

## COUNTRY PROFILE

### 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

**STATE NAME:** [Republic of Nicaragua](#)

**PROFILE UPDATED ON (DATE):** [05.12.2019](#)

#### PART I: STATE

<b>1. Contact details</b>	
<i>The contact details provided in this section <u>will be published</u> on the Hague Conference website</i>	
<b>CHAPTER I (LETTERS OF REQUEST)</b>	
<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 <a href="#">Evidence Section</a> 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 <b>person or department within the Central Authority(ies)</b> 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 checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:  <input type="checkbox"/> No. Please explain why:  <i>Comments:</i> <a href="#">It is received by the Supreme Court of Justice (CSJ) to send to the Central Authority</a>
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)?	<a href="#">The existing good coordination relationship between the Central Authority and the CSJ, as executor and the requesting country, through the General Division of Technology, Information and Telecommunication.</a>

**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:

Comments:  
because in accordance with our legislation the taking of evidence must be done through the Judicial Authority.

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: It must comply with our Legislation, under art. 160 and 123, Code of Civil Procedure of Nicaragua (CPCN). Article 160 International Judicial Assistance</p> <p>The judicial proceedings to be carried out abroad, will be complying with the provisions of the international treaties applicables in Nicaragua, and in the absence thereof through the Supreme Court of Justice, which will send them to the Ministry of Foreign Affairs, so that in its turn, will pursue them in the form it may be determined by existing treaties and invoking reciprocal convenience of prompt process.</p> <p>The previously provided will be applied, when foreign judicial authorities request the cooperation of courts and tribunals in Nicaragua.</p> <p>Article 123 Effects of the permission of the accumulation</p> <p>Accepted the accumulation ordered by the judicial authority issuing the warrant, the processes will be submitted and the parties will be summoned, so that within five days they appear before the warranter, in order to continue with the process.</p> <p>Once agreed the cumulative-processes, who shall hear and determine them, will suspend the course of the most advanced process until the other reaches the same procedural state, at which time the cumulation will take place.</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>Art. 161,162,243 and 460 and 461 CPCN. Article 161 Judicial Public Faith</p> <p>The clerk of the court holds the Judicial Public Faith, by means of which she or he leaves an official and reliable record in the file of the proceedings.</p> <p>The clerk of the court will be responsible for the reception of documents, and receipts that may accompany them, as well as for the production of facts with procedural significance determined by this Code.</p>

