

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: [Bolivarian Republic of Venezuela](#)

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

PART I: STATE

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

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: **Our State considers that it is not necessary.**

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)?

The office has on-call staff, in charge of the information technology area, who is dedicated to the operation of video-link.

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: Our State only allows indirect intervention of evidence</p> <p><i>Comments:</i> In Venezuelan legislation there are no express prohibitions for foreign courts to obtain evidence by videoconference. In our judicial system, operates the principle of freedom of evidence, unless they are expressly prohibited. In the case of the presentation of evidence through videoconferences, both jurisprudence and doctrine, have pointed out its legality. Article 857 of the Venezuelan Code of Civil Procedure establishes that the examination of witnesses, examinations, oaths, interrogations, summonses, notifications, and other acts of mere instruction to be carried out in the country shall be processed by the national courts, without are required by Letters Rogatory or diplomatic channel. The latter case is covered by Article 27 of the Convention. In addition, article 38 of the Venezuelan Act on Private International Law (1998) recognizes the effectiveness of evidence obtained according to the procedural process of the right of the Court or official to which it is carried out.</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>In Venezuela, although there is no special law for the use of videoconferencing, there are several instruments that promote the use of information and communication technologies in the judicial sphere: the National Constitution; the Code of Civil Procedure, the Act of Info-Government; the Act of data messages and electronic signature; the Organic Act Labor Procedure; the Act on Protection of Victims, Witnesses and other procedural subjects; the Organic Act for the Protection of Children and Adolescents; the Organic Act of the Supreme Court of Justice; the judgments of the Constitutional Chamber of the Supreme Court of Justice (No. 721 07 / 9th / 2010 and No. 01 / 27th / 2011) Additionally, the implementation of videoconference by the Executive</p>

	<p>Direction of the Magistracy and the Judiciary, is regulated through the "Normative Instrument for the videoconference service of the Executive Direction of the Magistracy and the Judiciary", and Resolution No. 2016-001 of the Criminal Cassation Chamber of the Supreme Court of Justice (Judicial Gazette No. 64, 12 / 12th / 2016)</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> Venezuela has signed regional agreements regulating the matter of obtaining evidence abroad, without specifying that the route be the videoconference, such as the Law Approving the Inter-American Convention on Letters Rogatory (Official Gazette No. 33033, 08/03/1984); The Law Approving the Inter-American Convention on the Taking of Evidence Abroad (Official Gazette No. 33170, 02 / 3rd / 1985); The Law Approving the Additional Protocol to the Inter-American Convention on Letters Rogatory (Official Gazette No. 33171, 02 / 25th / 1985); The Law Approving the Additional Protocol to the Inter-American Convention on the Taking of Evidence Abroad (Official Gazette No. 4580, 05 / 21st / 1993); The Approval Law of the Code of Private International Law or Bustamante Code (Official Gazette of 04 / 9th / 1932)</p>
<p>Court system</p>	
<p>d) Please indicate which courts permit, or have the facilities for, the taking of evidence by video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</p>	<p><input 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> Until now, only these courts have facilities and practice: Judicial Circuits of the Courts of Protection of Children and Adolescents of the Judicial District of the Metropolitan Area of Caracas; and the State of Zulia.</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> We use the Apache Openmeetings software, Version 3.0.6 Release, which is developed under free software (freeware) (http://openmeetings.apache.org/#Audio_and_Video_Conferencing) Openmeetings is a software used for presentations, online training, web conferencing, drawing board, document collaboration and editing, user desktop exchange. The product is based on the OpenLaszlo RIA framework and the Red5 video server, which in turn relies on open source components. The communication takes place in the meeting rooms that establish the security and modes of video quality. The recommended database is MySQL. The product can be configured as an installed server product, or used as hosting. Openmeetings has applied for membership to the Apache Software Foundation incubator. Openmeetings is an alternative to other commercial software that allows you to create web-based conferences, share and broadcast audio, videos, presentations and chats. This is one of the first free projects that allows to make videoconferences. For its operation uses technology Flash, for which it uses the server Red5 that is an application that pretends to be a free alternative to Adobe Flash Media Server.</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): Openmeetings (Manufacturer: Apache Software Foundation; Model: Version 3.0.6 Release; Speed: 1Mbps per connection (minimum); Bandwidth: 1Mbps per connection (minimum).</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): Yasm, H.264 (MPEG-4 AVC) video streams, Audio Codec: Nellymoser, Video Codec: VP8, Video Codec: H.263.</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): IP</p> <p>Type of encryption for signals in secure transmissions: You can use custom encryption type, but you must decide during the installation the type of encryption to be used. By default, two types are available:</p> <p>1) org.apache.openmeetings.util.crypt.MD5Implementation - this uses MD5 common crypt as PHP. This is the default encryption; 2) org.apache.openmeetings.util.crypt.MD5CryptImplementation - this uses the BSD encryption style. You can edit the configuration key during installation or later in the admin panel. But if you change it using the admin panel, the previous passwords might not work since they are encrypted with another algorithm.</p> <p>Split screen capability: Yes</p> <p>Document cameras: Yes, with the option sharing files with other remote users.</p> <p>Multipoint connections: Yes, satisfactory videoconferencing tests have been performed with up to 11 remote computers connected concurrently.</p>

