

**TAKING OF EVIDENCE BY VIDEO-LINK UNDER THE
HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF
EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

FOREWORD TO THE COUNTRY PROFILE

Pursuant to the mandate of the Council on General Affairs and Policy (No 20 of the Conclusions and Recommendations of 2016), a subgroup of the *Experts' Group on the Use of Video-Link and Other Modern Technologies in the Taking of Evidence Abroad* prepared, with the assistance of the Permanent Bureau, a draft Country Profile Questionnaire. In January 2017, the full Experts' Group approved this finalised version for circulation to Central Authorities of Contracting States to the *Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention).

The Country Profile is intended to assist with the taking of evidence by video-link under Chapters I and II of the Evidence Convention, in particular in determining whether video-link is possible in a given jurisdiction from a legal and practical perspective. If so, this Country Profile also aims to present the wide range of legal and practical aspects that should be considered by parties and their representatives, judicial personnel, and other relevant actors involved in the taking of evidence by video-link. These profiles will be published on the Hague Conference website for reference by users of the Convention and will be updated as required.

In addition, the information provided in the completed Country Profiles will be used to better inform the process of drafting the Guide to Good Practice on the use of video-link under the Evidence Convention. It is the intention of the Experts' Group that both the Guide and Profiles will be used together, each complementing the other.

Any questions regarding the completion of this Country Profile may be submitted to the Permanent Bureau by e-mail to < secretariat@hcch.net > for the attention of Mayela Celis (Principal Legal Officer) and Brody Warren (Legal Officer).

Contact details (for follow-up in relation to this country profile)

The contact details provided in this section will not be published on the Hague Conference website and are only for internal purposes

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Contact person(s): The Ministry of Justice of Georgia
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Language(s) of communication:	Georgian, English, Russian

INSTRUCTIONS

- Please check the appropriate box provided, or where applicable, enter text in either English or French, in the field provided (the field will expand automatically as the response is entered).
- Where the response requires either “Yes” or “No” please check one box only.
- All questions have a “Comments” field, to allow additional information to be entered. In order to assist in making the final Country Profiles as comprehensive as possible, please make use of these additional fields to provide as much information as possible, such as references to relevant legislation or regulations, and descriptions of State practice.
- Please note that as this Profile contains questions relating to both practical and legal considerations (including technical aspects), for some questions, assistance from those responsible for technology in the authorities or courts in your State may be required (see, e.g., Part III).

TERMINOLOGY

Video-link refers to technology that allows two or more locations to interact simultaneously by two-way video and audio transmission. Please note that for the purposes of this Country Profile, the expression “video-link” is considered to have the same meaning as “videoconferencing” and other similar terms.

Chapter I refers to the provisions of the Convention dealing with the system of Letters of Request. Chapter I comprises Articles 1 to 14 of the Convention.

Chapter II refers to the provisions of the Convention dealing with the taking of evidence by diplomatic officers, consular agents and commissioners. Chapter II comprises Articles 15 to 22 of the Convention.

Direct taking of evidence refers to the procedure of taking of evidence whereby the authority in the requesting State before which proceedings are pending conducts the witness / expert examination directly.

Indirect taking of evidence refers to the procedure of taking of evidence whereby an authority in the requested State in whose territory the witness / expert is located conducts the witness / expert examination.

Practical information chart refers to the chart for a given Contracting State, which is available on the Evidence Section of the Hague Conference website under “Central and other Authorities”.

Requested authority refers to the authority that executes the Letter of Request.

Requested State refers to the State to which the Letter of Request is addressed.

Requesting authority refers to the authority that issues the Letter of Request.

Requesting State refers to the State from which the Letter of Request is issued.

State of Execution refers, for the purposes of Chapter II, to the State in whose territory evidence is or will be taken.

State of Origin refers, for the purposes of Chapter II, to the State in which proceedings are commenced and in aid of which evidence is or will be taken. Where evidence is taken by a Consul, the State of Origin is also the State which the Consul represents.

Witness, for the purpose of this Questionnaire, includes both parties to the proceedings and third parties, from whom testimony is to be taken.