	<p>The clerk of the court shall issue the copies, certifications and testimonies determined by this Code.</p> <p>Article 162 Documentation of unwritten procedural actions</p> <p>Oral proceedings at the hearings will be recorded on carrier suitable for the recording and reproduction of sound and image. The recording will be made under the supervision of the clerk of the court, to whom will correspond the custody of the tapes, discs or devices in which the recording would be made. Minutes will be taken from these proceedings, which will register:</p> <ol style="list-style-type: none"> <li>1) Appointment of the court or tribunal, place, date, time and number of the file to which it corresponds;</li> <li>2) The name of the participants and certificate of non-attendance of those who should have been present, indicating the cause of the absence if it would be known;</li> <li>3) The succinct account of the proceedings at the hearing; and</li> <li>4) The certificates that the law may impose for each specific case or that the court or tribunal would rule to register.</li> </ol> <p>The parties may request, at their expense, a copy of the original recordings.</p> <p>The courts and tribunals will use technical means of documentation and archive of their proceedings and of the writings and documents they may receive, with due guarantees. They may also use technical means to follow-up the status of the processes and statistics related to them.</p> <p>Article 243 Taking of evidence</p> <p>All the takings of evidences must be conducted at a public hearing, subject to the law of contradiction, in accordance with the provisions of this Code, unless otherwise specified.</p> <p>It will be imperative the presence and judicial directing in taking evidences, not being able to delegate neither to clerk of the court, nor to any other official, under penalty of absolute nullity.</p> <p>Notwithstanding what was said in the previous paragraph, before the clerk of the court will be achieved the presentation of documents, the contribution of other means or probative instruments and the formation of handwriting exemplars, which will dictate the clerk of the court for the collation (or matching) of letters.</p> <p>The judicial authority will examine by itself the</p>
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	<p>documentary evidence, the written reports and opinions and whatsoever means or instruments that will be provided, in order to take them into account at the time to build its conviction.</p> <p>The judicial authority shall ensure that the handling of the means of evidence in the evidentiary hearings does not affect morality or good practices.</p> <p>The parties and the lawyers who may assist or represent them, will have in the takings of evidence, the intervention that authorizes this Code, according to the mean of evidence in question.</p> <p>Artivle 460 Evidenciary Hearing</p> <p>The oral and public evidenciary hearing will begin on the date, day and time indicated, with the reading of the minute of the initial hearing in which were set the object of the process, the disputed facts and the admissible evidence, with which the judicial authority will declare open the debate</p> <p>When the judicial authority has admitted new facts or new notice during the initial hearing in accordance with the provisions of this Code, the extension of the means of evidence already proposed and admitted shall be requested.</p> <p>The parties may propose new (or new understanding of) facts in accordance with the provisions of this Code, upon which the judicial authority will decide during the record of the hearing, leaving for the final proceedings the taking of evidence.</p> <p>Article 461 Taking of evidence</p> <p>The evidences will be given at public hearings, save the exceptions provided for in this Code, in which case the necessary measures will be taken for proper documentation to all appropriate effects.</p> <p>As well, they shall be conducted concentratedly, unless it results impossible due to the nature of the evidenciary mean.</p> <p>Also, all the evidence must be carried out in the presence of the judicial authority, in the form established in this Code.</p> <p>Each party shall request the taking of evidences that it may have proposed in the way that best suits its interests, to which the judicial authority shall accede to when this does not impair the development of the hearing, or undermine the intervention of the opposing party.</p>
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<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> <a href="#">Legal Assitance *****</a></p>
<p>Court system</p>	
<p>d) Please indicate which courts permit, or have the facilities for, the taking of evidence by video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</p>	<p><input type="checkbox"/> All courts.</p> <p><input type="checkbox"/> All courts of a specific type / level. Please specify:</p> <p><input checked="" type="checkbox"/> Only specific courts. Please specify which courts, or provide a link to/attach a full list:</p> <p><input type="checkbox"/> None.</p> <p><i>Comments:</i> <a href="#">Courts Complexes, León, Matagalpa, Juigalpa, Estelí, Bluefields, Puerto Cabezas, Rivas Court Complex, Siuna House of Justice, Institute of Legal Medicine, Central Judicial Complex of Managua, Institute of Higher Judicial Studies.</a></p>

**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: All the components involved in the process of a video conference have their perpetual licenses, technical support, as for the security issue, all codec devices have their security standards included.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> Types of security included:</p> <ul style="list-style-type: none"> <li>• Integrated encryption</li> <li>• H.323 security by H.235v3</li> <li>• SIP security by SRTP and TLS, encrypted up to AES - 256</li> </ul>
<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): Are currently available 4 types of codec from different manufacturers: LifeSize, Rack Vision, Cisco Sx20 and Avaya. The models are: Cisco Sx20, LifeSize Express 220, Racks Vision Scopia XT1000 and Avaya Scopia XT 4000.</p> <p>The Data Transfer Rates of these codecs vary from 512 kbps to 1024 kbps, depending on the allocated bandwidth and the bandwidths vary from 5 Mbps to 30 Mbps.</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): The video standards are: 1920 x 1080p at 25, 30, 50, 60fps, 1280 x 720p at 25, 30, 50, 60fps, 720 x 576p at 50fps, 720 x 480p at 60fps, according to the defined bandwidth. In terms of audio, the standards vary according to the codec capabilities: G.711: 300 - 3,400 Hz G.728: 50 - 3,400 Hz1, G.711: 300 - 3,400 Hz G.728: 50 - 3,400 Hz1, G.722, G.722.1: 50 - 7,000 Hz, G.722.1 Annex C: 50 - 14,000 Hz, AAC LD: 50 - 14,000 Hz, G.719: 50 - 20,000 Hz,</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): The type of network used is IP.</p> <p>Type of encryption for signals in secure transmissions: Integrated encryption</p> <ul style="list-style-type: none"> <li>• H.323 security by H.235v3</li> <li>• SIP security by SRTP and TLS, encrypted up to AES - 256</li> <li>• SIP authentication "Digest" (MD5)</li> <li>• Confidentiality of RTP media with AES of 128</li> <li>• Key generation and exchange with Diffie - Hellman encryption (1024 bits), RSA (up to 2048 bits)</li> <li>• Hash Encryption (up to SHA - 512)</li> </ul>

