

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: [United States of America](#)

PROFILE UPDATED ON (DATE): [June 2017](#)

PART I: STATE

<p style="text-align: center;">1. Contact details</p> <p style="text-align: center;"><i>The contact details provided in this section will be published on the Hague Conference website</i></p>	
<p>CHAPTER I (LETTERS OF REQUEST)</p>	
<p><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>	
<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 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 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 type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:</p> <p><input checked="" type="checkbox"/> No. Please explain why: The United States does not permit the direct taking of evidence by video-link under Chapter I of the Convention. The United States permits the direct taking of evidence by video-link on a voluntary basis under Chapter II of the Convention, but such arrangements must be agreed upon privately and do not involve the United States Central Authority.</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 booking system)?</p>	<p>N/A</p>

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: [The United States permits the direct taking of evidence by video-link on a voluntary basis under Chapter II of the Convention, but such arrangements must be arranged for privately and do not involve the United States Central Authority.](#)

Comments:

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

[Since the United States Central Authority is not involved in the taking of evidence under Chapter II of the Convention, the Requesting Authority, the parties to the litigation, or someone retained in the United States would be responsible for making all of the private arrangements necessary for taking evidence by video-link.](#)

PART II: RELEVANT LEGISLATION AND COURT SYSTEM

Legal basis	
<p>a) Does YOUR STATE, in the application of Article 27 (i.e. internal law or practice), allow for a foreign Court to directly take evidence by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: It is permissible for a voluntary witness located in the United States to directly provide evidence by video-link to a foreign court. See 28 U.S.C. § 1782(b). Although U.S. procedure allows an interested party to file a 28 U.S.C. § 1782(a) motion to request that a U.S. district court issue an order to compel a witness to provide evidence in aid of a foreign proceeding, it is unlikely a U.S. court will compel a witness to directly provide evidence by video-link to a foreign court. Neither of these options involve the United States Central Authority.</p> <p><input type="checkbox"/> No. Please specify:</p> <p><i>Comments:</i></p>
<p>b) Please indicate the legal basis or applicable protocols (i.e., 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, e.g. 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>28 U.S.C. § 1782: https://www.justice.gov/sites/default/files/civil/legacy/2014/08/08/28_USCA_s_1782.pdf</p> <p>Federal Rules of Civil Procedure: http://www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf</p> <p>OIIA Evidence and Service Guidance: https://www.justice.gov/civil/page/file/956711/download</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</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>

