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	- Compilation of answers

Delegations will find attached a compilation of answers submitted by the Member States to the questionnaire on videoconferencing.

Individual answers can be found in doc. 15641/07 JURINFO 75 JUSTCIV 315 COPEN 176+ ADD.

Summary of the answers is set out in doc. 6355/08 JURINFO 11.

a) General aspects.....	12
1. Please give details of your internal legislation on the use of videoconferencing. In which proceedings is videoconferencing allowed to be used?	12
BELGIUM.....	12
BULGARIA	14
CZECH REPUBLIC	16
DENMARK.....	16
GERMANY	16
ESTONIA.....	16
IRELAND.....	18
SPAIN	18
FRANCE	18
ITALY	21
LATVIA	21
LITHUANIA.....	23
LUXEMBOURG	23
HUNGARY	24
MALTA	27
NETHERLANDS.....	27
AUSTRIA.....	28
POLAND	28
ROMANIA.....	30
SLOVENIA.....	32
FINLAND.....	32
SWEDEN.....	33
UNITED KINGDOM	34
2. Does your internal legislation differentiate between the use of videoconferencing in internal cases and in cross-border proceedings?	36
BELGIUM.....	36
BULGARIA	36
CZECH REPUBLIC	37
DENMARK.....	37
GERMANY	37

ESTONIA	37
IRELAND	37
SPAIN	37
FRANCE	37
ITALY	38
LATVIA	38
LITHUANIA	38
LUXEMBOURG	38
HUNGARY	38
MALTA	38
NETHERLANDS	39
AUSTRIA	39
POLAND	39
ROMANIA	39
SLOVENIA	39
FINLAND	39
SWEDEN	40
UNITED KINGDOM	40
3. In your judicial system, how many and which specific courts are equipped with videoconferencing facilities?	41
BULGARIA	41
CZECH REPUBLIC	41
DENMARK	42
GERMANY	42
ESTONIA	42
IRELAND	42
SPAIN	44
FRANCE	52
ITALY	52
LATVIA	52
LITHUANIA	53
LUXEMBOURG	53
HUNGARY	53
MALTA	54

NETHERLANDS	54
AUSTRIA	54
POLAND	56
ROMANIA	56
SLOVENIA	56
FINLAND	56
SWEDEN	57
UNITED KINGDOM	59
4. With what other type of locations have the courts established video links in practice (police stations, prisons, embassies etc.)?	60
BULGARIA	60
CZECH REPUBLIC	60
DENMARK	60
GERMANY	60
ESTONIA	60
IRELAND	60
SPAIN	61
FRANCE	61
ITALY	61
LATVIA	61
LUXEMBOURG	61
HUNGARY	61
MALTA	62
NETHERLANDS	62
AUSTRIA	62
POLAND	62
ROMANIA	62
SLOVENIA	62
FINLAND	62
SWEDEN	63
UNITED KINGDOM	63
5. Do you have any experience of cross-border videoconferencing, in particular as regards the application of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and taking of evidence by videoconference	

as foreseen by Article 10(4) of the Taking of Evidence Regulation? Please give details.	64
BELGIUM.....	64
BULGARIA	64
CZECH REPUBLIC	64
DENMARK.....	65
GERMANY	65
ESTONIA.....	65
IRELAND.....	65
SPAIN	65
FRANCE	66
ITALY	66
LATVIA	66
LUXEMBOURG	66
HUNGARY	66
MALTA	66
NETHERLANDS.....	67
AUSTRIA.....	67
POLAND	67
ROMANIA	67
SLOVENIA	67
FINLAND.....	68
SWEDEN.....	68
UNITED KINGDOM.....	68
6. Do you have any experience of the use of videoconferencing equipment for translators or interpreters?.....	69
BULGARIA	69
CZECH REPUBLIC	69
DENMARK.....	69
GERMANY	69
ESTONIA.....	69
IRELAND.....	69
SPAIN	70
FRANCE	70
ITALY	70

LATVIA	70
LUXEMBOURG	70
HUNGARY	70
MALTA	71
NETHERLANDS	71
AUSTRIA	71
POLAND	71
ROMANIA	71
SLOVENIA	72
FINLAND	72
SWEDEN	72
UNITED KINGDOM	72
7. Which uses of videoconferencing equipment have proved particularly valuable to the judicial system?.....	73
BELGIUM	73
CZECH REPUBLIC	73
DENMARK	73
GERMANY	73
ESTONIA	73
IRELAND	74
SPAIN	74
FRANCE	75
ITALY	75
LATVIA	75
LUXEMBOURG	75
HUNGARY	76
MALTA	76
NETHERLANDS	76
AUSTRIA	76
POLAND	77
ROMANIA	77
SLOVENIA	77
FINLAND	77
SWEDEN	77

UNITED KINGDOM	77
b) Technical aspects.....	79
8. Do you use your own built in equipment, mobile solutions or videoconference services on demand for having videoconferences (please specify)?.....	79
BELGIUM.....	79
BULGARIA	79
CZECH REPUBLIC	79
DENMARK.....	79
GERMANY	79
ESTONIA	80
IRELAND.....	80
SPAIN	80
FRANCE	80
ITALY	80
LATVIA	80
LUXEMBOURG	81
HUNGARY	81
MALTA	81
NETHERLANDS.....	81
AUSTRIA.....	81
POLAND	81
ROMANIA	81
SLOVENIA	82
FINLAND.....	82
SWEDEN.....	82
UNITED KINGDOM	82
9. What technical standards are used for videoconferencing (ITU H.320, H.323, G3 or other)?.....	83
BELGIUM.....	83
BULGARIA	83
CZECH REPUBLIC	83
DENMARK.....	83
GERMANY	83
ESTONIA	84

IRELAND	84
SPAIN	84
FRANCE	84
ITALY	85
LATVIA	85
LUXEMBOURG	85
HUNGARY	85
MALTA	85
NETHERLANDS	86
AUSTRIA	86
POLAND	86
ROMANIA	86
SLOVENIA	86
FINLAND	86
SWEDEN	86
UNITED KINGDOM	87
10. What, if any, encryptions are used to ensure security of communication in judicial proceedings?	87
BELGIUM	87
BULGARIA	87
CZECH REPUBLIC	87
DENMARK	88
GERMANY	88
ESTONIA	88
IRELAND	88
SPAIN	88
FRANCE	89
ITALY	89
LATVIA	89
LUXEMBOURG	89
HUNGARY	89
MALTA	90
NETHERLANDS	90
AUSTRIA	90

POLAND	90
ROMANIA	90
SLOVENIA	90
FINLAND	90
SWEDEN	91
UNITED KINGDOM	91
11. Do you make videoconferences domestically over computer (IP connection) or telephone network (ISDN connection)?	91
BELGIUM	91
BULGARIA	91
CZECH REPUBLIC	91
DENMARK	91
GERMANY	91
ESTONIA	92
IRELAND	92
SPAIN	92
FRANCE	92
ITALY	92
LATVIA	92
LUXEMBOURG	92
HUNGARY	93
MALTA	93
NETHERLANDS	93
AUSTRIA	93
POLAND	93
ROMANIA	93
SLOVENIA	93
FINLAND	94
SWEDEN	94
UNITED KINGDOM	94
12. Is it allowed and possible to make a cross-border videoconference over a computer network (IP)?	95
BELGIUM	95
BULGARIA	95

CZECH REPUBLIC	95
DENMARK	95
GERMANY	95
ESTONIA	95
IRELAND	95
SPAIN	95
FRANCE	96
ITALY	96
LATVIA	96
LUXEMBOURG	96
HUNGARY	96
MALTA	96
NETHERLANDS	96
AUSTRIA	96
POLAND	97
ROMANIA	97
SLOVENIA	97
FINLAND	97
SWEDEN	97
UNITED KINGDOM	97
13. How is the videoconference managed (by a court clerk, a special technician, manually, by computer/automatically)?	97
BELGIUM	97
BULGARIA	98
CZECH REPUBLIC	98
DENMARK	98
GERMANY	98
ESTONIA	98
IRELAND	98
SPAIN	99
FRANCE	99
ITALY	99
LATVIA	99
LUXEMBOURG	99

HUNGARY	99
MALTA	100
NETHERLANDS	100
AUSTRIA	100
POLAND	100
ROMANIA	100
SLOVENIA	100
FINLAND	101
SWEDEN	101
UNITED KINGDOM	101
14. Does your equipment enable: ○ picture in picture sending functionality (e.g. PC/ documents picture); ○ far-end camera control; ○ multipoint connections; ○ recording of the video session?	102
BELGIUM	102
BULGARIA	102
CZECH REPUBLIC	102
DENMARK	102
GERMANY	103
ESTONIA	103
IRELAND	103
SPAIN	103
FRANCE	104
ITALY	104
LATVIA	104
LUXEMBOURG	104
HUNGARY	105
MALTA	105
NETHERLANDS	105
AUSTRIA	106
POLAND	106
ROMANIA	106
SLOVENIA	107
FINLAND	107
SWEDEN	107

UNITED KINGDOM	107
15. Which producer's videoconferencing equipment do you use (needed to estimate compatibility possibilities, e.g. videoconferencing equipment: Tandberg, Polycom, VCON, audio equipment: Bosch/Philips, Sennheiser, Auditel, DIS or other)?	108
BELGIUM.....	108
BULGARIA	108
CZECH REPUBLIC	108
DENMARK.....	108
GERMANY	109
ESTONIA.....	109
IRELAND.....	109
SPAIN	110
FRANCE	110
ITALY	110
LATVIA	110
LUXEMBOURG	110
HUNGARY	110
MALTA	111
NETHERLANDS.....	111
AUSTRIA.....	111
POLAND	111
ROMANIA.....	111
SLOVENIA	112
FINLAND.....	112
SWEDEN.....	112
UNITED KINGDOM	112
ANNEX I	113
Additional information by the Spanish delegation.....	113
ANNEX II.....	118
Additional information by the United Kingdom delegation.....	118

a) General aspects

1. Please give details of your internal legislation on the use of videoconferencing. In which proceedings is videoconferencing allowed to be used?

