pour la Barbade :

Por Trinidad y Tobago:  
For Trinidad and Tobago:  
Por Trinidad e Tobago:  
Pour la Trinité-et-Tobago :

Por Costa Rica:  
For Costa Rica:  
Por Costa Rica:  
Pour Costa Rica :

[Signed — Signé]

GONZALO ORTÍZ MARTÍN

Por los Estados Unidos de América:  
For the United States of America:  
Pelos Estados Unidos da América:  
Pour les Etats-Unis d'Amérique :

[Signed — Signé]

GALE MCGEE

April 15, 1980

[Signed — Signé]

PETER D. TROOBOFF

Por la República Dominicana:  
For the Dominican Republic:  
Pela República Dominicana:  
Pour la République Dominicaine :

[Signed — Signé]

MARIA ELENA MUÑOZ DE RICART

Por Honduras:  
For Honduras:  
Por Honduras:  
Pour le Honduras :

[Signed — Signé]

ADOLFO LEÓN GÓMEZ

Por Chile:  
For Chile:  
Pelo Chile:  
Pour le Chili :

Por Jamaica:  
For Jamaica:  
Pela Jamaica:  
Pour la Jamaïque :

ANNEX TO THE ADDITIONAL PROTOCOL  
TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY

FORM A

LETTER ROGATORY <sup>1</sup>

|  |  |
|--|--|
| <p>1</p> <p>REQUESTING JUDICIAL OR<br/>ADMINISTRATIVE AUTHORITY</p> <p>Name</p> <p>Address</p> | <p>2</p> <p>CASE:<br/>DOCKET No.:</p>  |
| <p>3</p> <p>CENTRAL AUTHORITY OF THE<br/>STATE OF ORIGIN</p> <p>Name</p> <p>Address</p>        | <p>4</p> <p>CENTRAL AUTHORITY OF THE<br/>STATE OF DESTINATION</p> <p>Name</p> <p>Address</p> |
| <p>5</p> <p>REQUESTING PARTY</p> <p>Name</p> <p>Address</p>                                    | <p>6</p> <p>COUNSEL TO THE REQUESTING PARTY</p> <p>Name</p> <p>Address</p>                   |

|   |  |
|---|--|
| PERSON DESIGNATED TO ACT IN CONNECTION WITH THE LETTER ROGATORY |  |
| Name  | Is this person responsible for costs and expenses?       |
| Address   | YES <input type="checkbox"/> NO <input type="checkbox"/> |
|   | * If not, check in the amount of _____ is attached       |
|   | * Or proof of payment is attached                        |

<sup>1</sup> Complete the original and two copies of this form; if A(1) is applicable, attach the original and two copies of the translation of this item in the language of the State of destination.

\* Delete if inapplicable.

The Central Authority signing this letter rogatory has the honor to transmit to you in triplicate the documents listed below and, in conformity with the Protocol to the Inter-American Convention on Letters Rogatory:

\* A. Requests their prompt service on:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned authority requests that service be carried out in the following manner:

\* (1) In accordance with the special procedure or additional formalities that are described below, as provided for in the second paragraph of Article 10 of the above-mentioned Convention; or

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* (2) By service personally on the identified addressee or, in the case of a legal entity, on its authorized agent; or

\* (3) If the person or the authorized agent of the entity to be served is not found, service shall be made in accordance with the law of the State of destination.

\* B. Requests the delivery of the documents listed below to the following judicial or administrative authority:

Authority: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* C. Requests the Central Authority of the State of destination to return to the Central Authority of the State of origin one copy of the documents listed below and attached to this letter rogatory, and an executed Certificate on the attached Form C.

Done at \_\_\_\_\_ this \_\_\_\_\_ date of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Signature and stamp of the  
judicial or administrative  
authority of the State of origin

\_\_\_\_\_  
Signature and stamp of the  
Central Authority of the  
State of origin

Title or other identification of each document to be delivered:

\_\_\_\_\_

(Attach additional pages, if necessary.)

\* Delete if inapplicable.

ANNEX TO THE ADDITIONAL PROTOCOL  
TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY

FORM B

ESSENTIAL INFORMATION FOR THE ADDRESSEE <sup>1</sup>

To (Name and address of the person being served) \_\_\_\_\_  
\_\_\_\_\_

You are hereby informed that (Brief statement of nature of service) \_\_\_\_\_  
\_\_\_\_\_

A copy of the letter rogatory that gives rise to the service or delivery of these documents is attached to this document. This copy also contains essential information for you. Also attached are copies of the complaint or pleading initiating the action in which the letter rogatory was issued, of the documents attached to the complaint or pleading, and of any rulings that ordered the issuance of the letter rogatory.

