

**No. 24387**

---

**MULTILATERAL**

**Inter-American Convention on the taking of evidence  
abroad. Concluded at Panama City on 30 January 1975**

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

*Registered by the Organization of American States on 23 October 1986.*

---

**MULTILATÉRAL**

**Convention interaméricaine sur l'obtention des preuves à  
l'étranger. Conclue à Panama le 30 janvier 1975**

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

*Enregistrée par l'Organisation des États américains le 23 octobre 1986.*

## INTER-AMERICAN CONVENTION<sup>1</sup> ON THE TAKING OF EVIDENCE ABROAD

The Governments of the Member States of the Organization of American States, desirous of concluding a convention on the taking of evidence abroad, have agreed as follows:

*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*”.

*Article 2.* Letters rogatory issued in conjunction with proceedings in civil or commercial matters for the purpose of taking evidence or obtaining information abroad and addressed by a judicial authority of one of the States Parties to this Convention to the competent authority of another, shall be executed in accordance with the terms specified therein, provided:

1. The procedure requested is not contrary to legal provisions in the State of destination that expressly prohibit it;

<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 20:

| <i>State</i>  | <i>Date of deposit<br/>of the instrument<br/>of ratification</i> |
|---------------|--|
| Ecuador ..... | 3 October 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 20:

| <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 .....                       | 17 December 1979   |
| (With effect from 16 January 1980.)   |  |
| El Salvador* .....                    | 11 August 1980   |
| (With effect from 10 September 1980.) |  |
| Venezuela .....                       | 16 May 1985  |
| (With effect from 15 June 1985.)      |  |

\* See p. 408 of this volume for the text of the declarations and notifications made upon ratification.

In addition, a notification pursuant to article 11 was received from the Government of Uruguay by the General Secretariat of the Organization of American States. See p. 410 of this volume for the text of the notification.

2. The interested party places at the disposal of the authority of the State of destination the financial and other means necessary to secure compliance with the request.

*Article 3.* The authority of the State of destination shall have jurisdiction over disputes arising in connection with the execution of the measure requested.

Should the authority of the State of destination find that it lacks jurisdiction to execute the letter rogatory but consider that another authority of the same State has jurisdiction, it shall *ex officio* forward to it, through the appropriate channels, the documents and antecedents of the case.

In the execution of letters rogatory, the authority of the State of destination may apply the measures of compulsion provided for in its law.

*Article 4.* Letters rogatory requesting the taking of evidence or the obtaining of information abroad shall specify the following information needed for fulfilling the request:

1. A clear and precise statement of the purpose of the evidence requested;
2. Copies of the documents and decisions that serve as the basis and justification of the letter rogatory, as well as such interrogatories and documents as may be needed for its execution;
3. Names and addresses of the parties to the proceeding, as well as of witnesses, expert witnesses, and other persons involved and all information needed for the taking of the evidence;
4. A summary report on the proceeding and the facts giving rise to it, if needed for the taking of the evidence;
5. A clear and precise statement of such special requirements or procedures as may be requested by the authority of the State of origin for the taking of the evidence, except as provided in Article 2.1 and Article 6.

*Article 5.* Letters rogatory concerning the taking of evidence shall be executed in accordance with the laws and procedural rules of the State of destination.

*Article 6.* At the request of the authority issuing the letter rogatory, the authority of the State of destination may accept the observance of additional formalities or special procedures in performing the act requested, unless the observance of those procedures or of those formalities is contrary to the laws of the State of destination or impossible of performance.

*Article 7.* 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 8.* 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.

*Article 9.* Pursuant to Article 2.1, the authority of the State of destination may refuse execution of a letter rogatory whose purpose is the taking of evidence prior to judicial proceedings or “pretrial discovery of documents” as the procedure is known in Common Law countries.

*Article 10.* Letters rogatory shall be executed in the States Parties provided they meet the following requirements:

1. The letter rogatory is legalized, except as provided for in Article 13 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;
2. The letter rogatory and the appended documentation are duly translated into the official language of the State of destination.

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.

*Article 11.* Letters rogatory may be transmitted to the authority to which they are addressed 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.

*Article 12.* A person called to give evidence in the State of destination pursuant to a letter rogatory may refuse to do so when he invokes impediment, exception or duty to refuse to testify:

1. Under the law of the State of destination; or
2. Under the law of the State of origin, if the invoked impediment, exception or duty to refuse has been specified in the letter rogatory or has been confirmed by the requesting authority at the instance of the court of destination.

*Article 13.* Whenever letters rogatory are transmitted or returned through consular or diplomatic channels or through the Central Authority, legalization shall not be required.

*Article 14.* This Convention shall not limit any provisions regarding letters rogatory for the taking of evidence abroad 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 Parties.

This Convention shall not limit the application of any provisions on the taking of evidence by consuls that may be in force in other conventions or preclude the continuation of accepted practices in this regard.

*Article 15.* The States Parties to this Convention may declare that its provisions cover the execution of letters rogatory for the taking of evidence abroad 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 16.* The State of destination may refuse to execute a letter rogatory that is manifestly contrary to its public policy (*ordre public*).

*Article 17.* This Convention shall be open for signature by the Member States of the Organization of American States.