BELGIUM

Criminal law:

Since august 2002, the use of audio-visual technology is provided for by law. (*Law of august, 2nd, 2002 concerning the gathering of declarations by means of audio-visual media, B.S. September, 12th, 2002*).

In Belgian law, videoconferencing is an interrogation at distance in real time and implies that the questioner and the person questioned are not situated in the same building. In case the 2 persons are located in the same building but not in the same room, Belgian law does not speak of videoconferencing but calls it ‘questioning by means of a closed television circuit’.

The field of application is restricted personally and materially.

· A videoconference can be applied in 2 situations. (art. 112 and 158ter Code of Criminal procedure)

·

1- in case a witness is threatened (whether the witness lives in a foreign country or not is not important) and the commission of protection of witnesses has assigned a protection measure.

2- in case the witness, the expert or the suspect is staying abroad if reciprocity is guaranteed (it is sufficient that the country is capable, legally and technically, to administer an examination, no bilateral or multilateral arrangement is necessary).

A videoconference can only be applied if the person involved agrees.

The person involved has to be accompanied by an officer of the judicial police, or a policeman personally indicated by the prosecutor or the investigating magistrate. When the person is staying abroad, he has to be accompanied by a foreign judicial authority. This authority has to determine the identity of the person and has to draw a record concerning the videoconference that has to be signed by the person involved. This record implies at least the most important elements of the interrogation.

· Belgian criminal procedure allows the use of videoconferencing.

1- During the investigation (art. 112 - 112ter Code of Criminal Procedure)

The prosecutor and the investigating magistrate can order a videoconference, however, they are not obliged. In case they order one, the interrogation is always recorded.

When the prosecutor orders a videoconference, he has to motivate his decision and the person involved has to be informed.

2- In court (art. 158bis -158quater; 211, 317quater – 317quinquies Code of Criminal Procedure)

All courts in criminal procedures can decide – after a motivated request of the prosecutor - to videotape the interrogations of threatened witnesses to whom the commission of the protection of the witnesses has assigned a protection measure; and of witnesses, experts and suspects living abroad in case reciprocity is guaranteed.

Video taped questionings can also be ordered by a court of appeal, as well as by the Assize court.

The court can also order to transform the voice or the image. Again, a motivated decision of the prosecutor is necessary. The alteration of the voice or the image is only possible in court, not during the investigation. Besides, the videoconferencing is devaluated and has to be confirmed by other proof (*art. 158bis, §6 and 317quater, §6 Code of Criminal Procedure*).

Civil law :

Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

Requests for acts of investigation must be sent to the court of first instance having territorial jurisdiction for the place where the act of investigation is to be carried out.

BULGARIA

According to the Penal Procedure Code videoconferencing could be used in cross-border proceedings.

Art. 474 (Chapter thirty-six “Proceedings in relation to international cooperation in criminal matters”) provides for the possibility an interrogation of an individual who appears as a witness or expert in the criminal proceedings and who is in the Republic of Bulgaria to be conducted through a video or phone conference where so envisaged in an international agreement to which the Republic of Bulgaria is a party.

It is also foreseen a competent Bulgarian authority to interrogate an individual who is abroad through a video or phone conference where the legislation of said other state so admits. In these cases the interrogation shall be conducted in compliance with Bulgarian legislation and the provisions of international agreements to which the Republic of Bulgaria is a party, wherein the above means of interrogation have been regulated.

Article 474 of the Penal Procedure Code

(1) The judicial body of another state may conduct the interrogation, through a video or phone conference, of an individual who appears as a witness or expert in the criminal proceedings and is in the Republic of Bulgaria, where so envisaged in an international agreement to which the Republic of Bulgaria is a party. An interrogation through a video conference involving the accused party or a suspect may only be conducted upon their consent and once the participating Bulgarian judicial authorities and the judicial authorities of the other state agree on the manner in which the video conference will be conducted. An interrogation through a video or phone conference may only be conducted where this does not stand in contradiction to fundamental principles of Bulgarian law.

(2) The request for interrogation filed by a judicial body of the other state should indicate:

1. The reason why the appearance in person of the individual is undesirable or impossible;
2. The name of the judicial body of the other state;
3. The data of individuals who shall conduct the interrogation;
4. The consent of the individual who shall be interrogated as a witness or expert through a phone conference;
5. Consent of the accused party who will take part in an interrogation hearing through a video conference.

(3) Bulgarian competent authorities in the field of criminal proceedings shall implement requests for interrogation through a video or phone conferences. A request for interrogation through a video or phone conference shall be implemented for the needs of pre-trial proceedings by the National Investigation Service. For the need of judicial proceedings, a request for interrogation through a phone conference shall be implemented by a court of equal standing at the place of residence of the individual, and for interrogation through a video conference - by the Appellate Court at the place of residence of the individual. The competent Bulgarian authority may require the requesting party to ensure technical facilities for interrogation.

(4) The interrogation shall be directly conducted by the judicial authority of the requesting state or under its direction, in compliance with the legislation thereof.

(5) Prior to the interrogation the competent Bulgarian authority shall ascertain the identity of the person who needs to be interrogated. Following the interrogation a record shall be drafted, which shall indicate:

1. The date and location thereof;
2. The data of the interrogated individual and his or her consent, if it is required;
3. The data of individuals who took part therein on the Bulgarian side;
4. The implementation of other conditions accepted by the Bulgarian party.

(6) An individual who is abroad may be interrogated by a competent Bulgarian authority or under its direction through a video or phone conference where the legislation of said other state so admits. The interrogation shall be conducted in compliance with Bulgarian legislation and the provisions of international agreements to which the Republic of Bulgaria is a party, wherein the above means of interrogation have been regulated.

(7) The interrogation through a video or phone conference under para 6 shall be carried out in respect of pre-trial proceedings by the National Investigation Service, whereas in respect of trial proceedings - by the court.

(8) The provisions of paras 1 - 5 shall apply mutatis mutandis to the interrogation of individuals under para 6.

CZECH REPUBLIC

The use of videoconferences is currently not regulated by any internal legislation.

DENMARK

We have adopted legislative provisions enabling videoconferencing to be used in both civil and criminal cases. The provisions can be given effect as decided in more detail by the Minister for Justice. Trials in the use of videoconferencing were carried out in the autumn.

GERMANY

Videoconferencing can be used in criminal proceedings and in specialised court proceedings.

ESTONIA

VIDEOCONFERENCE IS ALLOWED IN

- **Criminal procedure since 01.07.2004**
- **Civil procedure since 01.01.2006**
- Administrative court procedure since 01.01.2006 (according to the Code of Civil Procedure).

The Minister of Justice may establish specific technical requirements for organising a court session in the form of a procedural conference.

Code of Criminal Procedure

§ 69. Long-distance hearing

(1) A body conducting the proceedings may organise long-distance hearing of a witness if the direct hearing of the witness is complicated or involves excessive costs or if it is necessary to protect the witness or the victim.

§ 269. Participation of accused in court hearing

(2) As an exception, a criminal matter may be heard in the absence of the accused if:

4) it is complicated to take him or her to the court, and he or she has consented to participation in the court hearing in audio-visual form pursuant to clause 69 (2) 1) of this Code.

§ 468. Hearing of person staying in foreign state by telephone or video-conference

(1) A person staying in a foreign state may be requested to be heard by telephone or video-conference on the bases provided for in subsection 69 (1) of this Code.

(2) If hearing by video-conference is requested, the request shall contain the assurance that the suspect or accused to be heard consents to the hearing by video-conference.

