

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: [Lithuania](#)

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>	
<p>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?</p>	<p><input type="checkbox"/> Yes.</p> <p><input checked="" 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.</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details: Legal Cooperation Division of International Law Department of the Ministry of Justice e-mail: tbs@tm.lt</p> <p><input type="checkbox"/> No. Please explain why:</p> <p><i>Comments:</i> Current Lithuanian profile contains one inaccuracy which shall be corrected: Ms Andrada Bavejan is the Head of Legal (not International) Cooperation Division of International Law Department</p>
<p>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</p>	<p>There is no particular person designated within the Ministry of Justice for operation of requests regarding video-link. Anyone from the Legal Cooperation Division (email: tbs@tm.lt) can assist in processing letters of</p>

<p>booking system)?</p>	<p>request, liaise the competent court or perform the role of coordinator as regards the content of the request. For technical assistance the National Court Administration might be contacted. A booking system is not available.</p>
<p>CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)</p>	
<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details: Legal Cooperation Division of International Law Department of the Ministry of Justice e-mail: tbs@tm.It</p> <p><input type="checkbox"/> No. Please explain why:</p> <p><i>Comments:</i></p>
<p>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)?</p>	<p>The Legal Cooperation Division shall assist in granting the permission, explaining how the evidence can be obtained by video-link under Chapter II. There is no booking system available.</p>

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: Lithuania has not made a declaration in favour of application of Article 27. There is not that much practice on direct taking of evidence by video-link under the Convention, but in accordance with analogues EU instruments on taking of evidence in civil cases, foreign courts' request for direct taking of evidence shall be accepted by the Ministry of Justice, which usually does so by setting the following condition, <i>i.e.</i> Ministry usually assigns the competent national court to take part in the performance of the direct taking of evidence by telephone/videoconference in a relevant case.</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>Article 175(2) of the Code of Civil Procedure of the Republic of Lithuania https://www.e-tar.lt/portal/lt/legalAct/TAR.2E7C18F61454/GRELeMJBjn</p> <p>Article 175(2) of the Code of Civil Procedure establishes that the participation in court hearings of proceedings participants and questioning of witnesses at his place of location may be ensured using information and electronic communication technologies (via video conferences, teleconferences, etc.). Article 175(2) also governs that using information and electronic communication technologies (via video conferences, teleconferences, etc.) in the manner established by the Minister of Justice must ensure a reliable identification of process participants and an objective recording and submission of data (evidence).</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 video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</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><input type="checkbox"/> None.</p>

	<p><i>Comments:</i></p> <ol style="list-style-type: none">1. Stationary video transmission, recording and storage equipment is installed in the Supreme Court of Lithuania, the Court of Appeal, the Supreme Administrative Court, the Vilnius Regional Administrative Court, in 5 Regional Courts of Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys, also in the district courts of Vilnius, Kaunas, Klaipėda, Panevėžys, Šiauliai, Alytus, Marijampolė, Kaišiadorys and Vilkaviškis.2. Movable video transmission, recording and storage equipment (which may be delivered to any court or other place located in the territory of the regional court if necessary) is kept in 5 Regional Courts (of Vilnius, Kaunas, Klaipėda, Panevėžys and Šiauliai).3. Relevant information on videoconferencing facilities in courts can be found on this link (however, information is in Lithuanian): http://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/aktuali-informacija-teismu-lankytojams/nuotolinis-teismo-posedis/2935
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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: Huawei ViewPoint system</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></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): Huawei TE60 / Huawei TE40, transmission speed up to 8Mbps</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): Video Standards & Protocols: H.261, H.263, H.263+, H.264 BP, H.264 HP, H.264 SVC</p> <p>Audio Standards & Protocols: G.711, G.722, G.722.1*, G.722.1C*, G.728, G.719, G.729A, AAC-LD, HWA-LD</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): ISDN and IP</p> <p>Type of encryption for signals in secure transmissions: <ul style="list-style-type: none"> • H.235 signaling and media stream encryption • AES media stream encryption, dual-stream encryption • TLS and SRTP for SIP signaling and media stream encryption </p> <p>Split screen capability: The video conferencing image is shared in all TV screens in the courtrooms equally.</p> <p>Document cameras: Aver PL50 document cameras are used in the courtrooms.</p> <p>Multipoint connections: Up to 46 video conferencing participants with 720p30 video quality.</p> <p>Additional specifications or capabilities: -</p> <p>Protocols or other practices: -</p> <p><i>Comments:</i></p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Legal acts do not state the list of equipment which may be used to ensure the remote court</p>