	<ul style="list-style-type: none"> <li>• Web and console access HTTPS, SSH</li> <li>• Selective IP activation and deactivation functions</li> </ul> <p>Split screen capability: If it is possible to divide the screen, it is a built-in option in the codecs that are available.</p> <p>Document cameras: No Document cameras are available</p> <p>Multipoint connections: Currently, multipoint connections can only be made in the Court offices that have the Cisco Sx20 codec, in the codecs from the other brands it is necessary to acquire an extra license.</p> <p>Additional specifications or capabilities:</p> <p>Camera</p> <ul style="list-style-type: none"> <li>• Resolution: 1080p60fps</li> <li>• Presets: 122</li> <li>• Field of view (H): 8 ° - 70 °</li> <li>• TURN / Tilt: ± 100 ° / ± 25 °</li> <li>• Zoom: optical x10, digital x4, total x403</li> <li>• Remote control: H.224, H.281</li> </ul> <p>Recording</p> <ul style="list-style-type: none"> <li>• USB disk formats: FAT32, EXT2, EXT3, EXT4</li> <li>• Recording formats: MP4 file</li> </ul> <p>Audio</p> <ul style="list-style-type: none"> <li>• Echo Elimination</li> <li>• Adaptable rear filter</li> <li>• Hiding audio errors</li> <li>• Automatic gain control (AGC)</li> <li>• Automatic noise suppression</li> </ul> <p>Digital Microphone Matrix Input</p> <ul style="list-style-type: none"> <li>• 360 ° coverage</li> <li>• Frequency response: 50 - 22,000 Hz</li> <li>• Mute button</li> <li>• Up to 2 cascade entries</li> </ul> <p>Audio / Video Interfaces:</p> <ul style="list-style-type: none"> <li>• Video inputs:</li> </ul> <p>1 x HDMI 1 x DVI I</p> <ul style="list-style-type: none"> <li>• Video outputs:</li> </ul> <p>2 x HDMI for dual exposure</p> <ul style="list-style-type: none"> <li>• Audio inputs:</li> </ul> <p>1 x HDMI 1 x microphone array (RJ 11) 1 3.5 mm (1/8 ") cable for connection with</p> <p>The audio source (analog / digital with mini TOSLINK adapter)</p> <ul style="list-style-type: none"> <li>• Audio outputs:</li> </ul> <p>2 x HDMI</p>
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	<p>1 x 3.5 mm (1/8 ") connection cable (analog)  USB ports</p> <ul style="list-style-type: none"> <li>• 1 x USB2</li> <li>• 1 x USB3</li> </ul> <p>Network features</p> <ul style="list-style-type: none"> <li>• Simultaneous support IPv4 and IPv6</li> <li>• Automatic signaling of selector equipment</li> <li>• QoS support: IP priority, type of IP service (ToS), Differentiated services (DiffServ).</li> <li>• Broadband adaptation for high quality in unmanaged networks.</li> <li>• Multifrequency tones: H.245, RFC2833</li> <li>• Date and time synchronization by SNTP</li> <li>• Flexible IP packet management</li> </ul> <p>Flow control Speed drops due to packet loss  Package loss recovery policies</p> <p>Network protocols</p> <ul style="list-style-type: none"> <li>• DHCP, DNS, HTTP, HTTPS, RTP / RTCP, SNTP, STUN, TCP / IP, TELNET, TFTP, 802.1Q, 802.1X</li> </ul> <p>Network interfaces</p> <ul style="list-style-type: none"> <li>• 2 x1000 base T full duplex (RJ 45)</li> <li>• Time-out "Keep Alive" message default value configurable</li> </ul> <p>Protocols or other practices:  NAT Auto Discovery from HTTP and STUN</p> <ul style="list-style-type: none"> <li>• H.460.18, H.460.19</li> </ul> <p><i>Comments:</i>  If possible as long as a laptop is connected to the codec via DVI or HDMI.</p>
<p>c) Can evidence be taken via commercial providers (e.g., Skype™)?</p>	<p><input type="checkbox"/> Yes.  Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i>  In the current experience we have never undertaken this type of evidences.</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: Indeed, before each videoconference, audio and video tests are carried out regarding the sender and receiver, in addition to the availability of statistics regarding the transmission performance of the video conference provided by the codecs' own software.</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, <i>e.g.</i>, 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 type="checkbox"/> No.</p> <p><i>Comments:</i> Currently there is no single standard since it varies according to the type of video conference, the rooms are also multi-purpose, with respect to the views these can be preconfigured before starting the video conference to assign a view of the entire room, as well as from several independent views automatically.</p>

