

**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: [Brazil](#)

PROFILE UPDATED ON (DATE): [22 April 2017](#)

**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>	
<p>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?</p>	<p><input checked="" type="checkbox"/> Yes.</p> <p><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.</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details: <a href="#">General-Coordination for International Legal Cooperation</a> <a href="#">National Secretariat of Justice and Citizenship</a> <a href="#">Ministry of Justice and Public Security</a> <a href="#">+55 61 2025 8900</a> <a href="mailto:cooperacaocivil@mj.gov.br">cooperacaocivil@mj.gov.br</a></p> <p><input type="checkbox"/> No. Please explain why:</p> <p><i>Comments:</i></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><a href="#">To ensure that there is a contact person available, please get in touch with the Central Authority, if possible in advance of the scheduled date. Please note that the Central Authority is located in Brasília (DF). If the hearing is to take place outside of Brasília</a></p>

<p>booking system)?</p>	<p>(DF), please allow for the necessary time for the Central Authority to contact the local authorities or to arrange for travel to the remote location. Please note that flights within Brazilian States capitals may take up to 7 or 8 hours.</p>
<p><b>CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)</b></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 <a href="#">Authorities</a> page) AND / OR the declarations (accessible from the <a href="#">Status Table</a> page) of the relevant State available on the <a href="#">Evidence Section</a> 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 <b>an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner</b>, 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 type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:</p> <p><input type="checkbox"/> No. Please explain why:</p> <p>Comments: <b>NOT APPLICABLE.</b></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><b>NOT APPLICABLE.</b></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:</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><a href="http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/lei/l11419.htm">The use of videoconference is a common practice in Brazilian courts over the past years, especially since the institution of the electronic judicial procedure by Law 11.419/2006 (http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/lei/l11419.htm).</a></p> <p><a href="http://www.cnj.jus.br/busca-atos-adm?documento=2829">The National Council of Justice Resolution n. 105/2010 (http://www.cnj.jus.br/busca-atos-adm?documento=2829), containing rules about the documentation of the hearings made by videoconference.</a></p> <p><a href="http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2015/Lei/L13105.htm">The new Code of Civil Procedure - CPC (http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2015/Lei/L13105.htm) provides for the use of videoconferences. Articles 236, 385, 453, 461 and 937 of the CPC provide for the use of videoconferences.</a></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 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: <a href="#">Many courts are prepared for the taking of evidence by video-link. Please contact the Central Authority so that it can obtain information about the specific court in regards of the feasibility of the taking of evidence by video-link.</a></p> <p><input type="checkbox"/> None.</p> <p><i>Comments:</i></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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Some courts may use licensed software, so it is important to contact the Central Authority previously and exchange information about the technologies available at the requesting and requested court.</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): There is no specific Codec used all over the country.</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): There is no specific audio standard used all over the country.</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): There is no specific type of network used all over the country. ISDN and IP networks are available.</p> <p>Type of encryption for signals in secure transmissions: To be determined on a case by case basis.</p> <p>Split screen capability: Split screen capability is available in most cases.</p> <p>Document cameras: Document cameras are available in most cases.</p> <p>Multipoint connections: Multipoint connections are available in most cases.</p> <p>Additional specifications or capabilities: Please contact the Central Authority for additional specifications or capabilities of specific courts.</p> <p>Protocols or other practices: Please contact the Central Authority for protocols or their practices of specific courts.</p> <p><i>Comments:</i> Please contact the Central Authority for additional information about specific courts around the country.</p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Skype and others.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> Please contact the Central Authority for additional information about the use of a certain</p>

	commercial provider (e.g., Skype) with a specific court around the country.
d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?	<input checked="" type="checkbox"/> Yes. Please specify: <b>Most of the times connections are tested beforehand, so that no problems are faced during the hearing.</b> <input type="checkbox"/> No.  <i>Comments:</i>
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.?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No.  <i>Comments:</i>

**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: <b>If the judicial authority of the requesting State requests the use of video-links, the Brazilian Central Authority will request the Brazilian judicial authority to consider such a request.</b></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: <b>The evidence can only be taken in Brazil if the request to do so is complied with by the Brazilian judicial authority.</b></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 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 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> <b>The evidence can only be taken in Brazil if the request to do so is complied with by the Brazilian judicial authority.</b></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>The evidence can only be taken in Brazil if the request to do so is complied with by the Brazilian judicial authority. The Brazilian judicial authority</b></p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>shall determine the location where the person should be examined.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<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: <b>NOT APPLICABLE.</b></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 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> <p>If any privilege under the law of the requesting State is invoked, it is to be decided by the Brazilian judicial authority. Generally, the evidence can still be taken and the information about the alleged privilege is informed to the foreign authority.</p> <p><b>CHAPTER II IS NOT APPLICABLE.</b></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 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 type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.</p> <p>Comments:</p> <p>The questions are asked by the Brazilian authority. The Requesting Authority may participate and ask questions to be considered by the Brazilian authority, who will decide which ones and how to ask them.</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: Brazilian authorities generally provide assistance under any special method, as long as it is not prohibited by the domestic law.</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>Everybody has the right to a legal counsel in Brazil. If the person cannot pay for it, a legal counsel will be provided by the State.</p> <p>If a person is to be heard and needs interpretation, it will be provided. The relevant costs may be discussed with the requesting State.</p>



PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<p>If a person is to be heard and needs protective measures, they will be provided accordingly.</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? <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: Active participation is always subject to authorization by the Brazilian judicial authority.</p> <p><input type="checkbox"/> No.</p> <p>Comments:</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>Comments: Any participation in the hearing is to be decided by the Brazilian judicial authority. Generally, questions to persons in Brazil may be authorized and will be made indirectly, through the Brazilian judicial authority.</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 checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: Any participation in the hearing is to be decided by the Brazilian judicial authority. Generally, questions to persons in Brazil may be authorized and will be made indirectly, through the Brazilian judicial authority.</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

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

<p><b>The questions in this Part are only for States that have not wholly excluded the application of Chapter II</b></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 <a href="#">Evidence Section</a> of the Hague Conference website.</p>	
<p><b>Legal obstacles and legal framework</b></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&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: <b>NOT APPLICABLE.</b></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: <b>NOT APPLICABLE.</b></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: <b>NOT APPLICABLE.</b></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: <b>NOT APPLICABLE.</b></p>
<p><b>Direct and indirect taking of evidence</b></p>	
<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: <b>NOT APPLICABLE.</b></p>

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.)?	NOT APPLICABLE.
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> NOT APPLICABLE.
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> NOT APPLICABLE.
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> NOT APPLICABLE.
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> NOT APPLICABLE.

**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: 180 days beforehand. Urgent requests may be examined.  Chapter II: NOT APPLICABLE.
<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: The Brazilian judicial authority may decide that it is necessary to receive payment from the requesting State for interpretation services. The Central Authority may be contacted for the arrangement of interpretation.  Chapter II: NOT APPLICABLE.
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<input checked="" type="checkbox"/> Yes. Please specify: The Brazilian judicial authority may decide if the need for an accredited interpreter can be waived. These interpreters are registered in each State by the commercial registers. A list of the registers can be found at <a href="http://drei.smpe.gov.br/assuntos/juntas-comerciais">http://drei.smpe.gov.br/assuntos/juntas-comerciais</a> .  <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?	There is no legal requirement for either. If simultaneous interpretation is not possible or available, consecutive interpretation can be considered sufficient.
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 checked="" type="checkbox"/> Other. Please specify: The Brazilian judicial authority may decide on this issue.  <i>Comments:</i>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

Reporting and recording	
<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify by whom: <a href="#">The Brazilian judicial authority may decide on this issue.</a></p> <p>Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report:</p> <p><input 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>  <a href="#">Please contact the Central Authority beforehand to consult about this possibility in a specific court around the country.</a></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 href="#">Please contact the Central Authority in this regard. As an example, in some cases, there can be an additional video channel specifically for showing documents or making presentations.</a></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 checked="" type="checkbox"/> No.</p> <p>Comments:</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>	<p>The Brazilian judicial authority will identify all relevant local actors and ask for the requesting authority to do the same.</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 checked="" 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>The Model Form is encouraged, but it is not a formal requirement.</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: It is important that the requesting State provide for the transmission protocol that is intended to be used, contact details for technical questions, as well as all of the practical information, where applicable, as IP addresses, "room" numbers, or any other routing information.</p> <p><input type="checkbox"/> No.</p> <p>Comments:</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 checked="" type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs: The Brazilian judicial authority will decide on a case by case basis if costs are to be borne by the requesting State and which are those 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 checked="" type="checkbox"/> The moving party (requesting the use of video-link).  <input checked="" type="checkbox"/> The requesting authority (in the requesting State).  <input type="checkbox"/> The requested authority (in the requested State).  <input type="checkbox"/> Other.  Please specify:</p> <p><i>Comments:</i>  The Brazilian judicial authority will decide on a case by case basis if costs are to be borne by the requesting State and which are those costs.</p>
<p>o) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash  <input type="checkbox"/> Payment by (credit) card  <input checked="" type="checkbox"/> Electronic/wire transfer  <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>The Brazilian judicial authority will decide on a case by case basis if costs are to be borne by the requesting State and which are those costs.</p>

<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>	
<p>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?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments: <b>NOT APPLICABLE.</b></p>
<b>Identification of all relevant actors</b>	
<p>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?</p>	<p><b>NOT APPLICABLE.</b></p>
<b>Standard Forms</b>	
<p>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?</p> <p><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></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: <b>NOT APPLICABLE.</b></p>
<b>Assistance and facilities</b>	
<p>t) Are the Embassies and Consulates of YOUR STATE (acting as the State of Execution) able to assist applicants in arranging a video-link?</p>	<p><input type="checkbox"/> Yes. Please specify how, e.g., via a booking system:</p> <p><input type="checkbox"/> No. Please specify who else would assist, if anyone:</p> <p>Comments: <b>NOT APPLICABLE.</b></p>
<p>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?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments: <b>NOT APPLICABLE.</b></p>
<p>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)</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments: <b>NOT APPLICABLE.</b></p>



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> <b>NOT APPLICABLE.</b></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> <b>NOT APPLICABLE.</b></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> <b>NOT APPLICABLE.</b></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><b>NOT APPLICABLE.</b></p>