COUNTRY PROFILE

**TAKING OF EVIDENCE BY VIDEO-LINK UNDER THE
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EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

STATE NAME: Georgia

PROFILE UPDATED ON (DATE):

PART I: STATE

1. Contact details	
<i>The contact details provided in this section <u>will be published</u> on the Hague Conference website</i>	
CHAPTER I (LETTERS OF REQUEST)	
<i>As with any other Letter of Request under Chapter I of the Evidence Convention, the requesting authority should contact the Central Authority(ies) of the requested State when seeking to obtain evidence by means of a Letter of Request, whether using video-link or not.</i>	
a) Are the contact details of the Central Authority(ies) designated by YOUR STATE up-to-date on the Evidence Section of the Hague Conference website?	<input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No. Please provide the contact details on a separate Word or PDF document for uploading on the Evidence Section of the Hague Conference website.
b) Would YOUR STATE be in favour of specifying a person or department within the Central Authority(ies) who would assist in processing Letters of Request where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?	<input type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details: <input checked="" type="checkbox"/> No. Please explain why: not specified <i>Comments:</i>
c) What arrangements are there for ensuring that there is a contact person with whom the requesting authority can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?	Arrangements will be made case by case

CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)

Permission by a designated authority may be required to apply certain provisions under Chapter II. To know if such a permission is required for a particular State, see the practical information chart (accessible from the [Authorities](#) page) AND / OR the declarations (accessible from the [Status Table](#) page) of the relevant State available on the [Evidence Section](#) of the Hague Conference website.

If permission is not required, applicants should contact the diplomatic and consular mission (Arts 15/16) or the commissioner (Art. 17) to explore whether or not evidence may be obtained by video-link under this Chapter.

If permission is required, applicants should contact the authority that was designated to grant permission AND the relevant diplomatic and consular mission or commissioner, to explore, where necessary, whether or not evidence may be obtained by video-link under this Chapter.

d) Would YOUR STATE be in favour of specifying **an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner**, that would assist in processing applications where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?

- Yes.
If YOUR STATE has already done so, please specify the contact details:
- No.
Please explain why: **Not Applicable (No Declaration made about permission under Article 15)**

Comments:

e) What arrangements are there for ensuring that there is a contact person with whom the Court of Origin can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?

Not Applicable

PART II: RELEVANT LEGISLATION AND COURT SYSTEM

Legal basis	
<p>a) Does YOUR STATE, in the application of Article 27 (<i>i.e.</i> internal law or practice), allow for a foreign Court to directly take evidence by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No. Please specify: Georgian legislation and practice does not provide for such opportunity.</p> <p><i>Comments:</i></p>
<p>b) Please indicate the legal basis or applicable protocols (<i>i.e.</i>, relevant laws, regulations, practice, etc.) for the use of video-links in the taking of evidence in YOUR STATE, either under the Convention or independent of the Convention (see, <i>e.g.</i> Art. 27 (b) and (c)):</p> <p><i>Please also attach a copy of, or provide a link to, the relevant provisions, where possible in English or French.</i></p>	<p>Such practice exists in all categories of legal proceedings:</p> <p>1) Pursuant to Article 127 (3) of the Code of Civil Procedure of Georgia, “by decision of a judge, examinations of a party may be taken remotely from another court or administrative body by using a telephone, video equipment or other technical means or through Georgian diplomatic missions and consular offices abroad, provided the respective authority can identify the person at the place of examination”.</p> <p>Article 148 (6) of the same Code stipulates that “on the basis of a motion of a party and by decision of a judge, witnesses may be examined remotely under Article 127(3) of this Code, of which parties shall be notified in advance”.</p> <p>The aforementioned provisions of the Code of Civil Procedure apply to administrative legal proceedings as well.</p> <p>See: English version of the Civil Procedure Code of Georgia https://matsne.gov.ge/en/document/view/29962?publication=134</p>
<p>c) Does YOUR STATE have any agreements with other Contracting States that derogate from the Convention when taking evidence by video-link (see Art. 28 and Art. 32)?</p>	<p><input type="checkbox"/> Yes. Please attach a copy of, or provide a link to, the relevant provisions, where possible in English or French:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
Court system	
<p>d) Please indicate which courts permit, or have the facilities for, the taking of evidence by</p>	<p><input checked="" type="checkbox"/> All courts.</p> <p><input type="checkbox"/> All courts of a specific type / level. Please specify:</p> <p><input type="checkbox"/> Only specific courts. Please specify which courts, or provide a link to/attach a full list:</p>