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

Restrictions	
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p> <p>According to our Legislation it must order it, Art. 241 and 242, CPCN.</p> <p>Article 241 Evidence proposal</p> <p>The parties during the defence or reply will submit the means of evidence, indicating separately what facts they aim to demonstrate with these and that in their opinion, their carrying out is necessary.</p> <p>They will also indicate the identity and address of the persons to be summoned, for the handling of each means of evidence.</p> <p>When the parties would be missing some data related to the persons at the time of proposing the evidence, they may give them to the court well in advance of being conducted.</p> <p>The judicial authority shall ensure that a simple formal defect in the proposal of a probative mean does not invalidate the petition, if its purpose is clearly deduced.</p> <p>Article 242 Procedure for admitting evidence</p> <p>The judicial authority will determine motivatedly at the initial hearing of the regular process and in the hearing of the summary proceeding, by order, on the admissibility of each of the evidences that have been submitted and will fix the place, date and time of commencement of the evidenciary hearing .</p> <p>The motivation of the order for the admissibility of the means evidence will necessarily entail the judgment on the liceity, relevance, necessity and usefulness of those.</p> <p>The denial of the receipt of the proceeding for lack of evidence, or the non-admissibility of a means of evidence, will be appealable orally, which will be substantiated and resolved immediately at the hearing. If said appeal is dismissed, the injured party may file a complaint to the effect of enforcing their rights in the appeal, which may be brought against the final sentence.</p> <p>Admissibility of evidence is unappealable.</p>

*PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)*

<p>b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>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?</p>	<p><input type="checkbox"/> Yes, there are specific restrictions. Please specify:</p> <p><input checked="" type="checkbox"/> No, the normal rules for evidence apply.</p> <p><i>Comments:</i></p>
<p>d) Are there any restrictions on the type of person who may be examined by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p> <p>Art. 300 y 264, CPCN. Among others provided by the Law.</p> <p>Article 300 Witnesses with a duty of confidentiality</p> <p>When by his position, profession or trade, the witness has the duty to keep secret regarding facts for which he may be interrogated, he shall state it reasonably and the judicial authority, considering the basis for the refusal to testify, will determine by order, what proceeds by law. If the witness is released from responding, thus it will be recorded in the minute.</p> <p>If the witness alleges that the facts for which he is questioned, belong to matter legally declared or classified as confidential or secret in nature, the judicial authority, in the cases it deems necessary, will request ex officio to the competent body the official document accrediting said nature.</p> <p>Proven the confidential or secret nature, the document will be attached to the file, leaving a record of the questions affected by the official secret.</p> <p>Article 264 Interrogation of a representative of the State or Government Agency</p> <p>When the State or any Government Agency, whose officials enjoy immunity is party to a process and the judicial authority admits the interrogation, without waiting for the hearing in which the evidence is taken, will be remitted to them the questions considered relevant, so that they may be answered in writing by those who have participated in the facts that are the</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>subject of the process, and must deliver them to the court before the hearing at which the evidence is conducted.</p> <p>At the hearing at which the evidence is handled, the answers will be read. When the proposing party raises supplementary questions, once admitted by the judicial authority, they will be answered by the procedural representation of the State or Government Agency.</p> <p>If said representation would justify it cannot answer, the supplementary questions will be submitted to be answered in writing, for the purpose of the appeal in its case.</p>
<p>e) Is it necessary to seek the consent of the parties to use video-link to take evidence?</p>	<p><input type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <b>Since an authority has to be always present</b></p> <p><input type="checkbox"/> No.</p> <p>Comments: <b>Provided that the Judicial Authority examines the means of evidence.</b></p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input type="checkbox"/> Yes. If so, please specify what coercive measures may be used:</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:</p> <p>Chapter II:</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><i>See Articles 11 and 21(e) of the Convention</i></p>	<p>Chapter I:</p> <p><input type="checkbox"/> The law of the Requesting State.</p> <p><input type="checkbox"/> The law of the Requested State.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p>Chapter II:</p> <p><input type="checkbox"/> The law of the State of Origin.</p> <p><input type="checkbox"/> The law of the State of Execution.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p><i>Comments:</i></p>