Code of Civil Procedure

§ 350. Court session held in form of procedural conference

(1) The court may organise a session in the form of a procedural conference such that a participant in the proceeding or his or her representative or adviser has the opportunity to stay at another place at the time of the court session and perform the procedural acts in real time at such place.

(2) A witness or expert who stays in another place may also be heard in the manner specified in subsection (1) of this section, and a participant in the proceeding who stays in another place may pose questions to them.

IRELAND

A. Primary Legislation:

- (i) Section 13 of the Criminal Evidence Act 1992 provides for a person other than an accused, whether within or without the State, to give evidence via television link;
- (ii) Section 21 of the Children Act, 1997 provides for a child, whether within or outside the State, to give evidence by television link;

B. Secondary Legislation:

The rules of court in respect of Commercial Proceedings (Order 63A, rule 23, Rules of the Superior Courts) and Competition Proceedings (Order 63B, rule 28, Rules of the Superior Courts) provide that a Judge may allow a witness to give evidence, whether from within or outside the state, through a live video or by other means.

SPAIN

See attached document on videoconferencing (Annex I).

FRANCE

- the immigration law, which allows the use of videoconferencing for hearings to extend the period for which a person may be held in a detention or waiting area, under certain conditions (court decision, on a proposal by a prefect, with the consent of the foreigner);
- the order of 20 August 1998 on Saint Pierre and Miquelon (hearings by videoconferencing between Paris and Saint Pierre and Miquelon, when magistrates are absent or unable to attend in person);
- various provisions of the Code of Criminal Procedure (Article 706-71 and the articles which refer to it) which allow videoconferencing to be used, at the magistrate's discretion, for the following purposes:

- * to extend periods of police custody or detention;
- * to remand a person in custody or extend the period of remand;
- * for hearings disputing remand in custody;
- * for hearings, interrogations or confrontations;
- * to hear witnesses, victims or experts at a trial hearing;
- * when convicted persons appear before the sentence enforcement courts.

It should be stressed that while the provisions allow the use of videoconferencing in criminal cases, in order to improve the organisation and security of activities connected with the hearing, confrontation and interrogation of detainees, the Code of Criminal Procedure does not allow a defendant to be tried wholly by videoconferencing.

– Law No 2007-1787 of 20 December 2007 on the simplification of law amended the Code on the Constitution of Courts.

The new Article L.111-12 of the above Code provides that:

"Without prejudice to the particular provisions of the Code of Criminal Procedure and the Code on the entry and residence of foreigners and on the right to asylum, hearings before a court may, by decision of the presiding judge or at the request of one of the parties, take place in several courtrooms directly connected by a means of audiovisual telecommunication that ensures confidentiality of transmission."

That text, which does not impinge on the special provisions of the Code of Criminal Procedure and the Code on the entry and residence of foreigners and the right to asylum, will be applicable to civil hearings in the appeal courts, courts of first instance, district courts and small claims courts, as well as the commercial courts, industrial tribunals, social security appeal tribunals and invalidity tribunals.

The use of videoconferencing will only be possible if all parties agree; in no case may it be imposed.

– The texts which concern the possibility of holding hearings using audiovisual communications in administrative courts are:

* Order No 2005-657 of 8 June 2005 (empowering statute: Article 57 of Law 2004-1343 of 9 December 2004) which inserts Article L.781-1 in the Code of Administrative Justice. This provision allows magistrates who hold posts simultaneously in two or more administrative courts in the overseas territories, and who are not able to attend a hearing in person within the timeframe laid down by the legislation in force or within the timeframe required by the nature of the case, to hear the case using audiovisual communications. Where appropriate, the government commissioner may announce his conclusions in another court, with a direct link to the venue for the hearing.

The only courts concerned are overseas administrative courts which may have members in common, where the distance separating those courts prevents magistrates from getting rapidly to the places where hearings are being held, particularly to Mamoudzou, Saint Pierre and Miquelon, and Mata Utu, where there is no permanent magistrate;

* Decree No 2005-974 of 10 August 2005 and Articles R.781-1 to R.781-3 of the Code of Administrative Justice are applicable in Mayotte and Saint Pierre and Miquelon, in French Polynesia, in the Wallis and Futuna Islands, in the French Southern and Antarctic Lands, and in New Caledonia.

The use of videoconferencing for emergency release hearings ("référé-liberté"), and for electoral matters, is allowed in urgent cases, taking account of the specific nature of the dispute.

ITALY

Italian internal legislation foresees videoconferencing in two articles: 146 bis and 147 bis of the implementing rules of our Criminal Procedural Code (norme di attuazione del Codice di Procedura Penale). The former article disciplines the so-called “esame a distanza”, i.e. examination of a person in state of deprivation of liberty within the Italian territory. Our system allows this peculiar type of examination when:

- there are serious reasons threatening public order or security; or
- a debate shows a high level of complexity and participation of a defendant is necessary to avoid possible delays.

Moreover, article 147 bis contains a specific provision dealing with two situations:

- “pentiti”, i.e. former criminals who have decided to cooperate with justice and
- defendants accused of connected offences.

This exam must be carried out in such a way that judicial authorities know and can see who is surrounding the examined defendant.

Moreover, the ratification law 367/2001 of the Agreement between Italy and Switzerland, which completes the Strasbourg Convention, tackles this matter too. It foresees participation to hearings of defendants, who are in state of deprivation of liberty abroad and who cannot move. This examination can be carried out by means of an audio-visual connection, when foreseen by international agreements and according to their disciplines. However, article 146-bis applies when there are no other provisions applicable to the specific case dealt with.

LATVIA

Article 483 of Criminal Procedure Law determines that courts which have necessary technical means during a trial, the court session shall be recorded in full amount using sound or image recordings or other technical means, and a note regarding such recording shall be made in the minutes of the court session. Materials obtained by the technical means shall be attached to a criminal case and stored until the day when the limitation period specified by law ends for the most serious criminal offence incriminated for an accused.

Besides the above mentioned second paragraph of Article 382 of Criminal Procedure Law prescribes that if necessary and if required by the interests of criminal proceedings, a procedural action may be performed using technical means (teleconference, video conference). In this case Article 140 of Criminal Procedure Law determines the Performance of an Investigative Action by Utilising Technical Means. During the course of a procedural action utilising technical means, it shall be ensured that the person directing the proceedings and persons who participate in the procedural action and are located in various premises and buildings can hear each other during a teleconference, and see and hear each other during a videoconference.

Commencing a procedural action, a person directing the proceedings shall notify:

- 1) regarding the places, date, and time of the occurrence of the procedural action;
- 2) the position, given name, and surname of the person directing the proceedings;
- 3) the positions, given name, and surname of the persons authorised by the person directing the proceedings who are located in the second place of the occurrence of the procedural action;
- 4) regarding the content of the procedural action and the performance thereof utilising technical means.

On the basis of an invitation, persons who participate in a procedural action shall announce the given name, surname, and procedural status thereof. A person authorized by a person directing the proceedings shall examine and certify the identity of a person who participates in a procedural action, but is not located in the same room with the person directing the proceedings. The duty of such person is to ensure procedural action. A person authorized by a person directing the proceedings shall draw up a certification, indicating the place, date, and time of the occurrence of a procedural action, the position, given name, and surname thereof, and the given name, surname, personal identity number, and address of each person present at the place of the occurrence of such procedural action, as well as the announced report, if the Law provides for liability for the non-execution of the duty thereof. Notified persons shall sign such report. The certification shall also indicate interruptions in the course of the procedural action, and the end time of the procedural action. The certification shall be signed by all the persons present at the place of the occurrence of the procedural action, and such certification shall be sent to a person directing the proceedings for attachment to the minutes of the procedural action.

A person directing the proceedings shall inform persons participating in procedural actions regarding the rights and duties thereof, and in the cases provided for by Law shall notify regarding liability for the non-execution of the duties thereof and initiate an investigative action.

The investigative actions performed using technical means shall be recorded in pre-trial proceedings in accordance with the procedures of audio and image recording but other procedural actions shall be recorded in accordance with the procedures of minutes of an investigative action. During the adjudication of a case, the procedural actions performed using technical means shall be recorded in the minutes of a court session.

At the moment in other procedural laws, namely, Civil Procedure Law, Administrative Procedure Law and Latvian Administrative Violations Code such legal provisions are not included.

LITHUANIA

Both, code of Civil and Criminal procedures regulates that the court can use any technical means for recording court proceedings, fixating and investigating of evidence. Besides, due to Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, amendment of Civil procedure code was made, which allows using videoconference while collecting evidence from the other EU member state.

In summary, law amendments regulating clear use of videoconference equipment in court procedures should be made.

LUXEMBOURG

Under Luxembourg law, there is no general legislative framework regarding videoconferencing procedures and conditions.

In criminal matters, the rules of ordinary law apply to the examination of persons and to communication by videoconference. Article 48-1 of the Code of Criminal Procedure provides that:

"A sound or audiovisual recording may be made of the examination of a minor or a witness on the authorisation of the Public Prosecutor."