	<p>hearing. It is recommended for courts to use the above mentioned equipment for videoconferencing. The practice in courts differs. The Judicial Council aims to create recommendations for remote hearings using different information technologies (video conferencing equipment, Skype, etc.) to be organized.</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: <i>A video conferencing test call shall be performed no later than one working day before the scheduled video conference.</i></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 checked="" type="checkbox"/> Yes. Please specify: <i>It is recommended, that the participants in the video conference shall clearly see, hear and understand what is happening in the courtroom and in the room where the interviewee is. There shall be real opportunity not only to see the general view and all the participants participating in the conference, but also to see their mutual communication, to evaluate the verbal, body language, corresponding facial expressions, gestures, etc.</i></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></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: Article 175(2) of the Code of Civil Procedure establishes that the participation in court hearings of proceedings participants and questioning of witnesses at his place of location may be ensured using information and electronic communication technologies (via video conferences, teleconferences, etc.). Order No 1R-309 of 7 December 2012 of the Minister of Justice of the Republic of Lithuania approved the Description of the procedure for the use of video conference and teleconference technologies in hearing civil and administrative cases (hereinafter referred to as the Description). Paragraph 3 of the Description states that a process participant, who wishes to participate in the hearing via video conference, submits a request to the court. Article 290(1) of the Code of Civil Procedure states that the court shall pass rulings on particular issues on which the case cannot be decided on the merits. Therefore, the court shall pass a ruling regarding a participation of process participant in the hearing via video conference.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<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 checked="" type="checkbox"/> Yes. Please specify: Article 175(2) of the Code of Civil Procedure establishes that using information and electronic communication technologies (via video conferences, teleconferences, etc.) in the manner established by the Minister of Justice must ensure a reliable identification of process participants and an objective recording and submission of data (evidence). Information and electronic communication technologies may be used also for collecting evidence (e.g. participation and explanations of expert).</p> <p>The Description provides rules, how a reliable identification of process participants and an objective recording and submission of data (evidence) is ensured.</p> <p>Resolution No 13P-156-(7.1.2) of 28 November 2014 of the Judicial Council approved the</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>Description of the procedure for the use of video conference in the proceedings (hereinafter referred to as The Resolution of the Judicial Council). The Resolution of the Judicial Council provides detailed rules on how the use of video conference is organised and how video conference technologies are used.</p> <p><input 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 checked="" type="checkbox"/> Yes, there are specific restrictions. Please specify: Paragraph 14 of The Resolution of the Judicial Council provides, that at the end of the hearing via video conference a representative of the requested institution, not later than other working day, submits to the requesting court the approval of the questioning via video conference. He also submits a signed text of an oath of a process participant and other evidence provided during proceedings.</p> <p>According to Paragraphs 16-18 of the Resolution of the Judicial Council, in the cases laid down by law or by the court decision, a video conference of a hearing may be recorded. Records are kept in accordance with the procedure established by legal acts.</p> <p><input 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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></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><i>Comments:</i></p> <p>In the Code of Civil Procedure there are no special provisions regarding the consent of the parties to use video-link.</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<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: Paragraph 2.3 of The Resolution of the Judicial Council establishes that a requested institution organises video conference upon request of a requesting court. A requested institution may be a court, a prosecutor's office or a subsidiary of the Prison Department under the Ministry of Justice of the Republic of Lithuania. Therefore, the person via video conference should be examined on the premises of those requested institutions. According to Paragraph 7 of The Resolution of the Judicial Council, a requesting court chooses a requested institution, taking into account a location of a proceedings participant and (or) possibilities of a proceedings participant to arrive to a requested institution.</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<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: In the Code of Civil Procedure there are no special provisions regarding this issue. However, the general rules for compelling a witness or expert to participate in the proceedings apply. Article 191(1) of the Code of Civil Procedure establishes that a person summoned to witness must appear before a court and give fair evidence. A person summoned to witness shall be liable under the law for non-fulfilment of witness's duties. A court may impose a fine of up to 300 euros for the unjustified refusal to testify. Article 215(1) of the Code of Civil Procedure states that if an expert fails to appear in a court upon a summon or refuses to conduct an expertise for the reasons found by the court non-substantial, the court may impose a fine on the expert up to 300 euros.</p> <p><input type="checkbox"/> No. Please explain:</p> <p>Comments:</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>Chapter I: The general rules for notifying or summoning a witness or expert to give testimony apply. According to Article 133(1) of the Code of Civil Procedure, the witnesses and experts shall be called to a court by summons. Article 134 of the</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<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>Code of Civil Procedure states that the following must be indicated in a summons: 1) the name of the addressee; 2) the name, composition, and precise address of the court; 3) the place and time of the court session or the performance of an individual procedural action; 4) the name of the case, to which he is being summoned; 5) procedural status of the person summoned; 6) a recommendation to the parties to the proceeding that they submit all the evidence they possess, on which their claims or replications are based; 7) that the person, who accepts the summons in the absence of the addressee, must deliver it to the addressee at the first possibility; 8) consequences of not appearing; 9) information that a court during preliminary court session has a right to begin an oral hearing and to end hearing of the case on the merits.</p> <p>Chapter II: No practice and particular procedure available. Usually legal representative appointed in the requested state notifies the addressee. Additionally, the Ministry of Justice informs the witnesses/experts about the time and place of the taking of evidence, and other conditions described in the Ministry's permission which is necessary under 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 checked="" 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 checked="" 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&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: But there is not that much practice by now.</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 checked="" type="checkbox"/> No.</p> <p>Comments: Unless the prior permission of the Ministry of Justice is obtained.</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 checked="" 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 checked="" 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>The general rules regarding rights of witnesses and experts apply. It is allowed for a witness to refuse to give evidence, in cases when witness evidence would constitute evidence against oneself, family members or close relatives. A witness may be examined in his place if he may not appear upon summoning to a court due to illness, old age, disability or other substantial reasons and a participant in proceedings, who initiated calling of the witness, may not ensure appearance of such witness to the court (Articles 191(2), 192(2) of the Code of Civil Procedure).</p> <p>Article 214 of the Code of Civil Procedure establishes that an expert shall be entitled to examine the case material, participate</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<p>in the hearing, give questions to parties, third persons or witnesses, apply to the court for supplementation of the material required for presentation of the expert opinion. An expert may refuse to produce expert opinion if the material presented to the expert is insufficient to produce the expert opinion or if the question given is beyond his qualifications or competence.</p> <p>Article 11 of the Code of Civil Procedure establishes that court proceedings in the Republic of Lithuania shall be conducted in the official language. Persons, who do not speak the official language, are guaranteed the right to enjoy interpretation services. Costs of interpretation services during a court hearing shall be covered from the state budget.</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:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> In the Code of Civil Procedure there are no special provisions regarding this issue. The general rules for the presence of the parties and their representatives apply.</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></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 type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Unless the prior permission of the Ministry of Justice of the Republic of Lithuania is obtained.</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

