

law, unless otherwise provided for in this Protocol.

Article 9

Hearing by video conference

1. If a person is in one Party's territory and has to be heard as a witness or expert by the judicial authorities of another Party, the latter may, where it is not desirable or possible for the person to be heard to appear in its territory in person, request that the hearing take place by video conference, as provided for in paragraphs 2 to 7.

2. The requested Party shall agree to the hearing by video conference provided that the use of the video conference is not contrary to fundamental principles of its law and on condition that it has the technical means to carry out the hearing. If the requested Party has no access to the technical means for video conferencing, such means may be made available to it by the requesting Party by mutual agreement.

3. Requests for a hearing by video conference shall contain, in addition to the information referred to in Article 14 of the Convention, the reason why it is not desirable or possible for the witness or expert to attend in person, the name of the judicial authority and of the persons who will be conducting the hearing.

4. The judicial authority of the requested Party shall summon the person concerned to appear in accordance with the forms laid down by its law.

5. With reference to hearing by video conference, the following rules shall apply:

- (a) a judicial authority of the requested Party shall be present during the hearing, where necessary assisted by an interpreter, and shall also be responsible for ensuring both the identification of the person to be heard and respect for the fundamental principles of the law of the requested Party. If the judicial authority of the requested Party is of the view that during the hearing the fundamental principles of the law of the requested Party are being infringed, it shall immediately take the necessary measures to ensure that the hearing continues in accordance with the said principles;
- (b) measures for the protection of the person to be heard shall be agreed, where necessary,

cipper, medmindre andet er bestemt i denne protokol.

Artikel 9

Afhøring ved videokonference

1. Hvis en person befinder sig på en parts territorium og skal afhøres som vidne eller sagkyndig af en anden parts judicielle myndigheder, kan sidstnævnte, hvis det ikke er ønskeligt eller muligt for den person, der skal afhøres, at fremmøde personligt på dens territorium, anmode om, at afhøringen finder sted ved videokonference som bestemt i stk. 2-7.

2. Den anmodede stat skal indvillige i afhøring ved videokonference, dog under forudsætning af, at brugen af videokonference ikke strider mod dens grundlæggende retsprincipper, og på betingelse af, at den råder over de nødvendige tekniske faciliteter til gennemførelse af afhøringen. Hvis den anmodede stat ikke har adgang til de tekniske faciliteter til videokonferencer, kan sådanne faciliteter stilles til rådighed for den af den begærende stat efter gensidig aftale.

3. Anmodninger om afhøring ved videokonference skal ud over de i konventionens artikel 14 nævnte oplysninger indeholde en begrundelse for, at det ikke er ønskeligt eller muligt for vidnet eller den sagkyndige at møde personligt frem, samt anføre navnet på den judicielle myndighed og navnene på de personer, der skal foretage afhøringen.

4. Den anmodede stats judicielle myndighed skal indkalde den pågældende person i overensstemmelse med formkravene i dens lovgivning.

5. Med hensyn til afhøring ved videokonference gælder følgende regler:

- a) en judicial myndighed fra den anmodede stat skal være til stede under afhøringen, om nødvendigt assisteret af en tolk, og skal ligeledes være ansvarlig for at sikre både identifikation af den person, der skal afhøres, og respekten for den anmodede stats grundlæggende retsprincipper. Hvis den anmodede stats judicielle myndighed mener, at den anmodede stats grundlæggende retsprincipper krænkes under afhøringen, skal myndigheden straks træffe de nødvendige foranstaltninger for at sikre, at afhøringen forsætter i overensstemmelse med sådanne principper,
- b) foranstaltninger til beskyttelse af den person, der skal afhøres, skal om nødvendigt af-