

# **International Association of Judges**

## **2<sup>nd</sup> Study Commission**

**Puerto Rico, October 1997**

### **Questionnaire**

**Subject: the law of evidence in civil procedure**

**Replies concern solely the examination of ordinary civil cases**

- 1) For which circumstances (issues of fact, points of law), does your legal system require the taking of evidence? Which party is under the obligation to provide evidence and for what facts?
- 2) Is evidence taken upon motion by the parties or ex officio?
- 3) What are the powers of a judge taking evidence in proceedings? Can a judge also take evidence against the will of the parties? Can a judge prevent delays in evidence-taking which are caused by the parties?
- 4) Does your legal system offer for the possibility of (the court) taking evidence already before civil proceedings?
- 5) Who bears the costs of evidence-taking (e.g. fees of court experts, witnesses)?
- 6) What type of evidences are provided in your legal system? must a certain sequence be observed when taking evidence?
- 7) What reasons can a party claim when refusing to give evidence? What are the consequences of refusing to give evidence without a justified reason?
- 8) What reasons can a witness claim when refusing to give evidence? What are the consequences of refusing to give evidence without a justified reason?
- 9) What is the parties' influence on the appointment of court experts? What reasons can be claimed to refuse a court expert? How can a court expert's opinion be refuted?
- 10) What are the provisions of your legal system concerning documentary evidence? Can a party or a third party be forced to submit documents? What are the consequences of a refusal?
- 11) What are the provisions of your legal system when it is necessary to take evidence in other countries?
- 12) Do you think that the provisions of your legal system governing evidence-taking are satisfactory? What changes should be made? Are there plans for any reforms?