The recording will be made after obtaining the consent of the witness or the minor, if the latter has the necessary judgment, otherwise with the consent of the minor's legal representative. In the event of a duly established conflict of interest between the minor's legal representative and the minor, the recording may be made only with the express authorisation of the Public Prosecutor, giving the reasons.

The recording shall serve as evidence. The original shall be placed under closed seal.

The copies shall be inventoried and entered in the file. Recordings may be heard or viewed in situ by the parties and an expert on the authorisation of the Public Prosecutor at the place designated by the latter."

HUNGARY

At present Hungarian courts have the opportunity to use videoconferencing (distance hearings) in criminal proceedings.

Relevant provisions of Act XIX. of 1998 on Criminal Procedures are as follows :

“Holding a trial by way of a closed-circuit communication system

Section 244/A (1) At the motion of the prosecutor, the accused, the counsel for the defence, the witness, the lawyer acting on behalf of the witness, the ward or legal representative of a minor witness, or ex officio, the presiding judge may order the examination of the witness, or, in exceptional cases, the examination of the accused by way of a closed-circuit communication system. In the event of an examination via a closed-circuit communication system, direct links between the venue of the trial and the place of stay of the person heard shall be provided by a device simultaneously transmitting oral and visual communication..

(2) The presiding judge may order the use of closed-circuit communication system for the examination

a) of a witness under fourteen years of age,

b) of a witness against whom a criminal offence falling in the scope of criminal offences against life and limb or health (Title I of Chapter XII of the Penal Code), or criminal offences against marriage, family, youth or public morals (Chapter XIV of the Penal Code), or other violent criminal offence was committed,

c) of a witness whose presence at the trial would impose unreasonable difficulties owing to his health condition or other circumstance,

d) of a witness or accused participating in a witness protection program specified in a separate legal regulation and whose protection otherwise justifies this, and

e) of a detained accused or witness whose presence at the trial would endanger public safety.

(3) Examination by way of a closed-circuit communication system may be ordered by the presiding judge in a decision explaining the reasons therefor. The decision concerning examination via a closed-circuit communication system may not be separately appealed, only when the conclusive decision is contested.

(4) The decision shall be communicated to the prosecutor, the accused, the counsel for the defence, the witness to be heard, the lawyer acting on behalf thereof, in the event of a minor witness, the legal representative or ward thereof, and in the event of the examination of a detained person, the relevant institution of detention at least five days prior to the day of the trial. The decision shall be sent to the court providing the separate room for the examination of the accused or the witness, or, when appropriate, the relevant institution of detention.

Section 244/B (1) The witness or accused to be examined via a closed-circuit communication system shall be placed in a separate room (testimonial room) at the court providing for their examination or at the relevant institution of detention. Only the following persons may be present in the testimonial room: the lawyer acting on behalf of the witness, in the case of a minor witness the legal representative or ward thereof, and if required, the expert, the interpreter and the staff operating the closed-circuit communication system. In the case of the examination of the accused via a closed-circuit communication system, the counsel for the defence may be present both in the venue of the trial and the testimonial room.

(2) A judge from the court of jurisdiction at the location of the testimonial room shall also be present in the testimonial room. In the course of opening the trial, after recording those present in the venue of the trial, at the request of the chairperson of the panel the judge establishes the identity of those present in the testimonial room and verifies that no unauthorised person has entered the testimonial room and the witness or the accused are not restricted in exercising their respective procedural rights.

(3) At the commencement of the examination, the presiding judge advises the witness or accused to be examined via a closed-circuit communication system that they will be examined in this manner.

(4) The responsibilities of the judge of the court having jurisdiction at the location of the examination set forth in this Section may also be performed by the court secretary, in this case the minutes specified in Section 244/D (1) shall also be taken by the court secretary.

Section 244/C (1) In the case of examinations by way of a closed-circuit communication system it shall be ensured that the participants of the criminal proceedings may exercise – with the exception stipulated in subsection (4) below – their rights to ask questions, make objections or motions and other procedural rights in compliance with the provisions of this Act.

(2) In the course of the examination the accused shall be allowed to contact his counsel for the defence. If the counsel for the defence is present in the venue of the trial, a telephone connection shall be provided for between the testimonial room and the venue of the trial to ensure this right.

(3) Those present at the trial shall be allowed to see the witness or accused in the testimonial room as well as all other persons examined or staying there simultaneously with the witness or the accused. While in the testimonial room, the witness and the accused shall be provided with the means to follow the course of the trial.

(4) Witnesses under fourteen years of age examined by way of a closed-circuit communication system may be questioned exclusively by the presiding judge. The members of the panel, the prosecutor, the accused, the counsel for the defence and the victim may propose questions to be asked. With the exception of a confrontation, while in the testimonial room, a witness under fourteen years of age may only hear and see the chairperson of the panel via the transmission device.

(5) Upon the examination by way of a closed-circuit communication system, the individual features of the witness suitable for identification (e.g.: face, voice) may be distorted by technical means during the transmission.

Section 244/D (1) The judge present in the testimonial room shall take separate minutes of the circumstances of the examination by way of a closed-circuit communication system, indicating the persons present in the testimonial room. The minutes shall be attached to the minutes taken at the trial.

(2) Simultaneously with the examination via a closed-circuit communication system, video and audio records shall be taken of the events taking place at the trial and the place of stay of the person examined. The video and audio records shall be attached to the documents.

(3) At the motion of the participants of the criminal proceedings, the presiding judge may order that the video and audio records be played at or outside the trial. Upon playing the video and audio records, it shall be ensured that they cannot be watched and heard, changed, destroyed or copied by unauthorised persons. “

More detailed rules of application are contained in Regulation No. 22/2003. (VI.25.) of the Minister of Justice and Rule No.1 of 2006. of the National Council of Courts.

Act CXXX. of 2003. on Criminal Cooperation with Member States of the European Union also makes possible the use of videoconferencing. Hungarian courts are entitled to accomplish such form of legal aid.

MALTA

Malta does not have any specific legislation with regard to videoconferencing.

NETHERLANDS

Videoconferencing is primarily used for non-complex, short-duration proceedings, like detention of aliens (pending expulsion) and custodies in criminal matters. Videoconferencing is also used for cross-border hearing of witnesses and court experts.

AUSTRIA

- in civil proceedings (witnesses, parties, interpreters, experts)
- in preliminary proceedings (accused, witnesses)
- criminal proceedings (witnesses)

POLAND

At present, only criminal procedure allows for remote testimony of a witness at all stages of the proceedings. Also expert witness can testify via videoconference. Defendant can not be heard this way. Both identity of a testifying person and her freedom of utterance must be established and acknowledged by a judge present in a remote location together with him/her. As a rule, remote location should be placed in a courthouse. Therefore, the court which is hearing the case (court in charge) must request another court (requested court) for legal assistance by hearing a witness in its courthouse as a remote location. If the court in charge consists of a panel of judges one of them can be sent to remote location to confirm the identity of the witness as well as his/her freedom of utterance other option for the court is to delegate one of the judges.

With regard to civil and commercial matters, Council Regulation No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters applies.

The provisions referred to above envisage two ways of producing evidence.

The first is where the court of a Member State, in accordance with the provisions of the law of that State, requests the competent court of another Member State to take evidence (active requisition). The second is where such a court requests evidence to be taken directly in another Member State (passive requisition). In both cases, the provisions of the Council Regulation applicable in Poland allow for the use of videoconferencing and teleconferencing facilities.

In the case of active requisition, the requesting court may ask the requested court to use communication technologies – particularly videoconferencing and teleconferencing – when taking evidence.

The requested court will accede to this requirement by the requesting court, unless such a procedure is inconsistent with the law of the Member State of the requested court or where there are other serious practical difficulties.

If the requested court does not comply with this requirement for one of the above reasons, it shall inform the requesting court thereof using form E in the Annex.

If the requesting or requested court does not have access to the technical means referred to above, the court that does have such access may make such means available subject to mutual consent.

In the case of passive requisition, the central body or competent authorities shall encourage the use of communication technologies such as videoconferencing or teleconferencing.

The Polish civil procedure provisions do not prohibit the use of videoconferencing or teleconferencing as a means of taking evidence admitted in civil proceedings. They state expressly (Article 308 of the Code of Civil Procedure) that a court may admit evidence, in particular by means of image or sound transmitting devices.

I wish to draw particular attention to the obligation for the requested court to use videoconferencing in the case of active requisition. At the same time, it is possible – as sanctioned by the Council Regulation – to choose not to comply with this requirement if there are other serious practical difficulties. In practice, in the absence of any positive provisions of national law making the use of videoconferencing compulsory, it is possible not to apply this technique in court practice.