Art. 28 and Art. 32)?	
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. <input type="checkbox"/> All courts of a specific type / level. Please specify: <input type="checkbox"/> Only specific courts. Please specify which courts, or provide a link to/attach a full list: <input type="checkbox"/> None. </p> <p><i>Comments:</i></p> <p>As explained in Part I question b), the United States does not permit the direct taking of evidence by video-link under Chapter I of the Convention and permits the direct taking of evidence by video-link on a voluntary basis under Chapter II. U.S. courts are therefore not involved in the taking of evidence by video-link under Chapter II of the Convention.</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 type="checkbox"/> No.</p> <p>Comments: N/A</p>
<p>b) What are the specifications of the video-link technology in use in YOUR STATE, including, if any, the minimum standards or mechanisms used to secure the communications and any recordings made?</p> <p><i>States are encouraged to provide as much information as possible when responding to this question. As such, it may be useful to consider liaising with the relevant IT experts.</i></p>	<p>Codec (<i>i.e.</i>, manufacturer, model, transmission speed, bandwidth):</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.):</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.):</p> <p>Type of encryption for signals in secure transmissions:</p> <p>Split screen capability:</p> <p>Document cameras:</p> <p>Multipoint connections:</p> <p>Additional specifications or capabilities:</p> <p>Protocols or other practices:</p> <p>Comments: N/A</p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments: The United States permits the direct taking of evidence by video-link on a voluntary basis under Chapter II of the Convention. A voluntary witness can provide evidence using any means stipulated by the parties.</p>
<p>d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments: N/A</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>Comments: N/A</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p> <p>As explained in Part I question b), the United States does not permit the direct taking of evidence by video-link under Chapter I of the Convention and permits the direct taking of evidence by video-link on a voluntary basis under Chapter II. Therefore, no prior permission or a court order are necessary for a voluntary witness to provide evidence by video-link under Chapter II of the Convention.</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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p> <p>Per the previous answer and as explained in Part I question b), a voluntary witness under Chapter II can provide evidence in any format, on any terms, and using any means stipulated by the parties.</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>Generally, the usual rules for evidence obtained in person apply, but parties can stipulate to other terms.</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: If examination of the individual is allowed, there may be additional limitations pursuant to law or procedural rules, for example, restrictions based on the age or competency of the witness to consent to provide evidence or his or her ability to speak on behalf of an organization or agency.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<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> Assuming the court in the Requesting State has determined to use video-link to directly obtain the evidence, then the United States requires that the witness provide such evidence voluntarily.</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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> A voluntary witness in the United States can provide evidence in any location agreed upon by the parties.</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 checked="" type="checkbox"/> No. Please explain: A request for the direct taking of evidence by video-link under Chapter I of the Convention will not be executed by the United States Central Authority as it is not asking the United States to obtain the evidence in conformance with its own domestic laws. A witness can be compelled to provide evidence under Chapter I, but it will be a United States Government Attorney who will obtain the testimony by directly asking the witness the questions provided by the foreign court. A witness should be voluntary when providing evidence by video-link directly to a foreign court under Chapter II. Although U.S. procedure allows an interested party to file a 28 U.S.C. § 1782(a) motion to request that a U.S. district court issue an order to compel a witness to provide evidence in aid of a foreign proceeding, it is unlikely a U.S. court will compel a witness to directly provide evidence by video-link to a foreign court.</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</p>	<p>Chapter I: The direct taking of evidence by video-link by a foreign court is not permissible under Chapter I. If a formal Letter of Request is submitted to the United States Central Authority and the</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>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>witness refuses to voluntarily provide the evidence requested, a 28 U.S.C. § 1782(a) motion can be filed by a United States Government Attorney in U.S. district court to compel the witness to provide the evidence through a deposition or written interrogatories. Notification and summoning of the witness are done in conformance with Rule 45 of the Federal Rules of Civil Procedure.</p> <p>Chapter II: Notification and summoning of a voluntary witness are done by the Requesting Authority or parties to the litigation.</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 checked="" 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>The parties may stipulate to the laws that apply to arrangements made under Chapter II.</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

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 checked="" type="checkbox"/> Yes. Please specify: The United States Central Authority does not permit the direct taking of evidence by video-link by a foreign court under Chapter I of the Convention.</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 checked="" 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 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 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>N/A</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: N/A</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 checked="" 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 checked="" 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

<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 checked="" type="checkbox"/> Yes. Please specify: The United States permits the direct taking of evidence by video-link on a voluntary basis under Chapter II of the Convention, but such arrangements must be arranged for privately and do not involve the United States Central Authority.</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 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 type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments: Prior permission from the United States Central Authority is not required for a witness who consents to voluntarily provide evidence by video-link directly to the foreign court.</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: A voluntary witness can provide evidence in any format and on any terms stipulated by the parties. If not otherwise stipulated, the oath should be administered in the United States and comport with the laws of the United States. See Rule 28 of the Federal Rules of Civil Procedure.</p> <p>Dealing with perjury and contempt:</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

	If the oath is administered pursuant to the laws of the United States, then perjury or contempt issues will also be dealt with in accordance with U.S. law.
Direct and indirect taking of evidence	
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?	<input checked="" type="checkbox"/> Yes. Please specify: <i>The witness, however, must be in the United States and must voluntarily agree to provide evidence by video-link directly to the foreign court.</i> <input type="checkbox"/> No. Comments:
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.)?	<i>Witnesses in the United States can avail themselves of any privilege, duty, or defense available to them under the laws of the United States, which may include the privilege against self-incrimination, attorney-client privilege, the right to due process, or the right to counsel.</i>
Presence	
g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by diplomatic and consular agents ? <i>Please tick all that apply.</i>	<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: Comments: <i>A voluntary witness can provide evidence on any terms stipulated by the parties. Note, generally, depositions in the United States are open to the public and judicial personnel.</i>
h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by commissioners ? <i>Please tick all that apply.</i>	<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: Comments: <i>A voluntary witness can provide evidence on any terms stipulated by the parties. Note, generally, depositions in the United States are open to the public and judicial personnel.</i>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