<p>video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</p>	<p><input type="checkbox"/> None.</p> <p><i>Comments:</i> All courts within the Common Courts System of Georgia are equipped by the relevant technical means for taking evidence by video-link.</p>
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PART III: TECHNICAL AND SECURITY ASPECTS (APPLICABLE TO BOTH CHAPTERS)

<p>a) Does YOUR STATE use licensed software (which ensures support for technical and security matters) for the taking of evidence by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Cisco-TelePresence</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>b) What are the specifications of the video-link technology in use in YOUR STATE, including, if any, the minimum standards or mechanisms used to secure the communications and any recordings made?</p> <p><i>States are encouraged to provide as much information as possible when responding to this question. As such, it may be useful to consider liaising with the relevant IT experts.</i></p>	<p>Codec (<i>i.e.</i>, manufacturer, model, transmission speed, bandwidth):</p> <p>1. Manufacturer: Tandberg Model: edge 85 mxp Bandwidth up to 2 Mbps</p> <p>2. Manufacturer Cisco Model SX20 Bandwidth up to 6 Mbps (Configured to Use 2Mbps)</p> <p>3. Manufacturer Cisco Model SX10 Bandwidth Up to 3 Mbps (Configured to Use 2Mbps)</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.):</p> <p>1. Video Quality: 720P Video Standards: H.261, H.263, H.263+, H.263++ (Natural Video), H.264 Audio Quality CD-Quality 20KHz Mono and Stereo Audio Standard G.711, G.722, G.722.1, G.728, 64 bit & 128 bit MPEG4AAC-LD</p> <p>2. Video Quality: 720P Video Standards: H.263, H.263+, and H.264 Audio Quality: High quality 20 KHz stereo Audio Standards: G.711, G.722, G.722.1, G.728, G.729, AAC-LD and OPUS</p> <p>3. Video Quality: 720P Video Standards: H.263, H.263+, and H.264 Audio Quality: High-quality 20-kHz mono Audio Standards: 64 kbps MPEG4 AAC-LD, OPUS, G.722, G.722.1, G.711mu, G.711a, G.729ab, and G.729</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): IP Ethernet and Optical Network</p> <p>Type of encryption for signals in secure transmissions:</p> <p>1. H.233, H.234, H.235 v2&v3, DES and AES</p> <p>2. H.235 v3 and Advanced Encryption Standard (AES)</p> <p>3. Advanced Encryption Standard (AES)</p> <p>Split screen capability:</p>

	<p>Yes</p> <p>Document cameras: No, but cameras can be connected to existing Codecs. All Codecs have extra video input available.</p> <p>Multipoint connections: Multipoint connections are possible by using Datacenter Equipment, not EndPoints (Cisco Meeting Server 3.0 Cluster With Expressway Server for Signaling)</p> <p>Additional specifications or capabilities: Ability to connect with WebRTC users using any standard internet browser on any device, when making a video conference using Datacenter Equipment (CMS).</p> <p>Protocols or other practices:</p> <p><i>Comments:</i></p>
<p>c) Can evidence be taken via commercial providers (e.g., Skype™)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> The procedural legislation does not prohibit conducting the procedural actions remotely via commercial providers, as it refers to the communication "by technical means". However, in practice, the Common Courts of Georgia apply the special program (Cisco-TelePresence), which is secured and fully adjusted to the requirements of the legal proceedings.</p>
<p>d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: The judicial secretary is tasked to test the connections and the quality of transmissions before entering the courtroom by the judge (judicial panel).</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>e) Does YOUR STATE have any requirements as to the hearing room, e.g., should be located in a court, should have a camera view of the whole room or a view of all the parties, etc.?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> The procedural legislation does not provide for such requirements. In practice, the courtrooms are located in the administrative buildings of the common courts. For the security reasons, the audio/video recording of the whole courtroom is</p>

