



Multilateral Treaties

[Text of the Treaty] [text in Spanish]

B-36: INTER-AMERICAN CONVENTION ON LETTERS ROGATORY

ADOPTED AT: PANAMA, PANAMA

DATE: 01/30/75

CONF/ASSEM/MEETING: INTER-AMERICAN SPECIALIZED CONFERENCE ON PRIVATE INTERNATIONAL LAW

ENTRY INTO FORCE: 01/16/76 IN ACCORDANCE WITH ARTICLE 22 OF THE CONVENTION.

DEPOSITORY: GENERAL SECRETARIAT, OAS (ORIGINAL INSTRUMENT AND RATIFICATIONS).

TEXT: OAS, TREATY SERIES, NO. 43.

UN REGISTRATION: 03/20/89 No. 24386 Vol.

OBSERVATIONS:

GENERAL INFORMATION OF THE TREATY: B-36

Table with columns: SIGNATORY COUNTRIES, SIGNATURE REF, RA/AC/AD REF, DEPOSIT INST, INFORMA REF. Lists countries like Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain, United States, Uruguay, Venezuela with their respective dates and instrument types.

REF = REFERENCE

INST = TYPE OF INSTRUMENT

D = DECLARATION  
R = RESERVATION  
INFORMA = INFORMATION REQUIRED BY THE TREATY

RA = RATIFICATION  
AC = ACCEPTANCE  
AD = ACCESSION

## **B-36. INTER-AMERICAN CONVENTION ON LETTERS ROGATORY**

### **1. Mexico:**

Signed ad referendum.

(Interpretative declaration made at the time of signature)

It is the interpretation of the Government of Mexico that Article 9 of this Convention refers to the international validity of foreign judgments.

### **2. Paraguay:**

Signed ad referendum.

#### **a. Chile:**

(Declaration made at the time of ratification, according to Article 16 of the Convention)

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".

(Provided information in accordance with Article 4)

Appointed the Ministry of Foreign Affairs of the Republic of Chile as the Central Authority competent to receive and distribute letters rogatory in reference to the articles provided for in the Convention. (May 5th, 1987)

#### **b. Ecuador:**

(Provided information in accordance with Article 4)

Appointed the Asesoría Técnico-Jurídica of the Ministry of Foreign Affairs of Ecuador as the Central Authority competent to carry out the functions entrusted to it in the Convention. (April 23rd, 1984)

The Government of Ecuador has designated the Ministry of Foreign Affairs, Technical and Legal Advisory Office, General Directorate of Legal Affairs as the central authority to receive and distribute letters rogatory, for the purposes set forth in the Convention (August 14, 1996, No. 139/96/MPE/OEA).

#### **c. El Salvador:**

(Reservation made at the time of ratification)

Reservation to application of Article 7.

(Provided information in accordance with Article 4 and 18)

Appointed the Supreme Court of Justice as the Central Authority competent to receive and distribute letters rogatory.

Moreover, El Salvador, made the following statement: "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", with the original texts following in order:

"Art. 261.- In order to uphold a public or authentic instrument, emanating from a foreign country, the signature that authorizes it should be notarized by the Chief of Staff of the diplomatic mission, the Consul, Vice-Consul or the Consular Attache of the republic, or if need be, by the corresponding dignitaries of the Ministry of Foreign Affairs from which the document originates, and the signature that authorizes such legislation must also be notarized by the Minister or Under-Secretary of Foreign Affairs of El Salvador who, by executive agreement in the same branch, has been generally authorized for such acts."

"Validation will also be granted to foreign instruments received as photocopies, so long as the reverse of said copies provides a statement as to their originality, and as long as the proper formalities required by law in the originating country have been complied with. This statement should be signed by a competent functionary of the originating country and the signature should be notarized as prescribed above."

If the instruments to which this Article refers were written in a foreign language, so long as they've been translated to Spanish by a court-appointed interpreter, there will be no need for a new version for use in the rest of the courts or other governmental offices, nor will there be a need for this version where the instruments have been translated in accordance with the law of the originating country and the translation is properly authenticated."