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

<p>The questions in this Part are only for States that have not wholly excluded the application of Chapter II</p> <p>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.</p>	
<p>Legal obstacles and legal framework</p>	
<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 checked="" 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 checked="" type="checkbox"/> Art. 15 <input checked="" type="checkbox"/> Art. 16 <input checked="" 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 checked="" type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied: The request for permission shall be submitted in writing to the Ministry of Justice. For more information please see Lithuanian reservation made under Articles 16 and 17 (available in English at HCCH webpage)</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: Diplomatic officer/consular agent or duly appointed commissioner (his representative).</p> <p>Dealing with perjury and contempt: Diplomatic officer/consular agent or duly appointed commissioner (his representative).</p>
<p>Direct and indirect taking of evidence</p>	
<p>e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however,</p>	<p><input type="checkbox"/> Yes. Please specify:</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

<p>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 checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Evidence shall be taken by a diplomatic officer or consular agent only within the premises of the embassy or consular institution of the State which he/she represents.</p>
<p>Legal safeguards for witness / expert</p>	
<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>	<p>Evidence shall be taken in the Lithuanian or another language understandable to the person giving evidence or taking of evidence and shall be accompanied by a translation into the Lithuanian or another language understandable for such person;</p> <p>The document concerning the taking of evidence written in the language understandable to the person giving evidence shall be signed by this person. The copy of such document shall be forwarded to the Ministry of Justice of the Republic of Lithuania</p> <p>The person shall be informed about his/her right to legal counsel.</p>
<p>Presence</p>	
<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 checked="" type="checkbox"/> The parties. <input checked="" type="checkbox"/> The parties' representatives. <input checked="" 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 checked="" type="checkbox"/> The parties. <input checked="" type="checkbox"/> The parties' representatives. <input checked="" type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify:</p> <p><i>Comments:</i></p>
<p>Applicable law</p>	
<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 checked="" type="checkbox"/> The law of the State of Origin <input checked="" type="checkbox"/> The law of the State of Execution <input checked="" type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify:</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

	<i>Comments:</i>
j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?	<input checked="" type="checkbox"/> The law of the State of Origin <input checked="" type="checkbox"/> The law of the State of Execution <input checked="" 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