	<p>ensured. In addition, taking of photos, cinematographic and video recording is allowed upon the following conditions: a) no one shall be permitted to move or make a noise in the courtroom or use lights or any other emission that may interrupt the normal process of administration of justice; b) If the session proceeds with participation of jurors, taking of photos, cinematographic, video and audio recording of a session shall be performed without photographing such jurors or disclosing their identity, appearance and/or other personal details; c) If the interests of a victim and/or a witness so require, based on a substantiated motion of a party, the court may prohibit the photographing of the victim and/or the witness and the disclosure of their identity, appearance and/or other personal details (Article 131 (4-6) of the Organic Law of Georgia on Common Courts).</p>
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PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

PART IV: USE OF VIDEO-LINKS UNDER BOTH CHAPTERS – LEGAL CONSIDERATIONS

Restrictions	
a) Must a court order directing the use of video-links first be obtained from the requesting State (Chapter I) / State of Origin (Chapter II)?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No. <i>Comments:</i>
b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?	<input checked="" type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No. <i>Comments:</i> Please have reference to the information provided in response to question "b" of the part II (Relevant legislation and Court System).
c) Are there any specific restrictions on how evidence gathered via video-link can be handled and distributed, or do the usual rules for evidence obtained in person apply?	<input type="checkbox"/> Yes, there are specific restrictions. Please specify: <input checked="" type="checkbox"/> No, the normal rules for evidence apply. <i>Comments:</i>
d) Are there any restrictions on the type of person who may be examined by video-link?	<input checked="" type="checkbox"/> Yes. Please specify: Please have reference to the information provided in response to question "b" of the part II (Relevant legislation and Court System). <input type="checkbox"/> No. <i>Comments:</i>
e) Is it necessary to seek the consent of the parties to use video-link to take evidence?	<input checked="" type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link: <input type="checkbox"/> No. <i>Comments:</i> Please have reference to the information provided in response to question "b" of the part II (Relevant legislation and Court System)
f) Are there any restrictions on the location where the person should be examined (e.g. in a courtroom, on the premises of an Embassy or diplomatic mission)?	<input checked="" type="checkbox"/> Yes. Please specify: Please have reference to the information provided in response to question "b" of the part II (Relevant legislation and Court System)

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<input type="checkbox"/> No. <i>Comments:</i>
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PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify what coercive measures may be used: Article 45 of the Code of Civil Procedure of Georgia envisages that "a person summoned as a witness shall be obliged to appear in a court and give accurate testimony. The witness will be penalised with GEL 50 if he/she fails to appear in a court with an inexcusable cause. A court may order that the witness be brought to court by force". In addition, paragraph 2 of the same article 45 determines that "a witness who refuses to testify or gives a deliberately inaccurate testimony may be subject to criminal liability".</p> <p>According to Articles 149 (2) and 150 (1) of the Code of Criminal Procedure of Georgia, "a person summoned by a court in cases provided for by law shall be obliged to appear at the designated time and place. If the person fails to appear, he/she may be compelled to appear". "A decision compelling an appearance shall be submitted for execution to the relevant law enforcement authority".</p> <p><input type="checkbox"/> No. Please explain:</p> <p><i>Comments:</i></p>
<p>h) Please briefly outline the procedure/s, under Chapter I and Chapter II, for actually notifying or summoning the witness / expert to give evidence by video-link, including any references to relevant laws, regulations or practice.</p> <p><i>Please also include, where applicable, the differences between notifying or summoning a willing witness / expert and notifying or summoning a witness / expert that is to be compelled.</i></p>	<p>Chapter I: The court shall call a person to be examined as a witness by a summons, phone or other technical means of communication (e.g. fax) or by using a different procedure agreed between the parties. The summons/any other notice shall indicate who, for what purpose, before whom and at which address the person is called, also the exact time of appearance, and the consequences of the failure to appear without valid reasons (Article 114 (8) of the Code of Criminal Procedure; Article 70 (3) of the Code of Civil Procedure). It is possible to specify in the summons that the person is obliged to give evidence by video-link. There is no differences between summoning a willing witness/expert and summoning a witness/expert that is to be compelled.</p> <p>See: English version of the Civil Procedure Code of Georgia https://matsne.gov.ge/en/document/view/29962?publication=134</p> <p>Chapter II: Not applicable</p> <p><i>Comments:</i></p>
<p>i) The law of which State governs the use of privileges?</p> <p><i>Please tick all that apply.</i></p>	<p>Chapter I:</p> <p><input checked="" type="checkbox"/> The law of the Requesting State. <input checked="" type="checkbox"/> The law of the Requested State. <input type="checkbox"/> The law of another State. Please specify:</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p><i>See Articles 11 and 21(e) of the Convention</i></p>	<p>Chapter II:</p> <ul style="list-style-type: none"><input type="checkbox"/> The law of the State of Origin.<input type="checkbox"/> The law of the State of Execution.<input type="checkbox"/> The law of another State. Please specify: <p><i>Comments:</i> Not Applicable</p>
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PART V: USE OF VIDEO-LINKS UNDER CHAPTER I (LETTERS OF REQUEST) – LEGAL CONSIDERATIONS