ROMANIA

CIVIL AND COMERCIAL MATTERS

A) Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters

Section 3 “Taking of evidence by the requested court”, Article 10 “General provisions on the execution of the request”, point 4 provides that the requesting court may ask the requested court to use communications technology at the performance of the taking of evidence, in particular by using videoconference and teleconference. The requested court shall comply with such a requirement unless this is incompatible with the law of the Member State of the requested court or by reason of major practical difficulties. If the requested court does not comply with the requirement for one of these reasons, it shall inform the requesting court. If there is no access to the technical means referred to above in the requesting or in the requested court, such means may be made available by the courts by mutual agreement.

CRIMINAL MATTERS

A) Law no. 302/2004 on international judicial cooperation in criminal matters.

In the field of international judicial cooperation in criminal matters, the hearing by videoconference is regulated by **the article 165 from the Law no. 302/2004** on international judicial cooperation in criminal matters. This law is applicable only in respect to the criminal proceedings no matter which the stage of such proceedings is.

According to the aforementioned law, if a person is located on Romanian territory and has to be heard as a witness or as an expert by judicial authorities of a MS, the MS may request in certain legal conditions the hearing to take place by means of video conference. Such a request may be accepted by Romania provided that it is not contrary to fundamental principles of its law and on condition that it has the technical means to carry out the hearing by videoconference. Requests for a hearing by video conference shall contain, in addition to the general information of a request for mutual assistance, 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.

The witness or expert shall be summoned according to Romanian law.

The judicial authorities competent to apply the article 165 are the **courts of appeal**, during trial, and respectively the **Prosecutor's Office attached to the High Court of Cassation and Justice**, during criminal prosecution.

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

a) The Romanian judge or prosecutor shall be present during the hearing, where necessary assisted by an interpreter, and shall be responsible for ensuring both the identification of the person to be heard and respect for the fundamental principles of Romanian law.

b) Measures for the protection of the witness or expert shall be agreed, where necessary, between the competent Romanian authorities and those of the requested State;

c) The hearing shall be conducted directly by, or under the supervision of, the judicial authority of the requesting State in accordance with its national law;

d) The witness or expert may be assisted by an interpreter, in accordance with Romanian law provisions;

The article 165 may also apply for the hearing of accused or defendants, where the person concerned consents and there is an agreement in this respect between the Romanian judicial authorities and those of the requesting State. In this respect, it shall be mentioned that starting with 1st of December 2007 the procedure entitled by the article 165 is also applicable for the hearing by videoconferencing of a person as an accused in relation with the EU Member States which are part to the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union (article 11).

Costs relating to establishing a video link, those related to making available of this link in the requesting State, the remuneration of interpreters and the indemnities paid to witnesses and experts, as well as traveling expenses shall be reimbursed by the foreign requesting State to Romania, unless the latter expressly waived the reimbursement of all or part of such costs.

The article 165 is applied accordingly where assistance is requested by Romanian judicial authorities.

B) Criminal Procedure Code, articles 86₁ and 86₂

In some cases, a witness may solicit that his identity or his domicile shall not be disclosed during the criminal proceedings, because the data regarding his identity or domicile could affect his life, freedom, or physical integrity. In these cases, the witness will not testify unless the prosecutor will attribute him a fake identity in order to ensure his safety. His deposition will not be taken in the classical manner (the witness is physically present in the court room, in front of the judge) but by using the technical means of videoconference which provides a distorted image and sound of the witnesses' voice.

The abovementioned Criminal Procedure Code provisions (articles 86₁ and 86₂) provides the general legal framework applicable in a specific situations specified in national legislation:

- **Law no.211/2004 providing measures for ensuring financial protection for the victims of the crimes.** In this case, a MS authority using videoconference can hear the victims of the crimes located on Romania territory, and vice versa, the Romanian authority (Ministry of Justice) can request the hearing of a potential victim of a crime located on a MS territory. Both national authorities should be endowed with videoconference systems.

SLOVENIA

Videoconferencing is not particularly mentioned in legislation of civil matters. But it can be interpreted, that the use of videoconference is allowed. It is allowed in criminal matters.

FINLAND

Please give details of your internal legislation on the use of videoconferencing. In which proceedings is videoconferencing allowed to be used?

- in civil proceedings (witnesses, parties, interpreters, experts)
- in preliminary proceedings (accused, witnesses)
- criminal proceedings (witnesses, experts)

SWEDEN

In the year 2000 the Videoconferencing Pilot Scheme Act was enacted. During this pilot period all participants in the court proceedings, for example the parties, their counsel, the prosecutor and witnesses, have the possibility to participate in court proceedings by video link. There is some limitation on a defendants participation. Videoconference is just like telephone to be seen as an alternative to the main rule that the participants should appear in person.

Videoconference are mostly used to take oral evidence at main hearings. Evidence, witness testimony for example, may be taken by videoconference if, in consideration of the kind of evidence and other circumstances, it is deemed appropriate. The technology can occasionally also be used if the taking of evidence pursuant to the ordinary rules should cause costs and inconvenience not being in a reasonable proportion to the importance of taking the evidence in the ordinary way.

The Videoconferencing pilot Act has been a success and the Parliament has decided that the main features of the pilot legislation should be made permanent so that it can be applied to all the general courts. The permanent rules in the Code of Judicial Procedure on the use of videoconference, which will come into force on 1 November 2008, are to have a general application. In other words, all those who participate should be allowed to take part in all kinds of proceedings by video link on condition that this is not inappropriate.

What should be of a particular interest in deciding the matter is on the one hand how important it is that the person appear in person and on the other hand the reasons stated for why an appearance by videoconference should be allowed. It can be that the costs or inconvenience that would otherwise arise is considerable or it can be that a witness is seriously afraid to appear in person. Caution and judgment must be exercised in making this decision. The purpose for the testimony, what the witness is to prove in the case, must not be jeopardized by using videoconference instead of having the witness appear in the courtroom.

UNITED KINGDOM

In England and Wales criminal law cases

- Vulnerable and intimidated witnesses may give evidence by live link from within the UK with the permission of the court.
- Legislation not yet in force will provide for any witnesses (other than the accused) to give evidence by live link from any location within the UK. This is to be piloted in five Crown Courts in sex offence cases for 12 months (December 07- December 08). An evaluation of the pilots will inform further roll out of this provision.
- Current legislation has for some time permitted courts to use videoconferencing to conduct preliminary hearings. Legislation now also allows from sentencing to be conducted by videoconferencing provided that the Defendant consents.
- First hearings in terrorist cases can also be heard in this way.
- To enable video to be used in non-terrorist hearings under the Virtual Court prototype¹, additional primary legislation was enacted: This means that a live video link can be used when the defendant remains in police detention after charge, and is likely to remain there, or has been granted bail after charge. However the defendant must consent to the use of the video link.
- For hearings in the Court of Appeal Criminal Division, the court may direct that an appellant who is expected to be in custody but has the right to attend the hearing may do so by live videoconference, provided the opportunity has first been given for representations to be made on behalf of the appellant.

¹ The London Virtual Courts prototype (i.e. a limited version of a pilot) linked Camberwell Green Magistrates' Court with four police stations in the London Boroughs of Lambeth and Southwark for a period of 12 weeks to test the use of video links between a police station and a Magistrates' Court (for preliminary hearings only).

In England and Wales civil law cases

- There is no legislation in England and Wales regarding the use of videoconferencing in civil law cases but guidance is available.
- The Civil Procedure Rules (the court rules of the civil courts) contain general guidance. This guidance is not at present directly applicable to family proceedings, except in adoption proceedings where new procedural rules have been modelled on the Civil Procedure Rules. However it is open to the family courts in non-adoption proceedings to have informal regard to the civil procedure guidance when a question of possible use of videoconferencing arises. This is because to a very large degree the court controls the manner in which it receives evidence.
- Use of the guidance is governed by the following factors:
 - (a) satisfactory videoconferencing facilities are available both to the court and to the remote location in question and
 - (b) the court decides that it is appropriate to use such facilities in the particular proceedings.

In Scottish criminal law

- Vulnerable witnesses may give evidence via live video link both in the High Court and the Sheriff Court, and in jury trials in any court, or non-jury trials in the Sheriff Court evidence can be given from a place outside of the courtroom which may be another room in the court building or any other suitable building.
- Member States may make an application by letter of request for the evidence of witnesses in Scotland to give evidence by video link to that requesting Member State.
- The witness comes under the overarching jurisdiction of the Scottish court and is subject to rules of domestic procedure e.g. contempt of court and prevarication.
- The witness but not the accused may be compelled to attend to give such evidence.
- The legislation also allows the Scottish authorities to make such a request abroad.

In Northern Ireland criminal law cases

Legislation permits the use of videoconferencing:

- With regard to vulnerable witnesses.
- To allow witnesses to give evidence from areas of the United Kingdom outside of Northern Ireland.
- To receive evidence from witnesses abroad.
- To allow evidence to be given in Northern Ireland to locations abroad.