	<p>Additional specifications or capabilities: It allows the diffusion of video and audio; You can view the desktop of any participant; Available in 19 languages; Virtual whiteboard with drawing, writing, editing, "cut and paste" capabilities, resizing of images and inserting symbols; Lecture while drawing (4x4 or 1xn modus); Secure drawing; Import documents in most formats available; Sending invitations and direct links within the conference; System of moderators; Public and private conference rooms; The server can run on both Windows and Linux, and clients only need a browser and Flash Player, so you can participate in a session from almost any platform; Has a module for integration with Moodle.</p> <p>Protocols or other practices: Real-Time Messaging Protocol (RTMP) Flash Streaming. Use of OpenMeetings with RTMPS & HTTPS: There are three ways in which the Openmeetings client can communicate with the server: 1) The Flash client uses the RTMP protocol to transfer video / audio and to send and receive user data (login, etc.) to the server and vice versa; 2) The browser uses the HTTP protocol to load the SWF file and upload and download the files (documents, pdfs, images, etc.) to the server and vice versa; And 3) The screen sharing client uses the RTMP protocol to transfer screen data and remote control to the server and vice versa.</p> <p><i>Comments:</i></p>
<p>c) Can evidence be taken via commercial providers (e.g., Skype™)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Although the recommendation is to use free softwares and open standards.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></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: Review of the quality of service and diagnostic module of OpenMeetings through a module included in the same app.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>e) Does YOUR STATE have any requirements as to the hearing room, e.g., should be located in a court, should have a camera view of the whole room or a view of all the parties, etc.?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: There is a "Normative Instruction for the videoconference service of the Executive Direction of the Magistracy and the Judicial Power".</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: <i>As an exceptional route, the use of videoconferencing must be authorized through a judicial resolution.</i></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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> <i>It lays down, in matters of approval, the principle of freedom of evidence. Its only limitation is that it is not expressly prohibited by the legal system and is not contrary to public order.</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> <i>In case of videoconferences, the normal rules for evidences apply.</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> <i>It is the court's decision, whether or not to take such evidence through videoconferences.</i></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></p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>There are no specific limitations, however, the evidence presented by the courts, must be practiced at its offices (Article 191 of the Code of Civil Procedure), or in the place enabled for videoconferencing. Embassies or diplomatic missions may conduct videoconferences at their offices, if they have the appropriate technological platform.</p>
--	---