"Whenever the judge, tribunal or the head of the governmental office where the instruments , or their translations, are to be used, feels that a new translation would be practical, he/she will be allowed to produce one or request one of an interested party, and that new version, formally authorized by a competent judge, will be the only one used."

"Art 388.- Every judicial step which a contracting State has to take in another shall be effected by means of letters requisitorial or letters rogatory, transmitted through the diplomatic channel. Nevertheless, the contracting States may agree upon or accept as between themselves any other form of transmission in respect to civil or criminal matters."

"Art. 389.- The judge issuing the letters requisitorial is to decide as to his own competence and the legality and propriety of the act or evidence, without prejudice to the jurisdiction of the judge to whom said letters are addressed."

"Art. 391.- The one receiving the letters requisitorial or letters rogatory should comply, as to the object thereof, with the law of the one issuing the same, and as to the manner of discharging the request he should comply with his own law."

"Art. 392.- The letters requisitorial will be written in the language of the State which sent them and will be accompanied by a translation in the language of the State to which they are addressed, said translation to be

duly certified by a sworn public translator."

**d. Spain:**

(Provided information in accordance with Article 4)

Appointed the Technical General Secretariat (Secretaría General Técnica) of the Ministry of Justice, whose address is: San Bernardo 47, Madrid 28015, Spain, as the Central Authority competent to receive and distribute letters rogatory as provided for in the convention. (April 14th, 1988)

**e. Guatemala:**

(Provided information in accordance with Article 4)

Appointed the Supreme Court of Justice as the Central Authority competent to transmit, receive and distribute letters rogatory as provided for in the convention. (October 21st, 1987)

**f. Mexico:**

(Declaration made at the time of ratification)

With the interpretative declaration made at the time of signature.

(Provided information in accordance with Article 4)

Appointed the Secretariat of Foreign Affairs of Mexico as the Central Authority competent to receive and distribute letters rogatory as provided for in the Convention. (February 7th, 1983)

**g. Uruguay:**

(Provided information in accordance with Article 4)

Appointed the Ministry of Education and Culture "Asesoría Autoridad Central de Cooperación Jurídica Internacional" as the Central Authority competent to carry out the functions entrusted to it in the Convention. (August 30th, 1985)

**h. Venezuela:**

(Reservation made at the time of ratification)

With reservation to letter b) of Article 2 of the Convention.

(Provided information in accordance with Article 4)

Appointed the Ministry of Foreign Affairs of the Republic of Venezuela as the Central Authority competent to receive and distribute letters rogatory as provided for in the Convention.

(December 11th, 1984)

**i. United States:**

(Reservations made at the time of ratification)

1. Pursuant to Article 2(b) of the Inter-American Convention on Letters Rogatory, letters rogatory that have as their purpose the taking of evidence shall be excluded from the rights, obligations and operation of this Convention between the United States and another State Party.

2. In ratifying the Inter-American Convention on Letters Rogatory, the United States accepts entry into force and undertakes treaty relations only with respect to States which have ratified or acceded to the Additional Protocol as well as the Inter-American Convention, and not with respect to States which have ratified or acceded to the Inter-American Convention alone."

(Provided information in accordance with Articles 4 and 18)

Pursuant to Article 4 of the Convention and Article 2 of the Additional Protocol, the Government of the United States wishes to inform the Secretary General that the Department of Justice is the Central Authority competent to receive and distribute letters rogatory. The mailing address for these purposes is:

Office of International Judicial Assistance  
Civil Division  
Department of Justice  
Todd Building, Room 1234  
550 11th Street, N.W.  
Washington, D.C. 20530

Pursuant to Article 18 of the Convention, the Government of the United States wishes to inform the Secretary General that letters rogatory to be executed in the United States must be translated into the English language.

**j. Brazil:**

(Provided information in accordance with Article 4)

Appointed the Ministry of Justice of the Brazil as the Central Authority competent to receive and distribute letters rogatory in reference to the articles provided for in the Convention.

[\[Text of the Treaty\]](#)