ADDITIONAL INFORMATION

I \*

FOR SERVICE

A. The document being served on you (original or copy) concerns the following:  
\_\_\_\_\_  
\_\_\_\_\_

B. The remedies sought or the amount in dispute is as follows:  
\_\_\_\_\_  
\_\_\_\_\_

C. By this service, you are requested:  
\_\_\_\_\_  
\_\_\_\_\_

D. \* In case of service on you as a defendant you can answer the complaint before the judicial or administrative authority specified in Form A, Box 1 (State place, date and hour): \_\_\_\_\_  
\_\_\_\_\_

\* You are being summoned to appear as: \_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> Complete the original and two copies of this form in the language of the State of origin and two copies in the language of the State of destination.

\* Delete if inapplicable.

\* If some other action is being requested of the person served, please describe: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

E. If you fail to comply, the consequences might be: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

F. You are hereby informed that a defense counsel appointed by the Court or the following legal aid societies are available to you at the place where the proceeding is pending.

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

The documents listed in Part III are being furnished to you so that you may better understand and defend your interests.

II \*

FOR INFORMATION FROM JUDICIAL OR ADMINISTRATIVE AUTHORITY

To: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (Name and address of the judicial or administrative authority)

You are respectfully requested to furnish the undersigned judicial or administrative authority with the following information: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The documents listed in Part III are being furnished to you to facilitate your reply.

\*Delete if inapplicable.

III

LIST OF ATTACHED DOCUMENTS

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---

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---

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(Attach additional pages if necessary.)

Done at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
Signature and stamp of the  
judicial or administrative  
authority of the State of origin

\_\_\_\_\_  
Signature and stamp of  
the Central Authority  
of the State of Origin

ANNEX TO THE ADDITIONAL PROTOCOL  
TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY

FORM C

CERTIFICATE OF EXECUTION <sup>1</sup>

To: \_\_\_\_\_  
\_\_\_\_\_

(Name and address of judicial or administrative authority  
that issued the letter rogatory)

In conformity with the Additional Protocol to the Inter-American Convention on Letters Rogatory, signed at Montevideo on May 8, 1979, and in accordance with the attached original letter rogatory, the undersigned Central Authority has the honor to certify the following:

\*A. That one copy of the documents attached to this Certificate has been served or delivered as follows:

Date: \_\_\_\_\_

At (Address) \_\_\_\_\_

By one of the following methods authorized by the Convention.

\*(1) In accordance with the special procedure or additional formalities that are described below, as provided for in the second paragraph of Article 10 of the above-mentioned Convention, or

\_\_\_\_\_  
\_\_\_\_\_

\*(2) By service personally on the identified addressee or, in the case of a legal entity, on its authorized agent, or

\*(3) If the person or the authorized agent of the entity to be served was not found, in accordance with the law of the State of destination: (Specify method used)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> Complete the original and one copy in the language of the State of destination.

\* Delete if inapplicable.

\*B. That the documents referred to in the letter rogatory have been delivered to:

Identity of person \_\_\_\_\_  
 \_\_\_\_\_

Relationship to the addressee \_\_\_\_\_  
 (family, business or other)  
 \_\_\_\_\_

\*C. That the documents attached to the Certificate have not been served or delivered for the following reason(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

\*D. In conformity with the Protocol, the party requesting execution of the letter rogatory is requested to pay the outstanding balance of costs in the amount indicated in the attached statement.

Done at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

\_\_\_\_\_  
 Signature and stamp of Central Authority of the State of destination

Where appropriate, attach originals or copies of any additional documents proving service or delivery, and identify them.

\* Delete if inapplicable.

DECLARATION MADE  
UPON SIGNATURE

URUGUAY

DÉCLARATION FAITE  
LORS DE LA SIGNATURE

URUGUAY

[SPANISH TEXT — TEXTE ESPAGNOL]

“Alcance que le otorga al Orden Público:

La República Oriental del Uruguay manifiesta que ratifica de modo expreso la línea de pensamiento sostenida en Panamá — CIDIP-I — reafirmando su acendrado espíritu panamericanista y su decisión clara y positiva de contribuir con sus ideas y su voto, al efectivo desenvolvimiento de la comunidad jurídica.

