

Taking evidence by videoconferencing - Latvia

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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?

A judge shall decide on the participation of representatives of the second country in a videoconference in a timely manner before the videoconference, contacting the applicant individually.

The judge shall decide all matters in accordance with the Law on Civil Procedure (*Civilprocesa likums*).

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?

Pursuant to Section 122(1) of the Law on Civil Procedure, an expert may also be examined by using a video conference.

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

They are for the court to decide.

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

Each matter, each request for legal assistance shall be decided on individually assessing all aspects.

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

Pursuant to Section 152(3) of the Law on Civil Procedure, photography, filming or videotaping at a court hearing shall be allowed only with the permission of the court.

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?

a) A court hearing shall take place in the official language - Latvian. A Latvian interpreter shall be provided by the country requesting a videoconference.

b) if the direct taking of evidence is taking place, then upon mutual agreement of the parties.

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

An interpreter shall be provided by the party requesting a videoconference. The interpreter shall be located in a court room.

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 request for legal assistance shall be submitted in a timely manner, at least 60 days before the planned videoconference.

Time should be laid down before the planned videoconference for making a test connection.

When submitting a videoconference request, the technical parameters shall be indicated.

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

Pursuant to Section 716 of the Law on Civil Procedure, the costs incurred shall be covered from the funds of the state budget.

A court that executes the request of a foreign country for the taking of evidence shall notify the Ministry of Justice regarding the following costs of implementing the abovementioned request:

1) the amount of expenses to be disbursed to experts and interpreters;

2) the costs incurred when executing the request of a foreign country for the taking of evidence in accordance with the procedural procedures of the foreign country in the cases provided for in the law;

3) the costs incurred if the request of a foreign country for the taking of evidence upon a request of the competent authority of the foreign country has been carried out by use of technical means.

(3) The Ministry of Justice may request the competent authority of the foreign country to cover the costs provided for in the second paragraph of this Section.

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 foreign country shall prepare the relevant information on informing the person.

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

A court shall verify the identity of the person pursuant to the provisions of the Law on Civil Procedure.

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?

Such a procedure is not provided for by the Law on Civil Procedure. However, a foreign country may request the court to decide on the oath.

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?

Before the date of a videoconference and before a test videoconference the parties concerned shall exchange their technical parameters and the details of their contact persons (the person located in the court and the person at the institution providing the technical assistance).

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

Technical information, the technical specification data are required.

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