Legal obstacles	
<p>a) Does YOUR STATE consider that there are legal obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (see C&R No 55 of the 2009 SC and C&R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
Direct and indirect taking of evidence	
<p>b) Under Chapter I of the Convention, does YOUR STATE allow for the direct taking of evidence by judicial personnel of the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p>Comments:</p> <p>According to paragraph 4 of the Resolution of the Parliament of Georgia of 5 March 2021 "on the Accession to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters", "the representatives of the judiciary of the requesting state may be present at the execution of a Letter of Request, under the Georgian legislation.</p>
<p>c) Under which provisions of Chapter I of the Convention is indirect taking of evidence by video-link possible in YOUR STATE?</p>	<p><input type="checkbox"/> Art. 9(1) – The judicial authority of the requested State obtains evidence (<i>e.g.</i>, a witness / expert examination) which is located in a (distant) location within its own State.</p> <p><input type="checkbox"/> Art. 9(2) - As a special method or procedure. Please also outline whether any specific conditions must be satisfied:</p> <p><i>See also questions on presence.</i></p> <p>Comments:</p>
Legal safeguards for witness / expert	
<p>d) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter I (<i>e.g.</i> protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p>Pursuant to article 67 of the Code of Criminal Procedure of Georgia, special measures for protecting a witness/expert may be applied if: a) the proceedings concern the commission of such an act, the public hearing of which, due to its nature, will substantially harm the personal life of the participant of the proceedings; b) by making public the identity and the involvement in the case of a participant of</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<p>the proceedings, will considerably endanger his/her or his/her close relative's life, health or property; c) the participant of the procedure depends on the accused.</p> <p>Under article 68(3) of the Code, these measures include: a) taking measures preventing the location [of participants of the proceedings] - replacing or removing from the public registry or any other public record the data that make it possible to recognise and identify a participant of the proceedings, in particular, the participant's name, address, work place, occupation or other relevant information; b) changing the identity and issuing new documents - assigning a pseudonym, changing the physical appearance, classifying as secret the procedural and other documents that make it possible to recognise and identify the person; c) taking safety measures (personal protection, emergency call, etc.); d) changing temporarily or permanently the place of residence; e) removing (relocating) to another state.</p>
<p>Presence</p>	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a single location the same for when evidence is taken via video-link?</p> <p><i>See Article 7 of the Convention</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: They are granted the same rights as the parties who are physically in a single location</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>f) Under Chapter I of the Convention, does YOUR STATE allow for the cross-examination of a witness / expert by video-link by the representatives located in the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p><i>Comments:</i> They are granted the same rights as the parties and representatives who are physically in a single location.</p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link?</p> <p><i>See Article 8 of the Convention</i> <i>Please note that a declaration may be made under this provision.</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: They are granted the same rights as the parties who are physically in a single location.</p> <p><input type="checkbox"/> No.</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<i>Comments:</i>
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PART VI: USE OF VIDEO-LINKS UNDER CHAPTER II (BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS) – LEGAL CONSIDERATIONS

The questions in this Part are only for States that have not wholly excluded the application of Chapter II

Please note that Chapter II may be subject to a reservation in whole or in part under Article 33. Check the reservations that YOUR STATE has made under this Chapter in the status table, available on the [Evidence Section](#) of the Hague Conference website.