Esta línea de pensamiento y conducta ha quedado patentizada en forma indubitable con la ratificación sin reservas por parte del Uruguay de todas las Convenciones de Panamá aprobadas por Ley N° 14.534 del año 1976.

En concordancia con lo que antecede, la República Oriental del Uruguay da su voto afirmativo a la fórmula del orden público, sin perjuicio de dejar expresa y claramente señalado, de conformidad con la posición sustentada en Panamá, que, según su interpretación acerca de la prealudida excepción, ésta se refiere al orden público internacional, como un instituto jurídico singular, no identificable necesariamente con el orden público interno de cada Estado.

Por consecuencia, a juicio de la República Oriental del Uruguay, la fórmula aprobada comporta una autorización excepcional a los distintos Estados Partes para que en forma no discrecional y fundada, declaren no aplicables los preceptos de la ley extranjera cuando éstos ofendan en forma concreta, grave y manifiesta, normas y principios esenciales de orden público internacional en los que cada Estado asiente su individualidad jurídica.”

[TRANSLATION]<sup>1</sup>

The scope of public order:

Uruguay wishes to state that it expressly ratifies the line of thought enunciated in Panama at CIDIP-I, reaffirming its genuine Pan American spirit and its clear and positive decision to contribute with its ideas and endorsement to the successful development of the legal community.

This line of thinking and conduct has been evidenced in undoubtable form by the unreserved ratification by Uruguay of all the Conventions of Panama, approved by law number 14.534 in 1976.

[TRADUCTION]<sup>1</sup>

Sens et portée du concept d'ordre public :

La République orientale de l'Uruguay déclare qu'elle s'en tient à la ligne qu'elle a suivie à Panama, lors de la CIDIP-I. Elle réaffirme sa foi vive en le Panaméricanisme ainsi que sa décision nette et ferme de contribuer par ses idées et son vote au développement harmonieux de l'ordre juridique.

Cette position a été mise en évidence de façon manifeste avec la ratification sans réserves de la part de l'Uruguay de toutes les conventions conclues à Panama et approuvées par la loi n° 14.534 de 1976.

<sup>1</sup> Translation supplied by the Organization of American States.

<sup>1</sup> Traduction fournie par l'Organisation des Etats américains.

In line with the foregoing, Uruguay gives its affirmative vote to the formula regarding public order. Nevertheless, Uruguay wishes to state expressly and clearly that, in accordance with the position it maintained in Panama, its interpretation of the afore mentioned exception refers to international public order as an individual juridical institution, not necessarily identifiable with the internal public order of each state.

Therefore, in the opinion of Uruguay, the approved formula conveys an exceptional authorization to the various States Parties to declare in a nondiscretionary and well-founded manner that the precepts of foreign law are inapplicable whenever these concretely and in a serious and open manner offend the standards and principles essential to the international public order on which each individual state bases its legal individuality.

#### DECLARATION AND NOTIFICATION MADE UPON RATIFICATION

##### MEXICO

[SPANISH TEXT — TEXTE ESPAGNOL]

“De conformidad con lo estipulado en el Artículo 2 del Protocolo Adicional a la Convención Interamericana sobre Exhortos o Cartas Rogatorias relativo a la designación de una autoridad central, me permito notificar a Vuestra Excelencia que por parte de México, ésta será la Secretaría de Relaciones Exteriores.”

[TRANSLATION]<sup>1</sup>

In accordance with the provision stipulated in Article 2 of the Additional Protocol to the Inter-American Convention on Letters Rogatory relative to the designation of a central authority, I notify Your Excellency that this shall be the Secretariat of Foreign Affairs of Mexico.

<sup>1</sup> Translation supplied by the Organization of American States.

Dans ce contexte, la République orientale de l'Uruguay, émet un vote positif pour ce qui a trait à la définition de l'ordre public. Cependant, toujours dans la ligne de la position qu'elle a adoptée à Panama, elle spécifie clairement que selon son interprétation de l'exception précitée : celle-ci ne vise que l'ordre public international, en tant qu'institution juridique particulière, qui ne s'identifie pas nécessairement à l'ordre public interne de chaque Etat.

En conséquence, la République orientale de l'Uruguay estime que la définition adoptée autorise les Etats parties, à titre exceptionnel, pour des raisons justifiées et de manière non discriminatoire, à déclarer que les préceptes de la loi étrangère ne sont pas applicables dès lors qu'ils constituent une violation concrète, grave et manifeste des principes essentiels de l'ordre public international, qui sont à la base de l'individualité juridique de chaque Etat.

