

## PART ONE – GENERAL INFORMATION AND STATISTICS

### I. Questions for non-Contracting States

1) Please indicate why your State is not a Contracting State to the Evidence Convention (select as many answers as are relevant):

The availability of possibilities under internal law, bilateral or regional agreements, treaties or instruments means there is no added value in becoming a Party to the Evidence Convention

The number of cross-border litigation cases that require evidence to be taken from abroad is limited and does not require a global framework

There are legal obstacles in your domestic legal system that prevent your State from becoming a Party to the Convention – if so, please specify what these are:

Your State considers that there are specific issues arising out of the Evidence Convention (*e.g.*, the absence of deadlines for the execution of requests for the taking of evidence, rules as to the language of the Letter of Request to be used under the Convention, etc.) which dissuade your State from joining the Evidence Convention – please explain:

Your State does not have the means or resources to properly implement the Evidence Convention

The question of becoming a Party to the Convention has never been examined in detail

Other reason – please explain:

*Our justice is undergoing deep changes, exemplified by the incorporation, in recent years, of a number of reforms in the fields of criminal, labor and family procedure, all of which are now in full operation. Additionally, since 2005, we have been developing a new civil law framework in Chile and, therefore, a series of decisions will be made in the short term, including the possibility of adopting the above Convention.*

*Said decisions will be based on the characteristics of our new civil procedure system, which is expected to suffer drastic changes in respect of the current system; particularly, as regards taking, production and valuation of evidence in trial.*

*All these new ideas, among others, incorporated into the new civil procedure new framework, must be considered before becoming a party to the Convention. Therefore, we deem that the relevant decision may only be made once the new system is fully defined.*

2) Please forward a list of any bilateral or regional agreements, treaties or instruments to which your State is a Party and that provide rules for the taking of evidence abroad:

*The Inter-American Convention on the Taking of Evidence Abroad, ratified by Chile in 1976. In 1991, the Ministry of Foreign Affairs was appointed as Central Authority.*

3) Is your State currently studying the Evidence Convention or does your State envisage studying it with a view to becoming a State Party in the near future?

YES – please specify (status of considerations in your State, etc.):

*YES, as stated in the reply to question No. 1, we are exploring the possibility of becoming a Party to the above Convention. However, a final decision may only be adopted after concluding the new civil procedure legal framework. Only then, based on its new features will it be possible to analyze the*

*strengths and weaknesses that adopting the rules of the Convention might have in our legal system.*

[ ] NO