Legislation is being introduced in relation to the use of videoconferencing:

- In preliminary hearings in the Magistrates' Court or Crown Court.
- In sentencing hearings in the Magistrates' Court or Crown Court.
- For evidence of vulnerable accused.
- In appeals under the Criminal Appeal (NI) Act 1980.

In Northern Ireland civil and family law cases

Legislation permits the use of videoconferencing:

- In civil proceedings in the High Court and County Court.
- In family proceedings in the High Court, County Court and Magistrates' Court.

2. Does your internal legislation differentiate between the use of videoconferencing in internal cases and in cross-border proceedings?

BELGIUM

Criminal law : No. Belgian legislation does not differentiate between the use of videoconferencing in internal cases and in cross-border proceedings.

BULGARIA

Yes. Under the provisions of the Penal Procedure Code videoconferencing could be applied only within the framework of the judicial cooperation in criminal matters.

CZECH REPUBLIC

Please see answer 1.

DENMARK

The legislation does not distinguish between internal and cross-border videoconferencing.

GERMANY

No.

ESTONIA

According to the Code of Criminal Procedure the so called long-distance hearings can be carried out as videoconference internationally only with the consent of the suspect or accused, as in internal use it can be implemented by court decision on economical or security reasons (§ 69). It is also prohibited to question abroad situating suspect or accused over telephone.

IRELAND

Legislation including court rules provides for situations either within or outside the State.

SPAIN

As indicated in the attached document (Annex I).

FRANCE

No.

ITALY

No, our legislation foresees no difference. However, the use of videoconferencing in cross-border proceedings must be formally authorized by the State concerned.

LATVIA

Criminal Procedure Law at the present does not determine differences in the legal provisions if videoconference is used in a case with cross-border element. It should be stressed that in the frame for improving the legal provisions concerning usage of videoconferencing the necessity of amendments in Criminal Procedure Law and other legislative acts will be evaluated.

LITHUANIA

There is no clear distinction.

LUXEMBOURG

There is no such distinction in Luxembourg law.

In the case of cross-border proceedings, the use of videoconferencing is provided for in Articles 10 and 17 of Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, which applies to the Grand Duchy.

HUNGARY

No.

MALTA

Vide answer to question 1.

NETHERLANDS

No.

AUSTRIA

No.

POLAND

No, there is no difference.

ROMANIA

CRIMINAL MATTERS

IN INTERNAL CASES Criminal Procedure Code, articles 86₁ and 86₂, **Law no.211/2004 providing measures for ensuring financial protection for the victims of the crimes**, and **Law no.682/2002 regarding the witness protection** are the applicable legal texts.

IN THE CROSS-BORDER PROCEEDINGS, **article 165 from the Law no.302/2004** represents the legal basis for the use of videoconferencing. Also, the videoconferencing can be used based on the Convention on mutual assistance in criminal matters of the Council of Europe, Strasbourg, 20 April 1959 and its additional Protocols or on Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union, depending at which convention the requesting or the requested state is part.

SLOVENIA

No.

FINLAND

No.

SWEDEN

No.

UNITED KINGDOM

In criminal cases in England and Wales

- Any witnesses outside the UK may give evidence by live link in trials on indictment (i.e. tried in the Crown Court), appeals to the Criminal Division of the Court of Appeal and hearings of references to that court by the Criminal Cases Review Commission. There is a recent instance in Kingston Crown Court where a witness was heard from Mexico.¹
- The Home Secretary (the Interior Minister in England and Wales) has the power to extend this to other or all criminal proceedings.
- Foreign authorities may apply to the Home Secretary for a person in England and Wales to give evidence over a TV link. If the Home Secretary grants the request he/she is expected to nominate a court from which the witness must give evidence.

In Civil law cases in England and Wales

- There is no legislation but there is guidance dealing with how to run a videoconferencing session concentrating on practicalities. Whether evidence should be taken - and, if so, how - is a question the court will decide in light of the general rules of evidence.
- These general rules, where appropriate, differentiate between internal and cross-border/cross-jurisdictional cases.

¹ The satellite link operates with an ISDN line. The connection between the UK and foreign site is established by the service provider. A Protocol (internal to the Court) is in place to set out what procedures must be followed when a case arises where a video link is requested. One of the main requirements is that a technical person should be present at the foreign site to fix any technical problems during the transmission. Technical difficulties occurred in every single instance where the link was used (over the whole of the trial's duration) but nothing that jeopardised the use of video altogether. On balance it is perceived as an improvement and technical difficulties are not significant enough to be considered as a problem.

In Scotland

- The only circumstances in which it is possible to use video links domestically for trial proceedings in Scotland, is if the witness is defined as a vulnerable witness. For example, *expert* witnesses within the UK, who might live a long way from the court – e.g. resident in the separate legal jurisdiction of England or Northern Ireland – cannot give evidence via video link. However, foreign experts, in other (non UK) jurisdictions, are permitted to give evidence via video link from abroad. The effect thus is that in some respects foreign evidence can be collected more flexibly by the court than in domestic (UK) circumstances.

In Northern Ireland

- Foreign authorities may apply to the Secretary of State for a person in Northern Ireland to give evidence over a TV link. If the Secretary of State grants the request he/she is expected to nominate a court from which the witness must give evidence.

3. In your judicial system, how many and which specific courts are equipped with videoconferencing facilities?

BULGARIA

No courts in Bulgaria are currently equipped with videoconferencing facilities.

National Investigation Service in Bulgaria has a mobile videoconferencing facility – VCON System with a separate recording camera for the procedure acts.

CZECH REPUBLIC

All regional courts, High Courts and the Supreme Court are equipped with videoconferencing technology. As the technology is used solely for training purposes, the centre of the videoconferencing technology is currently located at the Judicial Academy.

DENMARK

For the time being, only the five district courts which took part in the trials have videoconferencing facilities.

GERMANY

There are 70 videoconferencing systems in use across the country. Ten of these are mobile systems, which can also be used in other courts and public prosecutors' offices. Videoconferences can thus be held in at least another 150 locations in all. Further systems are due to be procured over the next few years.

ESTONIA

In 2007 8 courthouses out of 24 and 2 prisons out of 5. County courts and administrative courts.

4 courtroom systems (tailor made videoconference solutions for judicial proceedings)

2 prison systems (tailor made videoconference solutions for judicial proceedings)

11 personal videoconference system (custom videoconference applications)

- for parties to attend hearings
- for parties private communication

2 groupware videoconference systems for broadcasting lectures (custom videoconference applications, owned by Estonian Law Centre)

IRELAND

To date video conferencing facilities have been made available at the following locations:

§ Within the central Courts campus in Dublin (the Four Courts) a total of six (6) courtrooms have the capability to use video conferencing facilities as follows:

- The Central Criminal Court – two (2) courtrooms.
- The Circuit Criminal Court – two (2) courtrooms.
- The High Court – two (2) courtrooms.

§ Within the Dublin area (but excluding the central Courts campus) video conferencing facilities have been installed and commissioned at the following locations:

- Cloverhill District Court – one (1) courtroom.

§ Outside of the Dublin area video conferencing facilities have been installed and commissioned at a total of three (3) locations as follows:

- Tullamore Circuit Court – one (1) courtroom
- Cork Circuit Court – two (2) courtrooms.
- Nenagh Circuit Court – one (1) courtroom.

Work to install video conferencing facilities at a further 6 court venues is in progress, the venues are as follows:

- Castlebar
- Limerick
- Dundalk
- Ennis
- Sligo
- Longford.

Further rollouts will be planned on a prioritised basis in 2008.