#### DÉCLARATION ET NOTIFICATION FAITES LORS DE LA RATIFICATION

##### MEXIQUE

[TRADUCTION]<sup>1</sup>

Conformément aux dispositions de l'article 2 du Protocole additionnel à la Convention interaméricaine sur les commissions rogatoires relatives à la désignation d'une autorité centrale, j'ai l'honneur d'informer Votre Excellence que cette autorité sera le Secrétariat des Affaires Etrangères du Mexique.

<sup>1</sup> Traduction fournie par l'Organisation des Etats américains.

## URUGUAY

[*Confirming the declaration made upon signature. See p. 368 of this volume.*]

NOTIFICATION under article 2 of the Additional Protocol of 8 May 1979<sup>1</sup> to the Inter-American Convention of 30 January 1975 on letters rogatory<sup>2</sup>

*Effected with the General Secretariat of the Organization of American States on:*

23 April 1984

ECUADOR

## URUGUAY

[*Avec confirmation de la déclaration faite lors de la signature. Voir p. 368 du présent volume.*]

NOTIFICATION en vertu de l'article 2 du Protocole additionnel du 8 mai 1979<sup>1</sup> à la Convention interaméricaine du 30 janvier 1975 sur les commissions rogatoires<sup>2</sup>

*Effectuée auprès du Secrétariat général de l'Organisation des Etats américains le :*

23 avril 1984

EQUATEUR

[SPANISH TEXT — TEXTE ESPAGNOL]

“. . . designando la Asesoría Técnico-Jurídica del Ministerio de Relaciones Exteriores del Ecuador como autoridad central que deberá desempeñar las funciones que se le asignan en el Protocolo Adicional a la Convención Interamericana sobre Exhortos o Cartas Rogatorias.”

[TRANSLATION]<sup>3</sup>

. . . appointing the Asesoría Técnico-Jurídica of the Ministry of Foreign Affairs of Ecuador as the Central Authority, to carry out the functions entrusted to it in the Additional Protocol to the Inter-American Convention on Letters Rogatory.

NOTIFICATION under articles 2, 6 and 7 of the Additional Protocol of 8 May 1979 to the Inter-American Convention of 30 January 1975 on letters rogatory

*Effected with the General Secretariat of the Organization of American States on:*

30 August 1985

URUGUAY

[TRADUCTION]<sup>3</sup>

. . . L'Asesoría Técnico-Jurídica du Ministère des Affaires Etrangères a été désignée comme l'Autorité centrale qui remplira les fonctions qui lui ont été attribuées aux termes du Protocole Additionnel à la Convention interaméricaine sur les commissions rogatoires.

NOTIFICATION en vertu des articles 2, 6 et 7 du Protocole additionnel du 8 mai 1979 à la Convention interaméricaine du 30 janvier 1975 sur les commissions rogatoires

*Effectuée auprès du Secrétariat général de l'Organisation des Etats américains le :*

30 août 1985

URUGUAY

<sup>1</sup> See p. 322 of this volume.

<sup>2</sup> See p. 288 of this volume.

<sup>3</sup> Translation supplied by the Organization of American States.

<sup>1</sup> Voir p. 330 du présent volume.

<sup>2</sup> Voir p. 296 du présent volume.

<sup>3</sup> Traduction fournie par l'Organisation des Etats américains.

## [SPANISH TEXT — TEXTE ESPAGNOL]

“ . . . designando el Ministerio de Educación y Cultura, Asesoría Autoridad Central de Cooperación Jurídica Internacional como la autoridad central prevista en el Artículo 2 del Protocolo.

A los efectos indicados en los artículos seis y siete del citado Protocolo, se comunica que el valor único total de las diligencias necesarias para el cumplimiento de los exhortos o cartas rogatorias, será de veinte unidades reajustables o su equivalente en moneda. Se informa, además, que las actuaciones que deberán ser sufragadas directamente por los interesados se limitarán a la hipótesis en que se recurra a la actividad de los llamados Auxiliares de Justicia (v.gr. Tasadores, Peritos, etc.).”

[TRANSLATION]<sup>1</sup>

. . . appointing the Ministry of Education and Culture Asesoría Autoridad Central de Cooperación Jurídica Internacional as the Central Authority provided for in Article 2 of the Protocol.

