Record Nr. UNINA9910440633003321 Autore Raess Lorenz Titolo Court assistance in the taking of evidence in international arbitration: dissertation / / Lorenz Raess Pubbl/distr/stampa Zurich:,: Sui generis Verlag,, [2020] ©2020 Descrizione fisica 1 online resource (372 pages) Disciplina 341.522 Soggetti Arbitration (International law) International law - Germany Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Nota di bibliografia Includes bibliographical references. Introduction -- Different Approaches to the Taking of Evidence --Nota di contenuto Legal Framework for the Taking of Evidence -- Sanctions of the Arbitral Tribunal -- Limits to the Taking of Evidence -- Court Assistance in International Arbitration -- Comparative Analysis -- Swiss Perspective -- Conclusion -- Bibliography -- Table of Cases -- Table of Legislation -- Legislative Materials -- About the Author -- Imprint -- Leere Seite -- Copyright. Although international arbitration is widely hailed as an efficient, Sommario/riassunto confidential and flexible way of settling commercial disputes, it has its limits. The arbitral tribunal's lack of coercive power is thrown into particularly stark relief when it comes to the taking of evidence from third parties outside the arbitral proceedings. If they do not comply voluntarily with the request of the arbitral tribunal to testify as a witness or disclose documents, assistance must be sought from state courts. As the success of a case hinges on the evidence that a party can obtain, it is crucial to understand how to obtain evidence through state courts. At the heart of this work is the question of the conditions under which state courts may offer assistance in international arbitral

proceedings. With a special focus on Switzerland and comparative aspects, this book provides helpful tactical insights for arbitral

practitioners around the world.