COMMON TO BOTH CHAPTERS	
Notice	
<p>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>	<p>Chapter I: According to Paragraph 5 of The Resolution of the Judicial Council, the request for a video conference must be submitted no later than 14 calendar days before the date of the proposed video conference day. This provision applies to the national courts, so, taking into consideration the fact, that coordination of international video conference may last longer, minimum amount of time between the request and video conference shall be more than 14 days (but no less than 1 month recommended).</p> <p>Chapter II: 2 months</p>
Interpretation services	
<p>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>	<p>Chapter I: Usually the interpretation services are arranged by the requesting court, but the courts tend to cooperate and, if possible, arrange an interpreter by themselves (sometimes interpreter works in the court, therefore these services do not cost extra money).</p> <p>Chapter II: Requesting state</p>
<p>c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> There are no list of accredited interpreters, but Article 240 of the Civil Procedure Code of the Republic of Lithuania establishes, that before carrying out his duties, the interpreter shall hold his hand on the Constitution of the Republic of Lithuania and swear as follows: "I, (name), swear to perform the duties of the interpreter in good faith, by using all my competencies". After the oath, the interpreter shall sign the text of the oath and it shall be attached to the case file. The interpreter shall be warned that for breaking the oath he/she shall be liable under the procedure prescribed by the Criminal Code of the Republic of Lithuania.</p>
<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>	<p>Usually, consecutive interpretation is recommended. Using this technique makes it easier to get the necessary explanations and, if necessary, interpose to ensure translation accuracy.</p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

<p>e) Where may the interpreter be located when a witness / expert is examined via video-link? Please check all that apply.</p>	<p><input checked="" type="checkbox"/> In the room with the witness / expert. <input checked="" type="checkbox"/> In the room with those conducting the examination. <input checked="" 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:</p> <p>Comments:</p>
<p>Reporting and recording</p>	
<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: <input checked="" type="checkbox"/> No.</p> <p>Comments:</p> <p>According to Paragraphs 16-18 of The Resolution of the Judicial Council, in the cases laid down by law or by the court decision, a video conference of a hearing may be recorded. By the decision of a court, a record of a video conference may be equated with a sound recording or attached to the minutes. Records are kept in accordance with the procedure established by legal acts.</p> <p>Also, the general rules for the recording of a court hearing apply. Article 168(1) of the Code of Civil Procedure establishes that each oral hearing of the case shall be recorded, except in cases provided for in this Code. A record of a hearing shall be considered the minutes of a hearing and shall form an integral part of the proceedings.</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</p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>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 records of video conference are stored in the central video conferencing facility managed by the National Courts Administration in accordance with the procedure established by legal acts. Upon request or in the absence of an opportunity to store the records of video conference in a central video conferencing facility managed by the National Courts Administration, the video conference records are transferred to the storage media and added to the case file (Paragraph 18 of The Resolution of the Judicial Council).</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>A person, interviewed by video conference can submit evidence (documents) to the court by post, fax, via the Lithuanian court electronic services portal e.teismas.lt, through the representative of the requested institution, who participates in the video conference, or by other methods, provided by legal acts (Paragraph 13-1 of The Resolution of the Judicial Council).</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>Paragraph 3 and Paragraph 5 of the Description state that a process participant, who wishes to participate in the hearing via video conference, submits a request to the court and attaches a copy of the identity document approved in accordance with the procedure established by legal acts. Paragraph 7 of the Description establishes that, in accordance with Article 239(2) of the Code of Civil Procedure, when identifying the persons who arrived at the hearing, a process participant, who participates in the hearing via video conference, introduces himself/herself and displays the identity document. The identity document should be displayed in a way that the court can compare it with a copy of the identity document approved in accordance with the procedure established by legal acts, which was submitted to the court.</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 checked="" 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 checked="" type="checkbox"/> Yes. Please specify: Usually contact information of IT specialists, technical specifications of video conference equipment are requested to submit.</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 checked="" type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

	<p>If ISDN is used for the video-link, the requesting state shall cover the costs of these services. These costs depend on the link price depending on the state to which video link is made to.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<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 checked="" 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> Also see answer to Q p) of this part.</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 checked="" 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>	<p>Usually the interpretation services are arranged by the requesting court, but the courts tend to cooperate and, if possible, arranges an interpreter by themselves (sometimes interpreter works in the court, therefore these services does not cost extra money). If there are some costs, the interpretation services are paid by requesting court via electronic means, according to the bill, provided by the interpreter.</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 checked="" 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?	Diplomatic officer/consular agent or duly appointed commissioner (his representative in the Requested State) shall verify the identity of the parties examined.
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 checked="" type="checkbox"/> Yes. Please specify: Depends on the court drafting a request. <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 checked="" type="checkbox"/> Yes. Please specify how, e.g., via a booking system: By request to the embassy or consulate <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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs: Costs may occur for interpretation, representation, technical support, rental of temporary accommodation.</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 checked="" type="checkbox"/> The State of Origin</p> <p><input type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution.</p> <p><input checked="" 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 checked="" 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>	<p>Requesting authority (the State of Origin)</p>