For the purposes indicated in articles six and seven of the above-cited Protocol, I wish to state that the single fixed amount of the cost of the services necessary for execution of the letter rogatory will be twenty readjustable units or its equivalent in currency. Also the schedule of the services that must be paid directly by the interested party will be limited to the possibility of resorting to the need for the services of appraisers, experts and other assistants in the case affected.

*Certified statements were registered by the Organization of American States on 23 October 1986.*

[TRADUCTION]<sup>1</sup>

. . . Le Ministère de l'Éducation et de la Culture, Asesoría Autoridad Central de Cooperación Jurídica Internacional, est l'Autorité centrale telle que prévue dans l'article 2 du Protocole Additionnel.

De même, aux fins indiquées aux articles 6 et 7 du Protocole susmentionné je m'empresse de faire savoir à Votre Excellence que le montant unique global à payer pour les services nécessaires à l'exécution des commissions rogatoires sera de vingt unités, susceptibles de réajustement, ou leur équivalent en devises. En outre, je prends plaisir à informer Votre Excellence que les formalités dont les frais doivent être pris en charge directement par les intéressés se limiteront à celles requises dans les cas où l'on a recours aux services des dénommés Auxiliares de Justice, c'est-à-dire, les Commissaires priseurs, évaluateurs, experts, etc.

*Les déclarations certifiées ont été enregistrées par l'Organisation des États américains le 23 octobre 1986.*

<sup>1</sup> Translation supplied by the Organization of American States.

<sup>1</sup> Traduction fournie par l'Organisation des États américains.

RECTIFICATION OF THE AUTHENTIC ENGLISH TEXT OF THE ADDITIONAL PROTOCOL OF 8 MAY 1979<sup>1</sup> TO THE INTER-AMERICAN CONVENTION OF 30 JANUARY 1975 ON LETTERS ROGATORY<sup>2</sup>

RECTIFICATION DU TEXTE AUTHENTIQUE ANGLAIS DU PROTOCOLE ADDITIONNEL DU 8 MAI 1979<sup>1</sup> À LA CONVENTION INTERAMÉRICAINNE DU 30 JANVIER 1975 SUR LES COMMISSIONS ROGATOIRES<sup>2</sup>

Effected by the Secretary-General of the Organization of American States as reflected in his procès-verbal of rectification dated 14 February 1984, the Signatory and Contracting Parties to the above-mentioned Convention having agreed to the corrections to be effected in the said text.

The modified text reads as follows:

Effectuée par le Secrétaire général de l'Organisation des Etats américains ainsi que cela résulte de son procès-verbal de rectification dressé le 14 février 1984, les Signataires et Parties à la Convention susmentionnée ayant approuvé les corrections devant être apportées audit texte.

Le texte modifié est libellé comme suit :

ADDITIONAL PROTOCOL TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY

The Governments of the Member States of the Organization of American States, desirous of strengthening and facilitating international cooperation in judicial procedures as provided for in the Inter-American Convention on Letters Rogatory, done in Panama on January 30, 1975, have agreed as follows:

I. SCOPE OF PROTOCOL

*Article 1.* This Protocol shall apply only to those procedural acts set forth in Article 2 (a) of the Inter-American Convention on Letters Rogatory, hereinafter referred to as "the Convention". For the purposes of this Protocol, such acts shall be understood to mean procedural acts (pleadings, motions, orders, and subpoenas) that are served and requests for information that are made by a judicial or other adjudicatory authority of a State Party to a judicial or administrative authority of another State Party and are transmitted by a letter rogatory from the Central Authority of the State of origin to the Central Authority of the State of destination.

II. CENTRAL AUTHORITY

*Article 2.* Each State Party shall designate a central authority that shall perform the functions assigned to it in the Convention and in this Protocol. At the time of deposit of their instruments of ratification or accession to this Protocol,

<sup>1</sup> See p. 322 of this volume.

<sup>2</sup> See p. 288 of this volume.

<sup>1</sup> Voir p. 330 du présent volume.

<sup>2</sup> Voir p. 296 du présent volume.

the States Parties shall communicate the designations to the General Secretariat of the Organization of American States, which shall distribute to the States Parties to the Convention a list containing the designations received. The Central Authority designated by a State Party in accordance with Article 4 of the Convention may be changed at any time. The State Party shall inform the above-mentioned Secretariat of such change as promptly as possible.

### III. PREPARATION OF LETTERS ROGATORY

*Article 3.* Letters rogatory shall be prepared on forms that are printed in the four official languages of the Organization of American States or in the languages of the State of origin and of the State of destination and conform to Form A contained in the Annex to this Protocol.

