

## Taking evidence by videoconferencing - Cyprus

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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 video-link either with the participation of a court in the requesting State or directly. The legal basis for this is provided under national law by Article 36A of Chapter 9 of the Evidence Act, as amended by Act 122(I)/2010. According to Article 36A, the court may, at its discretion, impose any terms deemed necessary for taking evidence, provided that these terms are not incompatible with the Republic of Cyprus's international commitments.

#### **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 such restrictions. Any person whose evidence is deemed necessary may be examined provided that the request for taking evidence falls under the scope of Regulation (EC) No 1206/2001 and is not incompatible with national law.

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

There are no restrictions on the type of evidence that can be taken by video-link, provided that the request for taking evidence is not incompatible with national law and the taking of the evidence requested is practicably feasible.

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

There are no restrictions.

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

Only the minutes of the proceedings are recorded.

**6 In what language should the hearing be conducted: (a) where requests are made under Articles 10 to 12; and (b) where there is direct taking of evidence under Article 17?**

The evidence is taken in the mother tongue of the person who is testifying and is then translated by an interpreter into the official language of the court, i.e. Greek.

**7 If interpreters are required, who is responsible for providing them under both types of hearing and where should they be located?**

The registry office of the court that hears the case for which the person concerned is to be examined is responsible for making the necessary arrangements for the use of interpreters.

**8 What procedure applies to the arrangements for the hearing and to notify the person to be examined about the time and place? How much time should be allowed when arranging the date of the hearing to enable the person to receive sufficient notification?**

A witness summons is issued to the person to be examined and the date set for hearing the case is such that the person concerned can be notified in a timely manner.

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

The costs incurred in connection with the interpreters are borne by the State in which the court conducting the proceedings is located, and the costs incurred for the provision of technical support on the day of the examination are borne by the State in which the witness is located.

**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?**

A witness summons is issued for that purpose.

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

An oath is taken or an affirmation made, and the particulars of the person to be examined are declared.

**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 Article 17?**

The requesting court must provide the particulars of the person to be examined. During the taking of oath, the person to be examined will swear by the Bible or the Koran, depending on their religious affiliation, or will make an affirmation.

**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?**

A trial connection is made on a date prior to the day of the examination, following prior coordination between the competent authorities (the Court registration departments).

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

No additional information is required.

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