**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&amp;R No 55 of the 2009 SC and C&amp;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>
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 type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p>Comments:</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>	
Presence	
<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 type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

<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 type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link? <i>See Article 8 of the Convention</i> <i>Please note that a declaration may be made under this provision.</i></p>	<p><input type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>



**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&amp;R No 55 of the 2009 SC and C&amp;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	
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.)?	
Presence	
g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>diplomatic and consular agents</b> ?  <i>Please tick all that apply.</i>	<input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify:  <i>Comments:</i>
h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>commissioners</b> ?  <i>Please tick all that apply.</i>	<input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify:  <i>Comments:</i>
Applicable law	
i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?	<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:  <i>Comments:</i>
j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?	<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:  <i>Comments:</i>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

**PART VII PRACTICAL CONSIDERATIONS**

<b>COMMON TO BOTH CHAPTERS</b>	
<b>Notice</b>	
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?	Chapter I:  Chapter II:
<b>Interpretation services</b>	
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?	Chapter I:  Chapter II:
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<input type="checkbox"/> Yes. Please specify:  <input type="checkbox"/> No.  <i>Comments:</i>
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?	
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<input type="checkbox"/> In the room with the witness / expert. <input type="checkbox"/> In the room with those conducting the examination. <input type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II). <input type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II). <input type="checkbox"/> In a third State. <input type="checkbox"/> Other. Please specify:  <i>Comments:</i>
<b>Reporting and recording</b>	
f) Is a written report of the video-link hearing or testimony prepared?	<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:  <input type="checkbox"/> No.  <i>Comments:</i>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<p> <input 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></p>
<p>Documents and exhibits</p>	
<p>h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?</p>	

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

<b>PRACTICAL CONSIDERATIONS UNDER CHAPTER I</b>	
<b>Practical obstacles</b>	
<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 type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<b>Identification of all relevant actors</b>	
<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>	
<b>Standard Forms</b>	
<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 <a href="#">Model Form</a> 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><i>Comments:</i></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><i>Comments:</i></p>
<b>Costs</b>	
<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><i>Comments:</i></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)

<b>PRACTICAL CONSIDERATIONS UNDER CHAPTER II</b>	
<b>Only for States that have not excluded in whole the application of Chapter II</b>	
<b>Practical obstacles</b>	
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>
<b>Identification of all relevant actors</b>	
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?	
<b>Standard Forms</b>	
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 <a href="#">Model Form</a> 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>
<b>Assistance and facilities</b>	
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	
<p>w) Are there any costs associated with the taking of evidence via video-link under Chapter II 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><i>Comments:</i></p>
<p>x) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter II in YOUR STATE?</p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input type="checkbox"/> The State of Origin</p> <p><input type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution.</p> <p><input type="checkbox"/> The commissioner</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>y) 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>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?</p>	