Letters rogatory shall be accompanied by the following:

- a. Copy of the complaint or pleading that initiated the action in which the letter rogatory was issued, as well as a translation thereof into the language of the State of destination;
- b. Untranslated copy of the documents attached to the complaint or pleading;
- c. Untranslated copy of any rulings ordering issuance of the letter rogatory;
- d. Form conforming to Form B annexed to this Protocol and containing essential information for the person to be served or the authority to receive the documents; and
- e. Certificate conforming to Form C annexed to this Protocol on which the Central Authority of the State of destination shall attest to execution or non-execution of the letter rogatory.

The copies shall be regarded as authenticated for the purposes of Article 8 (a) of the Convention if they bear the seal of the judicial or other adjudicatory authority that issued the letter rogatory.

A copy of the letter rogatory together with Form B and the copies referred to in items a, b, and c of this Article shall be delivered to the person notified or to the authority to which the request is addressed. One of the copies of the letter rogatory and the documents attached to it shall remain in the possession of the State of destination; the untranslated original, the certificate of execution and the documents attached to them shall be returned to the Central Authority of the State of origin through appropriate channels.

If a State Party has more than one official language, it shall, at the time of signature, ratification or accession to this Protocol, declare which language or languages shall be considered official for the purposes of the Convention and of this Protocol. If a State Party comprises territorial units that have different official languages, it shall, at the time of signature, ratification or accession to this Protocol, declare which language or languages in each territorial unit shall be considered official for the purposes of the Convention and of this Protocol. The General Secretariat of the Organization of American States shall distribute to the States Parties to this Protocol the information contained in such declarations.

### IV. TRANSMISSION AND PROCESSING OF LETTERS ROGATORY

*Article 4.* Upon receipt of a letter rogatory from the Central Authority in another State Party, the Central Authority in the State of destination shall

transmit the letter rogatory to the appropriate judicial or administrative authority for processing in accordance with the applicable local law.

Upon execution of the letter rogatory, the judicial or administrative authority or authorities that processed it shall attest to the execution thereof in the manner prescribed in their local law, and shall transmit it with the relevant documents to the Central Authority. The Central Authority of the State Party of destination shall certify execution of the letter rogatory to the Central Authority of the State Party of origin on a form conforming to Form C of the Annex, which shall not require legalization. In addition, the Central Authority of the State of destination shall return the letter rogatory and attached documents to the Central Authority of the State of origin for delivery to the judicial or other adjudicatory authority that issued it.

## V. COSTS AND EXPENSES

*Article 5.* The processing of letters rogatory by the Central Authority of the State Party of destination and its judicial or administrative authorities shall be free of charge. However, this State Party may seek payment by parties requesting execution of letters rogatory for those services which, in accordance with its local law, are required to be paid for directly by those parties.

The party requesting the execution of a letter rogatory shall, at its election, either select and indicate in the letter rogatory the person who is responsible in the State of destination for the cost of such services or, alternatively, shall attach to the letter rogatory a check for the fixed amount that is specified in Article 6 of this Protocol for its processing by the State of destination and will cover the cost of such services or a document proving that such amount has been transferred by some other means to the Central Authority of the State of destination.

The fact that the cost of such services ultimately exceeds the fixed amount shall not delay or prevent the processing or execution of the letter rogatory by the Central Authority or the judicial or administrative authorities of the State of destination. Should the cost exceed that amount, the Central Authority of the State of destination may, when returning the executed letter rogatory, seek payment of the outstanding amount due from the party requesting execution of the letter rogatory.

*Article 6.* At the time of deposit of its instrument of ratification or accession to this Protocol with the General Secretariat of the Organization of American States, each State Party shall attach a schedule of the services and the costs and other expenses that, in accordance with its local law, shall be paid directly by the party requesting execution of the letter rogatory. In addition, each State Party shall specify in the above-mentioned schedule the single amount which it considers will reasonably cover the cost of such services, regardless of the number or nature thereof. This amount shall be paid when the person requesting execution of the letter rogatory has not designated a person responsible for the payment of such services in the State of destination but has decided to pay for them directly in the manner provided for in Article 5 of this Protocol.

The General Secretariat of the Organization of American States shall distribute the information received to the States Parties to this Protocol. A State Party may at any time notify the General Secretariat of the Organization of American States of changes in the above-mentioned schedules, which shall be

communicated by the General Secretariat to the other States Parties to this Protocol.