SPAIN

Community	Province	Locality	Address	Body	Location	Brand
ARAGON	Huesca	Boltaña	C/ Luis Fatás, 24	Public Prosecutor's Office	Courtroom	Falcon
ARAGON	Huesca	Fraga	Avda. Reyes Catolicos, 22	Public Prosecutor's Office	Courtroom	Falcon
ARAGON	Huesca	Huesca	C/Moya, 4	Provincial Court	Courtroom 1	SONY
ARAGON	Huesca	Huesca	C/ Moya, 4	Public Prosecutor's Office, Provincial Court		SONY
ARAGON	Huesca	Huesca	C/ Coso, 16-18	Public Prosecutor's Office		FALCON
ARAGON	Huesca	Huesca	C/ Coso, 16-18	Public Prosecutor's Office	Meeting room	SONY
ARAGON	Huesca	Jaca	Del Ferial, S/N	Court of 1st Instance / Examining Magistrate's Court No 1 & No 2	Courtroom 2	FALCON
ARAGON	Huesca	Monzón	C/ Baron de Eroles, 26	Public Prosecutor's Office	Courtroom	FALCON
ARAGON	Teruel	Alcañiz	C/ Padre Nicolás Sancho, 4	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	SONY
ARAGON	Teruel	Calamocha	Avda de Valencia S/N	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	SONY
ARAGON	Teruel	Teruel	Plaza San Juan, 6	Provincial Court	Courtroom 1	SONY
ARAGON	Zaragoza	Calatayud	C/ San Juan el Real, 4	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom 1	TANDBERG
ARAGON	Zaragoza	Caspe	Plaza del Compromiso, 8	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom 1	FALCON
ARAGON	Zaragoza	Ejea de los Caballeros	C/ Independencia, 23	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom 1	FALCON
ARAGON	Zaragoza	La Almunia de Dña. Godina	Plaza de la Paz, S/N	Court of 1st Instance / Examining Magistrate's Court No 1 / No 2	Courtroom 1	TANDBERG
ARAGON	Zaragoza	Tarazona	Avenida de la Paz, 8	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom 1	FALCON
ARAGON	Zaragoza	Zaragoza	C/ Coso, 1	Superior Court of Justice / Provincial Court	Courtroom - civil	SONY
ARAGON	Zaragoza	Zaragoza	C/ Coso, 1	Criminal Court	Courtroom	TANDBERG
ARAGON	Zaragoza	Zaragoza	Pza. del Pilar, 2	Examining magistrate's and criminal courts	Courtroom 12	SONY
ARAGON	Zaragoza	Zaragoza	Pza. del Pilar, 2	Criminal Court	Courtroom 16	SONY
ARAGON	Zaragoza	Zaragoza	Pza. del Pilar, 2	Public Prosecutor's Office	PPO, Courts	SONY
ARAGON	Zaragoza	Zaragoza	Pza. del Pilar, 2	Registry and Court of 1st instance (civil)	Registry	SONY
ARAGON	Zaragoza	Zaragoza	San Gregorio	Forensic experts	Meeting room	SONY
CANTABRIA	Cantabria	Santander	Avda. Pedro San Martín s/n	Superior Court of Justice	Courtroom	SONY
CANTABRIA	Cantabria	Santander	C/ Alta, 18		Library	SONY
CASTILLA LA MANCHA	Albacete	Albacete	C/ San Agustin, 1	Provincial Court, 1st chamber	Courtroom, Provincial Court 1st chamber	SONY

CASTILLA LA MANCHA	Albacete	Albacete	C/ San Agustin, 1	Provincial Court, 2nd chamber	Courtroom, Provincial Court 2nd chamber	SONY
CASTILLA LA MANCHA	Albacete	Albacete	C/ San Agustin, 1	Administrative Disputes Division	Disputes room	SONY
CASTILLA LA MANCHA	Albacete	Albacete	C/ San Agustin, 1	Court of First Instance No 4	Courtroom E2P1D	SONY
CASTILLA LA MANCHA	Albacete	Albacete	C/Tinte 3	Court of First Instance No 6	Courtroom	TANDBERG
CASTILLA LA MANCHA	Albacete	Alcaraz	C/ Padre Pareja, 1	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA LA MANCHA	Albacete	Almansa	Aniceto Coloma, 22	Court of 1st Instance & Examining Magistrate's Court Nos 1 & 2	Courtroom	FALCON
CASTILLA LA MANCHA	Albacete	Casas-Ibañez	C/ La Tercia, 22	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	TANDBERG
CASTILLA LA MANCHA	Albacete	Hellín	San Juan de Dios, S/N	Court of 1st Instance & Examining Magistrate's Court Nos 1 & 2	Courtroom	FALCON
CASTILLA LA MANCHA	Albacete	La Roda	Avda. Reina Sofia, s/n	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	TANDBERG
CASTILLA LA MANCHA	Albacete	Villarrobledo	C/ Madres, 1	Court of 1st Instance & Examining Magistrate's Court Nos 1 & 2	Courtroom	FALCON
CASTILLA LA MANCHA	Ciudad Real	Alcazar de San Juan	C/ Mediodia, 8	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA LA MANCHA	Ciudad Real	Almadén	C/ Mayor de San Juan, 2	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA LA MANCHA	Ciudad Real	Almagro	C/ Chile, 4	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	TANDBERG
CASTILLA LA MANCHA	Ciudad Real	Ciudad Real	C/Caballeros, 9	Provincial Court	Library	SONY
CASTILLA LA MANCHA	Ciudad Real	Ciudad Real	C/Caballeros, 9	Public Prosecutor's Office, Provincial Court	Chief Prosecutor	SONY
CASTILLA LA MANCHA	Ciudad Real	Daimiel	C/ Sta. Teresa, 4	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	TANDBERG
CASTILLA LA MANCHA	Ciudad Real	Manzanares	Plaza del Gran Teatro, S/N	Public Prosecutor's Office	Public Prosecutor's office	FALCON
CASTILLA LA MANCHA	Ciudad Real	Puertollano	Cruces, 8	Court of 1st Instance & Examining Magistrate's Court Nos 1, 2 & 3	Courtroom 2	TANDBERG
CASTILLA LA MANCHA	Ciudad Real	Tomelloso	Francisco Carretero, 17	Court of 1st Instance & Examining Magistrate's Court Nos 1 & 2	Courtroom	TANDBERG

CASTILLA LA MANCHA	Ciudad Real	Valdepeñas	Ps. de la Estación, 9	Court of 1st Instance & Examining Magistrate's Court No 2	Courtroom	?
CASTILLA LA MANCHA	Ciudad Real	Villanueva de los Infantes	Pza. Mayor, 1	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	TANDBERG
CASTILLA LA MANCHA	Cuenca	Cuenca	C/ Palafox, 1	Provincial Court	Courtroom 1	SONY
CASTILLA LA MANCHA	Cuenca	Cuenca	C/ Palafox, 1	Public Prosecutor's Office, Provincial Court	Assistant Prosecutor's office	SONY
CASTILLA LA MANCHA	Cuenca	Motilla del Palancar	C/ Francisco Ruiz Jarabo, 8	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA LA MANCHA	Cuenca	San Clemente	Pza. de la Iglesia, 1	Court of 1st Instance & Examining Magistrate's Court Nos 1 / 2	Courtroom	FALCON
CASTILLA LA MANCHA	Cuenca	Tarancón	Avda. Miguel de Cervantes, 46	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA LA MANCHA	Guadalajara	Guadalajara	Plaza Fernando Beladiez	Court of 1st Instance & Examining Magistrate's Court Nos 7 / 8	Courtroom 1	SONY
CASTILLA LA MANCHA	Guadalajara	Guadalajara	C/Fernandez Iparraguirre, 10	Provincial Court	Courtroom	FALCON
CASTILLA LA MANCHA	Guadalajara	Molina de Aragón	C/ del Carmen 2	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA LA MANCHA	Guadalajara	Sigüenza	Pso. Calvo Sotelo 4	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	SONY
CASTILLA LA MANCHA	Toledo	Illescas	C/ Cruz, 7	Court of 1st Instance & Examining Magistrate's Court Nos 1 / 2 / 3	Courtroom 1	TANDBERG
CASTILLA LA MANCHA	Toledo	Ocaña	Pza. del Duque S/N	Court of 1st Instance & Examining Magistrate's Court No 1 / 2 / Sentence Enforcement Court No 1	Courtroom 1	FALCON
CASTILLA LA MANCHA	Toledo	Orgaz	Beato Ruiz de los Pasos, 5	Court of 1st Instance & Examining Magistrate's Court Nos 1 / 2	Courtroom 1	TANDBERG
CASTILLA LA MANCHA	Toledo	Quintanar	Pza. de la Constitución s/n	Court of 1st Instance & Examining Magistrate's Court Nos 1 / 2	Courtroom 1	FALCON
CASTILLA LA MANCHA	Toledo	Talavera	Mérida, 9	Court of 1st Instance & Examining Magistrate's Court No 1-5 / Criminal Court	Courtroom 1	FALCON
CASTILLA LA MANCHA	Toledo	Toledo	Pza. Ayuntamiento	Provincial Court, 1st chamber	Courtroom 1	SONY
CASTILLA LA MANCHA	Toledo	Toledo	C/ Marqués de Mendigorría s/n	All courts	Courtroom 2	TANDBERG
CASTILLA LA MANCHA	Toledo	Torrijos	Avda. del Pilar s/n	Court of 1st Instance Nos 1 and 2	Courtroom 1	FALCON

