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# Taking evidence by videoconference

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(in civil and commercial  
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**1 Is it possible for evidence to be taken by videoconference either with the participation of a court in the requesting Member State or directly by a court of that Member State? If yes, what are the relevant national procedures or laws that apply?**

Evidence can be taken by videoconference either with the participation of the court of the requesting State or directly by the court of that Member State. When evidence is taken with the participation of the court by the requesting State, the rules of civil procedure apply. Once such a request has been received by the registration office of the court, the case is assigned to a judge who acts as an examiner and makes sure that the procedure of taking evidence is carried out according to national rules. The judge will order the personal service of a witness summons and set a specific date for the person/witness to appear in court.

**2 Are there any restrictions on the type of person who can be examined by videoconference – for example, is it only witnesses or can others such as experts or parties also be examined in this way?**

There are no restrictions, as any witness can be examined by videoconference. The rules of civil procedure apply.

**3 What restrictions, if any, are there on the type of evidence that can be obtained by videoconference?**

There are no restrictions regarding the type of evidence that can be taken by videoconference. The rules of civil procedure apply.

When the request involves the taking of evidence by the requested court (Articles 12-14 of the Regulation), the witness/person will have to appear in court to be examined by videoconference. The examination is conducted in a courtroom adequately equipped for videoconferencing purposes and with IT professionals present to ensure the smooth running of the videoconference.

**4 Are there any restrictions on where the person should be examined by videoconference – i.e. does it have to be in a court?**

The existing procedural framework does not allow the videoconference to be recorded, but detailed minutes of the proceedings are kept.

(a) If the witness testimony is taken on behalf of the requesting court, the hearing is held in Greek with an interpreter present who translates into the witness's language.

## 5 Is it permitted to record videoconference hearings and, if so, is the facility available?

The existing procedural framework does not allow the videoconference to be recorded, but detailed minutes of the proceedings are kept.

## 6 In what language should the hearing be conducted: (a) where requests are made under Articles 12 to 14 of the Taking of Evidence Regulation; and (b) where there is direct taking of evidence under Articles 19 to 21 of the Taking of Evidence Regulation?

(a) If the testimony is taken on behalf of the requesting court, the hearing is held in Greek, with an interpreter present who translates into the witness's language.

(b) If the testimony is taken directly by the requesting court, the hearing is held in the language of the requesting court.

## 7 If interpreters are required, who is responsible for providing them and where should they be located (a) where requests are made under Articles 12 to 14 of the Taking of Evidence Regulation; and (b) where there is direct taking of evidence under Articles 19 to 21 of the Taking of Evidence Regulation?

(a) In civil cases, the party requesting an interpreter usually arranges for one to be present and to remunerate them. There is no provision as to where the interpreter should be during the hearing. In practice, however, an interpreter is present in the courtroom with the rest of the participants.

(b) If evidence is taken directly, the requesting court is responsible for finding an interpreter.

## 8 What procedure applies to the arrangements for the hearing and to notify the person to be examined about the time and place (a) where requests are made under Articles 12 to 14 of the Taking of Evidence Regulation; and (b) where there is direct taking of evidence under Articles 19 to 21 of the Taking of Evidence Regulation? For both options, how much time should be allowed when arranging the date of the hearing to enable the person to receive sufficient notification?

When the proceedings take place under Articles 12-14 of Regulation (EU) 2020/1783, the details for conducting the videoconference, as well as other arrangements, are determined between the judges of the requesting and requested courts before the videoconference. The rules of civil procedure apply when notifying the person/witness. The witness summons is therefore served on the person by a court bailiff, and the person is asked to be at the court at least 7 days in advance. On the specified date, the examiner will further inform the person/witness of the reasons for their summons and will set a new date for the hearing/videoconference, giving the person sufficient notice.

## 9 What costs apply to the use of videoconferencing and how should they be paid?

There are no costs for using videoconferencing.

**10 What requirements, if any, are there for ensuring that the person examined directly by the requesting court has been informed that the performance shall take place on a voluntary basis?**

The assurance received from the requesting court.

**11 What procedure exists for verifying the identity of the person to be examined?**

When a person is summoned to a court, they must be in possession of the documents served, i.e. the witness summons served by a court bailiff in accordance with the rules of legal procedure. In addition, if doubts arise as to the identity of the person/witness present, the examiner may request to see an identity card, passport, driving licence or any equivalent official document proving the person's identity.

**12 What requirements for taking oaths apply and what information is needed from the requesting court when an oath is required during direct taking of evidence under Articles 19 to 21 of the Taking of Evidence Regulation?**

Before taking the testimony, the judge in charge will ask the witness if they wish to give a sworn statement or affidavit.

**13 What arrangements are there for ensuring that there is a contact person at the place of the videoconference with whom the requesting court can liaise and a person who is available on the day of the hearing to operate the videoconferencing facilities and deal with any technical problems?**

The registration office of the court makes all arrangements for adequate technical support before and during the videoconference. IT professionals are present throughout the videoconference to ensure its smooth running.

**14 What, if any, additional information is required from the requesting court?**

The requesting court provides all the information that is required for the proceedings to advance. Any additional information required can be provided at any stage before the videoconference takes place.

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