Legal obstacles and legal framework

<p>a) Does YOUR STATE consider there to be any legal obstacles to the taking of evidence by video-link under Chapter II of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (C&R No 55 of the 2009 SC and C&R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>b) Under which provisions of Chapter II of the Convention is taking of evidence by video-link possible in YOUR STATE?</p>	<p><input type="checkbox"/> Art. 15 <input type="checkbox"/> Art. 16 <input type="checkbox"/> Art. 17</p> <p>Comments:</p>
<p>c) Is prior permission from YOUR STATE required when taking evidence under Chapter II of the Convention on the territory of YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>d) Please indicate who administers the oath or affirmation and how perjury and contempt are dealt with when evidence is taken under Chapter II of the Convention on the territory of YOUR STATE.</p>	<p>Administration of the oath or affirmation:</p> <p>Dealing with perjury and contempt:</p>

Direct and indirect taking of evidence

<p>e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however, that a witness / expert is located in a neighbouring country or in a place distant from the Embassy or Consulate. In these circumstances, does YOUR STATE consider it possible to use video-link to obtain evidence under Chapter II of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
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PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

Legal safeguards for witness / expert	
<p>f) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter II (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	
Presence	
<p>g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by diplomatic and consular agents?</p> <p><i>Please tick all that apply.</i></p>	<p> <input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify: </p> <p><i>Comments:</i></p>
<p>h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by commissioners?</p> <p><i>Please tick all that apply.</i></p>	<p> <input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify: </p> <p><i>Comments:</i></p>
Applicable law	
<p>i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?</p>	<p> <input type="checkbox"/> The law of the State of Origin <input type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify: </p> <p><i>Comments:</i></p>
<p>j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?</p>	<p> <input type="checkbox"/> The law of the State of Origin <input type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify: </p> <p><i>Comments:</i></p>

PART VII PRACTICAL CONSIDERATIONS

COMMON TO BOTH CHAPTERS	
Notice	
a) What does YOUR STATE consider to be the minimum amount of time required between the request and the actual hearing in order to make the arrangements to take evidence by video-link?	<p>Chapter I: The time depends on the complexity of the request, including the possibility to communicate with the relevant persons. It should be noted, that the judiciary of Georgia is facing the problems related to the case management and backlog. However, under article 9 of the Convention, the common courts of Georgia shall make every effort to execute the request expeditiously.</p> <p>Chapter II:</p>
Interpretation services	
b) Who is responsible, under Chapter I and Chapter II, for the use of interpretation services and who arranges these services in YOUR STATE when video-link is used?	<p>Chapter I: Pursuant to paragraphs 2, 3 and 5 of the Resolution of the Parliament of Georgia of 5 March 2021 “on the Accession to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters”, the requesting state is responsible for the reimbursement of the costs occasioned by the use of interpretation services and the arrangement of these services. The services are arranged by the judicial authority of the requested state.</p> <p>Chapter II:</p>
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<p><input checked="" type="checkbox"/> Yes. Please specify: The respective database is created by the LEPL Department of Common Courts.</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
d) Under the law of YOUR STATE, is interpretation to be <i>simultaneous</i> or <i>consecutive</i> when a witness / expert is examined via video-link?	<p>Simultaneous interpretation is not mandatory under the Georgian legislation.</p>
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<p><input type="checkbox"/> In the room with the witness / expert.</p> <p><input type="checkbox"/> In the room with those conducting the examination.</p> <p><input type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II).</p> <p><input type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II).</p> <p><input type="checkbox"/> In a third State.</p> <p><input type="checkbox"/> Other.</p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>Please specify:</p> <p><i>Comments:</i> The interpreter may be located in any place, where he/she is able to rigorously perceive what has been said, provided that the audience has the possibility to hear the interpretation.</p>
Reporting and recording	
<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<p><input type="checkbox"/> Yes. Please specify by whom: Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<p><input checked="" type="checkbox"/> Yes, with audio and video. <input type="checkbox"/> Yes, only with video. <input type="checkbox"/> Yes, only with audio. <input type="checkbox"/> No, but the recording of hearings/testimonies is permitted.</p> <p>If a recording is produced, please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the recording:</p> <p><input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.</p> <p><i>Comments:</i> The facilities and equipment make available to record the court hearing or witness testimony in the form of the minutes of the court hearing.</p>
Documents and exhibits	
<p>h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?</p>	<p>In case the witness refuses to give a referred document or an exhibit which needs to be physically presented, a separate Letter of Request should be issued on taking that evidence (document or exhibit) under the Convention.</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