*Article 7.* States Parties may declare in the schedules mentioned in the foregoing articles that, provided there is reciprocity, they will not charge parties requesting execution of letters rogatory for the services necessary for executing them, or will accept in complete satisfaction of the cost of such services either the single fixed amount specified in Article 6 or another specified amount.

*Article 8.* This Protocol shall be open for signature and subject to ratification or accession by those Member States of the Organization of American States that have signed, ratified, or acceded to the Inter-American Convention on Letters Rogatory signed in Panama on January 30, 1975.

This Protocol shall remain open for accession by any other State that accedes or has acceded to the Inter-American Convention on Letters Rogatory, under the conditions set forth in this article.

The instruments of ratification and accession shall be deposited with the General Secretariat of the Organization of American States.

*Article 9.* This Protocol shall enter into force on the thirtieth day following the date on which two States Parties to the Convention have deposited their instruments of ratification or accession to this Protocol.

For each State ratifying or acceding to the Protocol after its entry into force, the Protocol shall enter into force on the thirtieth day following deposit by such State of its instrument of ratification or accession, provided that such State is a Party to the Convention.

*Article 10.* If a State Party has two or more territorial units in which different systems of law apply in relation to matters dealt with in this Protocol, it may, at the time of signature, ratification or accession, declare that this Protocol shall extend to all its territorial units or only to one or more of them.

Such declaration may be modified by subsequent declarations that shall expressly indicate the territorial unit or units to which this Protocol applies. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall become effective thirty days after the date of their receipt.

*Article 11.* This Protocol shall remain in force indefinitely, but any of the States Parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of deposit of the instrument of denunciation, the Protocol shall no longer be in effect for the denouncing State, but shall remain in effect for the other States Parties.

*Article 12.* The original instrument of this Protocol and its Annex (Forms A, B and C), the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which will forward an authenticated copy of the text to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of its Charter. The General Secretariat of the Organization of American States shall notify the Member States of that Organization and the States that have acceded to the Protocol of the signatures, deposits of instruments of ratification, accession and denunciation, as well as of reservations, if any. It

shall also transmit to them the information mentioned in Article 2, the last paragraph of Article 3, and Article 6 and the declarations referred to in Article 10 of this Protocol.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

DONE at Montevideo, Republic of Uruguay, this eighth day of May, one thousand nine hundred and seventy-nine.

ANNEX TO THE ADDITIONAL PROTOCOL  
TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY

FORM A

LETTER ROGATORY <sup>1</sup>

1

REQUESTING JUDICIAL OR OTHER  
ADJUDICATORY AUTHORITY

Name

Address

2

CASE:  
DOCKET No.:

3

CENTRAL AUTHORITY OF THE  
STATE OF ORIGIN

Name

Address

4

CENTRAL AUTHORITY OF THE  
STATE OF DESTINATION

Name

Address

5

REQUESTING PARTY

Name

Address

6

COUNSEL TO THE REQUESTING PARTY

Name

Address

PERSON DESIGNATED TO ACT IN CONNECTION WITH THE LETTER ROGATORY

Name

Address

Is this person responsible for  
costs and expenses?

YES  NO

\* If not, check in the amount of  
\_\_\_\_\_ is attached

\* Or proof of payment is attached

1 Complete the original and two copies of this form; if A(1) is applicable, attach the original and two copies of the translation of this item in the language of the State of destination.

\* Delete if inapplicable.

The Central Authority signing this letter rogatory has the honor to transmit to you in triplicate the documents listed below and, in conformity with the Protocol to the Inter-American Convention on Letters Rogatory:

\* A. Requests their prompt service on:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The undersigned authority requests that service be carried out in the following manner:

\* (1) In accordance with the special procedure or additional formalities that are described below, as provided for in the second paragraph of Article 10 of the above-mentioned Convention; or

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* (2) By service personally on the identified addressee or, in the case of a legal entity, on its authorized agent; or

\* (3) If the person or the authorized agent of the entity to be served is not found, service shall be made in accordance with the law of the State of destination.

\* B. Requests the delivery of the documents listed below to the following judicial or administrative authority:

Authority: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* C. Requests the Central Authority of the State of destination to return to the Central Authority of the State of origin one copy of the documents listed below and attached to this letter rogatory, and an executed Certificate on the attached Form C.

Done at \_\_\_\_\_ this \_\_\_\_\_ date of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Signature and stamp of the  
judicial or other adjudicatory  
authority of the State of origin

\_\_\_\_\_  
Signature and stamp of the  
Central Authority of the  
State of origin

Title or other identification of each document to be delivered:

\_\_\_\_\_

(Attach additional pages, if necessary.)