Applicable law	
<p>i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?</p>	<p> <input type="checkbox"/> The law of the State of Origin <input checked="" type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify: </p> <p><i>Comments:</i></p> <p>The parties may stipulate to the laws that apply to arrangements made under Chapter II. If not otherwise stipulated, the oath should be administered in the United States and comport with the laws of the United States. See Rule 28 of the Federal Rules of Civil Procedure.</p>
<p>j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?</p>	<p> <input type="checkbox"/> The law of the State of Origin <input checked="" type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify: </p> <p><i>Comments:</i></p> <p>The parties may stipulate to the laws that apply to arrangements made under Chapter II. If the oath is administered pursuant to the laws of the United States, then perjury or contempt issues will also be dealt with in accordance with U.S. law.</p>

PART VII PRACTICAL CONSIDERATIONS

COMMON TO BOTH CHAPTERS	
Notice	
a) What does YOUR STATE consider to be the minimum amount of time required between the request and the actual hearing in order to make the arrangements to take evidence by video-link?	<p>Chapter I: N/A</p> <p>Chapter II: A voluntary witness can provide evidence on any terms stipulated by the parties. Therefore, the time requirement is dependent on the parties involved. However, a reasonable amount of time, customarily a minimum of 10 days, is encouraged.</p>
Interpretation services	
b) Who is responsible, under Chapter I and Chapter II, for the use of interpretation services and who arranges these services in YOUR STATE when video-link is used?	<p>Chapter I: N/A</p> <p>Chapter II: The use of interpretation services must be arranged for by the parties involved.</p>
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> The type of interpretation services used must be stipulated by the parties involved. Generally, professional accredited interpreters are not required in the United States.</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>The type of interpretation services used must be stipulated by the parties involved. Generally, the United States does not require a particular type of interpretation method.</p>
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<p><input checked="" type="checkbox"/> In the room with the witness / expert.</p> <p><input checked="" type="checkbox"/> In the room with those conducting the examination.</p> <p><input checked="" type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II).</p> <p><input checked="" type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II).</p> <p><input type="checkbox"/> In a third State.</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i> The location of the interpreter should be determined by the parties involved. Generally, there is no restriction on where the interpreter must be located.</p>
Reporting and recording	

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<p><input type="checkbox"/> Yes. Please specify by whom: Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> Whether a written report of the video-link hearing or testimony is prepared must be stipulated by the parties involved.</p>
<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> All arrangements must be made privately between the parties.</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>	<p>Customarily in the United States, in order to increase his or her familiarity, a witness is provided documents and exhibits in advance. Parties, however, may stipulate to any suitable arrangement.</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 checked="" type="checkbox"/> Yes. Please specify: Direct taking of evidence by video-link by a foreign court is not permissible under Chapter I.</p> <p><input 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>N/A</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? <i>The use of the Model Form of the Evidence Convention is recommended when taking evidence under Chapter I.</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></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: N/A</p>
<p>l) Does YOUR STATE require the inclusion of any particular practical or technical information from the requesting State in the request in order to conduct / arrange a witness / expert examination by video-link under Chapter I? (e.g. contact details for IT support, technical specifications, etc)</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments: N/A</p>
Costs	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p> <p><input type="checkbox"/> No.</p> <p>Comments: N/A</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 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>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

	<p><i>Comments:</i> N/A</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 type="checkbox"/> Electronic/wire transfer <input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i> N/A</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>N/A</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	
<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 checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> The witness must be in the United States and must voluntarily agree to provide evidence by video-link directly to the foreign court.</p>
Identification of all relevant actors	
<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>The parties can stipulate to the procedure for verifying the identity of the parties, the witness/expert, and all relevant actors.</p>
Standard Forms	
<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 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></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><i>Comments:</i></p>
Assistance and facilities	
<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 checked="" type="checkbox"/> No. Please specify who else would assist, if anyone:</p> <p><i>Comments:</i> United States Embassies and Consulates encourage the use of commercial alternatives without recommending particular vendors.</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 checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> As a general matter, security concerns prevent United States Embassies and Consulates from holding video-link sessions for private litigants.</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

<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 checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>Costs</p>	
<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> Any associated costs will depend on the arrangements made by the parties.</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> Responsibility for who bears the costs must be stipulated by the parties involved.</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> Responsibility for how costs are paid or reimbursed must be stipulated by the parties involved.</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>Responsibility for how interpreters are paid must be stipulated by the parties involved.</p>