*Article 18.* This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

*Article 19.* This Convention shall remain open for accession by any other State. The instruments of accession shall be deposited with the General Secretariat of the Organization of American States.

*Article 20.* 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 21.* 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 22.* 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 23.* 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 reservations, if any. It shall also transmit the information mentioned in Article 10 and in the second paragraph of Article 11, and the declarations referred to in Articles 15 and 21 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. 403 of this volume.]

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

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

[Signed — Signé]

ALBERTO RUIZ 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 GONZALEZ 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 :

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>

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

[Signed — Signé]

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

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

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

[Signed — Signé]  
HUMBERTO GARCÍA ORTÍZ  
30 de enero/75<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  
30/1/75  
[Signed — Signé]  
GERALDO EULADIO DO NASCIMENTO E SILVA

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

[Signed — Signé]  
JUAN MATERNO VASQUEZ  
30/1/75

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



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

*Ad referendum*

[*Signed — Signé*]

MIGUEL SOLANO LOPEZ  
 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 :

[*Signed — Signé*]

KEMIL DIPP GÓMEZ  
 Julio 19, 1977<sup>2</sup>

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

[*Signed — Signé*]

FRANCISCO BERTRAND GALINDO  
 30 de enero de 1975<sup>3</sup>

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

<sup>2</sup> 19 July 1977 — 19 juillet 1977.

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

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

“El Gobierno de México interpreta que el Art. 8 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 EYZGUIRRE 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 8 of this Convention refers to the international validity of foreign judgments — [Traduction\*\* — Translation\*] L'interprétation du gouvernement mexicain est que l'Article 8 de cette Convention concerne 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. 407 of this volume for the text of the declaration made upon signature.]

DÉCLARATION FAITE  
LORS DE LA SIGNATURE

## MEXIQUE

[Voir p. 407 du présent volume pour le texte de la déclaration faite lors de la 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]

“Respecto a la Convención Interamericana sobre Recepción de Pruebas en el Extranjero, Artículo 10, párrafo 2, parte final, los requisitos exigidos en El Salvador para la legalización y traducción de exhortos o cartas rogatorias, son los mismos a que se ha hecho referencia en relación a la Convención Interamericana sobre Exhortos o Cartas Rogatorias y que la Corte Suprema de Justicia es, para los efectos de la presente Convención, la autoridad Central competente para recibir y distribuir Exhortos o Cartas Rogatorias.”

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

## 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>

With respect to the Inter-American Convention on the Taking of Evidence Abroad, Article 10, paragraph 2, final part, the requirements exacted in El Salvador for legalization and translation of letters rogatory are the same as those mentioned in the case of the Inter-American Convention on Letters Rogatory and the Supreme Court of Justice is, for the purposes of the Convention, the competent central authority for receiving and distributing Letters Rogatory.

## MEXICO

[*Confirming the declaration made upon signature. See p. 408 of this volume.*]

[TRADUCTION]<sup>1</sup>

Au sujet de la Convention interaméricaine sur l'obtention des preuves à l'étranger, et de la dernière partie du paragraphe 2 de l'article 10, les conditions requises au Salvador pour la légalisation et la traduction des commissions rogatoires sont les mêmes que celles requises par la Convention interaméricaine sur les commissions rogatoires, et, de plus, aux effets de la Convention, la Cour de Cassation demeure l'autorité compétente pour recevoir et distribuer les commissions rogatoires.

## MEXIQUE

[*Avec confirmation de la déclaration faite lors de la signature. Voir p. 408 du présent volume.*]

## [SPANISH TEXT — TEXTE ESPAGNOL]

*Notification made pursuant to article 11 — Notification faite en vertu de l'article 11*

“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 pursuant to article 11*

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

[TRADUCTION]<sup>1</sup>

*Notification faite en vertu de l'article 11*

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

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

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

NOTIFICATION pursuant to article 11 of the Inter-American Convention of 30 January 1975 on the taking of evidence abroad<sup>1</sup>

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

30 August 1985

URUGUAY

NOTIFICATION en vertu de l'article 11 de la Convention interaméricaine du 30 janvier 1975 sur l'obtention des preuves à l'étranger<sup>1</sup>

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

30 août 1985

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 11 de la Convención.”

[TRANSLATION]<sup>2</sup>

... appointing the Ministry of Education and Culture “Asesoría Autoridad Central de Cooperación Jurídica Internacional” as the “Central Authority” provided for in Article 11 of the Convention.

*Certified statement was registered by the Organization of American States on 23 October 1986.*

[TRADUCTION]<sup>2</sup>

... a désigné le Ministère de l'Education et de la Culture, « Asesoría Autoridad Central de Cooperación Jurídica Internacional » comme l'Autorité centrale telle que prévue dans l'Article 11 de la Convention.

*La déclaration certifiée a été enregistrée par l'Organisation des Etats américains le 23 octobre 1986.*

<sup>1</sup> See p. 390 of this volume.

<sup>2</sup> Translation supplied by the Organization of American States.

<sup>1</sup> Voir p. 398 du présent volume.

<sup>2</sup> Traduction fournie par l'Organisation des Etats américains.