\* Delete if inapplicable.

ANNEX TO THE ADDITIONAL PROTOCOL  
TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY

FORM B

ESSENTIAL INFORMATION FOR THE ADDRESSEE <sup>1</sup>

To (Name and address of the person being served) \_\_\_\_\_  
\_\_\_\_\_

You are hereby informed that (Brief statement of nature of service) \_\_\_\_\_  
\_\_\_\_\_

A copy of the letter rogatory that gives rise to the service or delivery of these documents is attached to this document. This copy also contains essential information for you. Also attached are copies of the complaint or pleading initiating the action in which the letter rogatory was issued, of the documents attached to the complaint or pleading, and of any rulings that ordered the issuance of the letter rogatory.

ADDITIONAL INFORMATION

I \*

FOR SERVICE

A. The document being served on you (original or copy) concerns the following:  
\_\_\_\_\_  
\_\_\_\_\_

B. The remedies sought or the amount in dispute is as follows:  
\_\_\_\_\_  
\_\_\_\_\_

C. By this service, you are requested:  
\_\_\_\_\_  
\_\_\_\_\_

D. \* In case of service on you as a defendant you can answer the complaint before the judicial or other adjudicatory authority specified in Form A, Box 1 (State place, date and hour): \_\_\_\_\_  
\_\_\_\_\_

\* You are being summoned to appear as: \_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> Complete the original and two copies of this form in the language of the State of origin and two copies in the language of the State of destination.

\* Delete if inapplicable.

\* If some other action is being requested of the person served, please describe: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

E. If you fail to comply, the consequences might be: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

F. You are hereby informed that a defense counsel appointed by the Court or the following legal aid societies are available to you at the place where the proceeding is pending.

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

The documents listed in Part III are being furnished to you so that you may better understand and defend your interests.

II \*

FOR INFORMATION FROM JUDICIAL OR ADMINISTRATIVE AUTHORITY

To: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (Name and address of the judicial or administrative authority)

You are respectfully requested to furnish the undersigned authority with the following information: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The documents listed in Part III are being furnished to you to facilitate your reply.

\*Delete if inapplicable.

III

LIST OF ATTACHED DOCUMENTS

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(Attach additional pages if necessary.)

Done at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
Signature and stamp of the  
judicial or other adjudicatory  
authority of the State of origin

\_\_\_\_\_  
Signature and stamp of  
the Central Authority  
of the State of Origin

ANNEX TO THE ADDITIONAL PROTOCOL  
TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY

FORM C

CERTIFICATE OF EXECUTION <sup>1</sup>

To: \_\_\_\_\_  
\_\_\_\_\_

(Name and address of judicial or other adjudicatory authority  
that issued the letter rogatory)

In conformity with the Additional Protocol to the Inter-American Convention on Letters Rogatory, signed at Montevideo on May 8, 1979, and in accordance with the attached original letter rogatory, the undersigned Central Authority has the honor to certify the following:

\*A. That one copy of the documents attached to this Certificate has been served or delivered as follows:

Date: \_\_\_\_\_

At (Address) \_\_\_\_\_

By one of the following methods authorized by the Convention.

\*(1) In accordance with the special procedure or additional formalities that are described below, as provided for in the second paragraph of Article 10 of the above-mentioned Convention, or

\_\_\_\_\_  
\_\_\_\_\_

\*(2) By service personally on the identified addressee or, in the case of a legal entity, on its authorized agent, or

\*(3) If the person or the authorized agent of the entity to be served was not found, in accordance with the law of the State of destination: (Specify method used)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> Complete the original and one copy in the language of the State of destination.

\* Delete if inapplicable.

\*B. That the documents referred to in the letter rogatory have been delivered to:

Identity of person \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Relationship to the addressee \_\_\_\_\_  
 (family, business or other)  
 \_\_\_\_\_  
 \_\_\_\_\_

\*C. That the documents attached to the Certificate have not been served or delivered for the following reason(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\*D. In conformity with the Protocol, the party requesting execution of the letter rogatory is requested to pay the outstanding balance of costs in the amount indicated in the attached statement.

Done at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

\_\_\_\_\_  
 Signature and stamp of Central Authority of the State of destination

Where appropriate, attach originals or copies of any additional documents proving service or delivery, and identify them.

\_\_\_\_\_

\* Delete if inapplicable.