PRACTICAL CONSIDERATIONS UNDER CHAPTER I	
Practical obstacles	
<p>i) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
Identification of all relevant actors	
<p>j) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter I?</p>	<p>Please have reference to the information provided in response to question "b" of the part II (Relevant legislation and Court System)</p>
Standard Forms	
<p>k) Do the authorities of YOUR STATE use a standardised request form under Chapter I that makes specific reference to the use of video-links?</p> <p><i>The use of the Model Form of the Evidence Convention is recommended when taking evidence under Chapter I.</i></p> <p><i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> The standardised form used makes no reference to video-link.</p> <p><input type="checkbox"/> No standardised form is used.</p> <p>Comments:</p>
<p>l) Does YOUR STATE require the inclusion of any particular practical or technical information from the requesting State in the request in order to conduct / arrange a witness / expert examination by video-link under Chapter I? (e.g. contact details for IT support, technical specifications, etc)</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
Costs	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

<p>n) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter I in YOUR STATE? <i>See Art. 14(2) of the Evidence Convention</i></p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input type="checkbox"/> The requesting authority (in the requesting State).</p> <p><input type="checkbox"/> The requested authority (in the requested State).</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>o) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash</p> <p><input type="checkbox"/> Payment by (credit) card</p> <p><input type="checkbox"/> Electronic/wire transfer</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>p) Who pays for the interpretation services under Chapter I in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

PRACTICAL CONSIDERATIONS UNDER CHAPTER II	
Only for States that have not excluded in whole the application of Chapter II	
Practical obstacles	
q) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter II of the Convention?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No. <i>Comments:</i>
Identification of all relevant actors	
r) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter II?	
Standard Forms	
s) Do the authorities of YOUR STATE use a standardised request form under Chapter II that makes specific reference to the use of video-links? <i>Although the use of the Model Form of the Evidence Convention is recommended when taking evidence under Chapter I, it may also be used, with the necessary amendments when applying for permission to take evidence under Chapter II.</i> <i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i>	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> The standardised form used makes no reference to video-link. <input type="checkbox"/> No standardised form is used. <i>Comments:</i>
Assistance and facilities	
t) Are the Embassies and Consulates of YOUR STATE (acting as the State of Execution) able to assist applicants in arranging a video-link?	<input type="checkbox"/> Yes. Please specify how, e.g., via a booking system: <input type="checkbox"/> No. Please specify who else would assist, if anyone: <i>Comments:</i>
u) Is it possible to hold a video-link session requested under the Convention at the premises of the Embassies or Consulates of YOUR STATE abroad?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No. <i>Comments:</i>
v) Does YOUR STATE require the inclusion of any particular practical or technical information from the State of Origin in the request in order to conduct / arrange a witness or expert examination by video-link under Chapter II? (e.g. the use of interpreters, stenographers, or recording devices)	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No. <i>Comments:</i>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

Costs	
w) Are there any costs associated with the taking of evidence via video-link under Chapter II in YOUR STATE?	<input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs: <input type="checkbox"/> No. <i>Comments:</i>
x) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter II in YOUR STATE?	<input type="checkbox"/> The moving party (requesting the use of video-link). <input type="checkbox"/> The State of Origin <input type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution. <input type="checkbox"/> The commissioner <input type="checkbox"/> Other. Please specify: <i>Comments:</i>
y) How are these costs generally expected to be paid and/or reimbursed?	<input type="checkbox"/> Payment in cash <input type="checkbox"/> Payment by (credit) card <input type="checkbox"/> Electronic/wire transfer <input type="checkbox"/> Other. Please specify: <i>Comments:</i>
z) Who pays for the interpretation services under Chapter II in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?	