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input type="checkbox"/> Yes. If so, please specify what coercive measures may be used:</p> <p><input checked="" type="checkbox"/> No. Please explain: <i>There are no special rules in this matter. However, if a witness refuses to appear, he may be subject to a fine (Article 94 of the Code of Civil Procedure)</i></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: <i>After receiving the letter rogatory by the Central Authority, the competent court, by means of a decree, orders the notification or summons, according to the ordinary rules (Art. 218 and subsequent, of the Venezuelan Code of Civil Procedure), expressly stating that the evidence will be presented through videoconference (Articles 857 and 395 of the Venezuelan Code of Civil Procedure). Once the date and time of the hearing at which the evidence will be presented by videoconference is established, the Central Authority shall be notified in order to inform the requesting State (see, for example, Art. 5 Venezuelan Approving Act Additional Protocol to the Inter-American Convention on the Taking of Evidence Abroad)</i></p> <p>Chapter II: <i>The Law of the official submitting the evidence applies, if it does not affect public order of Venezuela.</i></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 checked="" 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 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> <i>See Art. 12 Venezuelan Approving Act Inter-American Convention on Letters Rogatory</i></p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

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 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.e., the State in which the proceedings are pending)?</p>	<p><input type="checkbox"/> Yes.</p> <p><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 (e.g., 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 (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p><i>In some cases, safeguards measures may be used (see Act on Protection of Victims, Witnesses and other procedural subjects). The right to defense is guaranteed free of charge by public defenders, to those who request. In relation to language interpretation, there is an official list of interpreters accredited to the national government, whose service must be paid by the interested parties (see http://www.mpprijp.gob.ve/wp-content/PDF/listadoOctubre2015.pdf).</i></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</p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate:</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

<p>taken via video-link? See Article 7 of the Convention</p>	<p>The parties and their attorneys can attend, participating, according to the normal rules for the presentation of evidences (see, for example, Art. 5 Venezuelan Approving Act Additional Protocol to the Inter-American Convention on the Taking of Evidence Abroad)</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: It should be allowed in accordance with the spirit of Article 3, paragraphs f and g of the Convention, since they are who make the request.</p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link? See Article 8 of the Convention Please note that a declaration may be made under this provision.</p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: It should be allowed in accordance with the spirit of Article 3, paragraphs f and g of the Convention, since they are who make the request.</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

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

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

Legal obstacles and legal framework	
<p>a) Does YOUR STATE consider there to be any legal obstacles to the taking of evidence by video-link under Chapter II of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (C&R No 55 of the 2009 SC and C&R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input 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 type="checkbox"/> Art. 17</p> <p>Comments: <i>It does not proceed through Art. 17, since Venezuela made a reservation of the intervention in the obtaining of evidences by the commissioners of the court.</i></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:</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: <i>The oath and declaration shall be carried out by the diplomatic or consular official and shall be regulated by its domestic Law.</i></p> <p>Dealing with perjury and contempt: <i>Contempt and false testimony are regulated by the Law of the State of origin.</i></p>
Direct and indirect taking of evidence	
<p>e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however, that a witness / expert is located in a neighbouring country or in a place distant</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

<p>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><i>Comments:</i></p>
---	-------------------------

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

Legal safeguards for witness / expert	
<p>f) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter II (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p>In some cases it can applied legal safeguards measures (See Act of Protection for Victims, Witnesses and other processal subjects). The right to defense is guaranteed, free of charge by public defenders, if required by the interested party.</p>
Presence	
<p>g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by diplomatic and consular agents?</p> <p><i>Please tick all that apply.</i></p>	<p><input 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 type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify:</p> <p><i>Comments:</i> Venezuela made a reservation of the intervention in the obtaining of evidences by the commissioners of the court.</p>
Applicable law	
<p>i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?</p>	<p><input checked="" type="checkbox"/> The law of the State of Origin <input type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify:</p> <p><i>Comments:</i></p>
<p>j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?</p>	<p><input checked="" type="checkbox"/> The law of the State of Origin <input type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify:</p> <p><i>Comments:</i></p>

PART VII PRACTICAL CONSIDERATIONS

COMMON TO BOTH CHAPTERS	
Notice	
a) What does YOUR STATE consider to be the minimum amount of time required between the request and the actual hearing in order to make the arrangements to take evidence by video-link?	Chapter I: 15 working days Chapter II: 15 working days
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?	Chapter I: The interested party, and exceptionally when this is requested by the Court, will be counted on free interpreter. Chapter II: The origin State's Law will be applied
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<input checked="" type="checkbox"/> Yes. Please specify: They are interpreters recognized by the Venezuelan Ministry of Internal Affairs, Justice and Peace (see http://www.mpprijp.gob.ve/wp-content/PDF/listadoOctubre2015.pdf). <input type="checkbox"/> No. Comments:
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?	Consecutive
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<input checked="" type="checkbox"/> In the room with the witness / expert. <input type="checkbox"/> In the room with those conducting the examination. <input type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II). <input type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II). <input type="checkbox"/> In a third State. <input type="checkbox"/> Other. Please specify: Comments:
Reporting and recording	
f) Is a written report of the video-link hearing or testimony prepared?	<input checked="" type="checkbox"/> Yes. Please specify by whom: Chapter I: It is always recorded in court minutes, according to the general rules on evidence (See Art. 188 of the Venezuelan Code of Civil Procedure), and it is sent to

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>the Central Authority. Chapter II: The law of the State of origin shall apply. 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></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>Security measures and measures of control to the evidences. Exhibition and explanation in camera of documentary data of the documents.</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: In Venezuela there are no videoconference rooms in all judicial circuits.</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>Presentation of identification document of the witness/expert; exhibition in front of the camera and certification by the authorities present at the event.</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 checked="" type="checkbox"/> Yes. Please specify: It is use the standard application form recommended by the Hague Conference</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: The Additional Protocol of The Inter-American Convention on Letter Rogatory and the Additional Protocol to the Inter-American Convention on the Taking of Evidence Abroad, also have standard applications forms.</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: Contact details of the computer service personnel in charge, and technical specifications.</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
Costs	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments: In Venezuela the access to justice is free.</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? See Art. 14(2) of the Evidence Convention</p>	<p><input checked="" type="checkbox"/> The moving party (requesting the use of video-link). <input type="checkbox"/> The requesting authority (in the requesting State). <input checked="" type="checkbox"/> The requested authority (in the requested State). <input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i> The cost generated by the use of equipment for videoconferencing is assumed by the State, since access to justice is free in Venezuela. However, the use of interpreters must be paid by the requesting party.</p>
<p>o) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input checked="" type="checkbox"/> Payment in cash <input checked="" type="checkbox"/> Payment by (credit) card <input checked="" type="checkbox"/> Electronic/wire transfer <input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i> The method of payment must be agreed between the requesting party and the service provider.</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 requesting party must pay it. The method of payment must be agreed between the requesting party and the service provider.</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?	According to the laws in the State of origin
Standard Forms	
s) Do the authorities of YOUR STATE use a standardised request form under Chapter II that makes specific reference to the use of video-links? <i>Although the use of the Model Form of the Evidence Convention is recommended when taking evidence under Chapter I, it may also be used, with the necessary amendments when applying for permission to take evidence under Chapter II.</i> <i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i>	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> The standardised form used makes no reference to video-link. <input checked="" 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: A written agreement between both States and the requested party. <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 checked="" type="checkbox"/> Yes. Please specify: Through the support of the Central Authority of the State of execution. <input type="checkbox"/> No. <i>Comments:</i>
v) Does YOUR STATE require the inclusion of any particular practical or technical information from the State of Origin in the request in order to conduct / arrange a witness or expert examination by video-link under Chapter II? (e.g. the use of interpreters,	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No. <i>Comments:</i>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

stenographers, or recording devices)	
--------------------------------------	--

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 checked="" 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 checked="" type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input type="checkbox"/> The State of Origin</p> <p><input checked="" type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution.</p> <p><input type="checkbox"/> The commissioner</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>y) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input checked="" type="checkbox"/> Payment in cash</p> <p><input checked="" 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> In accordance with the laws of the State of origin</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>The requesting party must pay it. The method of payment must be agreed between the requesting party and the service provider.</p>