CASTILLA Y LEON	Avila	Arenas de S Pedro	Condestable Davalos s/n	Court of 1st Instance & Examining Magistrate's Court Nos 1 / 2	Courtroom	FALCON
CASTILLA Y LEON	Avila	Avila	Plaza La Santa,2	Provincial Court, civil / criminal chamber	Courtroom	SONY
CASTILLA Y LEON	Avila	Avila	C/ Ramón y Cajal, 1	Crim. Court / Forensic Experts / Public Prosec.'s Office	Library	SONY
CASTILLA Y LEON	Avila	Piedrahita	La Carcel 1	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	Burgos	Aranda de Duero	C/ Santiago, 9	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom 1	FALCON
CASTILLA Y LEON	Burgos	Briviesca	C/ Justo Cantón Salazar, 24 Bajo	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	Burgos	Burgos	Avda. Reyes Católicos, 53	All courts	Courtroom 9	TANDBERG
CASTILLA Y LEON	Burgos	Burgos	Avda. Reyes Católicos, 53	Public Prosecutor's Office, Superior Court of Justice (TSJ)	TSJ PP's office	SONY
CASTILLA Y LEON	Burgos	Burgos	Avda. de la Isla 10	Provincial Court, criminal chamber	Aud. Prov. courtroom	SONY
CASTILLA Y LEON	Burgos	Burgos	C/ San Juan,2	Court of First Instance, civil	Library	SONY
CASTILLA Y LEON	Burgos	Burgos	Avda. Islas Baleares. Hospital Divino Vallés	Institute of Forensic Medicine	Library	SONY
CASTILLA Y LEON	Burgos	Lerma	C/ Audiencia, 6	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	Burgos	Miranda de Ebro	Avda. República Argentina, 7	Court of 1st Instance / Examining Magistrate's Court No 2	Courtroom 2	FALCON
CASTILLA Y LEON	Burgos	Salas de los Infantes	Pza. Jesús Aparicio, 4	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	Burgos	Villarcayo	Pza. Héroes del Alcázar, 1	Court of 1st Instance / Examining Magistrate's Court Nos 1 / 2	Courtroom	FALCON
CASTILLA Y LEON	León	Astorga	Pza. Marqueses de Astorga, s/n	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	SONY
CASTILLA Y LEON	León	Cistierna	C/ Doctor Rivas	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	León	La Bañeza	C/ General Benavides, 27	Court of 1st Instance / Examining Magistrate's Court No 2	Courtroom	SONY
CASTILLA Y LEON	León	León	C/ El Cid, 20		Library	SONY
CASTILLA Y LEON	León	León	Avda. Sáenz De Miera, 6	Public Prosecutor's Office	Meeting room	SONY
CASTILLA Y LEON	León	León	Avda. Sáenz De Miera, 6	Forensic experts	Office 5	SONY
CASTILLA Y LEON	León	León	Avda. Sáenz De Miera, 6	All courts	Library	SONY
CASTILLA Y LEON	León	Ponferrada	Avda. de Huertas del Sacramento s/n	Public Prosecutor's Office	PPO	FALCON
CASTILLA Y LEON	León	Sahagún	C/ Alhóndiga, 25	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	León	Villablino	Pza. Europa, s/n	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	Palencia	Carrión de los Condes	C/ Manuela Arrizo, 1 Bajo	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	Palencia	Cervera de Pisuerga	C/ Cueva de la Virgen, 1	Court of 1st Instance & Examining Magistrate's Court Nos 1 / 2	Courtroom	FALCON
CASTILLA Y LEON	Palencia	Palencia	Plaza Abilio Calderón s/n	Judges' meeting room	Courtroom	SONY

CASTILLA Y LEON	Salamanca	Béjar	Cordel de Merinas S/N	Court of 1st Instance / Examining Magistrate's Court Nos 1 / 2	Courtroom	FALCON
CASTILLA Y LEON	Salamanca	Ciudad Rodrigo	Dominguez Bordono S/N	Court of 1st Instance / Examining Magistrate's Court Nos 1 / 2	Courtroom	FALCON
CASTILLA Y LEON	Salamanca	Salamanca	Gran Vía, 33-37.	Provincial Court	Courtroom	TANDBERG
CASTILLA Y LEON	Salamanca	Salamanca	Plaza Colón, 8.	Shared courtroom for all courts of 1st Instance	Courtroom 3	SONY
CASTILLA Y LEON	Salamanca	Salamanca	Plaza Colón, 8.	Public Prosecutor's Office (Colón building)	Meeting room	SONY
CASTILLA Y LEON	Salamanca	Vitigudino	Pza. de la Torre, 10	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	Segovia	Cuellar	c/ San Pedro, 24	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	Segovia	Segovia	San Agustín, 26	All courts	Sala de Plenillos	SONY
CASTILLA Y LEON	Segovia	Segovia	San Agustín, 26	Public Prosecutor's Office	PP's office	SONY
CASTILLA Y LEON	Segovia	Sepulveda	C/ Subida de la Picota, 22	Court of 1st Instance / Examining Magistrate's Court No 1	Courtroom	FALCON
CASTILLA Y LEON	Soria	Soria	C/Aguirre, 3	Provincial Court	Courtroom	SONY
CASTILLA Y LEON	Soria	Soria	C/Aguirre, 3	Public Prosecutor's Office	Chief Prosecutor's office	SONY
CASTILLA Y LEON	Valladolid	Valladolid	Angustias, 21	Provincial Court, criminal chamber	Jury room	SONY
CASTILLA Y LEON	Valladolid	Valladolid	Angustias, 21	Public Prosecutor's Office, Superior Court of Justice (TSJ)	Courtroom	SONY
CASTILLA Y LEON	Valladolid	Valladolid	Angustias, 21	Public Prosecutor's Office	PP, duty office	SONY
CASTILLA Y LEON	Valladolid	Valladolid	C/ Angustias , 40-44	Registry	Courtroom 8	SONY
CASTILLA Y LEON	Valladolid	Valladolid	C/ Angustias , 40-44	Forensic Medicine Clinic	Courtroom 9	SONY
CASTILLA Y LEON	Zamora	Benavente	Pza. San Francisco, 4	Court of 1st Instance & Examining Magistrate's Court Nos 1 & 2	Courtroom	FALCON
CASTILLA Y LEON	Zamora	Puebla de Sanabria	C/ Rúa, 9	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
CIUDAD DE CEUTA	Ceuta	Ceuta	el Padilla s/n. Edificio Ceuta-Center, 2 Plta.	6th chamber of Provincial Court of Cadiz in Ceuta	Jury room	SONY
CIUDAD DE CEUTA	Ceuta	Ceuta	C/ Serrano Orive, s/n. Palacio de Justicia	Criminal Court Nos 1 & 2	Courtroom	SONY
EXTREMADURA	Badajoz	Badajoz	Avda.Colón 4	Provincial Court, 1st chamber	Courtroom	SONY
EXTREMADURA	Badajoz	Badajoz	Avda.Colón 4	Public Prosecutor's Office, Superior Court of Justice	PP's office	SONY
EXTREMADURA	Badajoz	Badajoz	Plaza del Pilar, 1	Institute of Forensic Medicine	Forensic expert's office	FUJITSU
EXTREMADURA	Badajoz	Mérida	Almendralejo 33	Public Prosecutor, Local office	PP's office	SONY
EXTREMADURA	Badajoz	Villanueva de la Serena	c/ Viriato	Court of 1st Instance & Examining Magistrate's Court Nos 1 & 2	Courtroom	FUJITSU
EXTREMADURA	Badajoz	Herrera del Duque	c/ Cantarranas, 9	Court of 1st Instance & Examining Magistrate's court No 1	Courtroom	FUJITSU
EXTREMADURA	Cáceres	Cáceres	Avda. de la Hispanidad	Provincial Court, 1st chamber	Courtroom	SONY
EXTREMADURA	Cáceres	Cáceres	Avda. de la Hispanidad	Institute of Forensic Medicine	Director's office	TANDBERG
EXTREMADURA	Cáceres	Cáceres	Avda. de la Hispanidad	Administrative Disputes Division, depositions room	Depositions room	SONY
EXTREMADURA	Cáceres	Cáceres	Pza. de la Audiencia s/n	Superior Court of Justice	Courtroom	SONY

EXTREMADURA	Cáceres	Logrosán	C/ Iglesia, 36	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
EXTREMADURA	Cáceres	Navalmoral de la Mata	c/ Calvo Sotelo s/n	Court of 1st Instance & Examining Magistrate's Court Nos 1 / 2	Courtroom	FALCON
EXTREMADURA	Cáceres	Plasencia	c/ Blanca, 9	COURTS AND PUBLIC PROSECUTOR'S LOCAL OFFICE	Courtroom	FALCON
EXTREMADURA	Cáceres	Valencia de Alcántara	Parque España s/n	Court of 1st Instance & Examining Magistrate's court No 1	Courtroom	FALCON
ISLAS BALEARES	Islas Baleares	Ibiza	Avda. Isidoro Macabich, 4	Court of 1st Instance Nos 1-3 / Examining Magistrate's Court Nos 1-4 / Criminal Court Nos 1 / 2	Courtroom	SONY
ISLAS BALEARES	Islas Baleares	Ibiza	Avda. Isidoro Macabich, 4	Court of 1st Instance Nos 1-3 / Examining Magistrate's Court Nos 1-4 / Criminal Court Nos 1 / 2	Courtroom	SONY
ISLAS BALEARES	Islas Baleares	Ibiza	C/ Aragón	Public Prosecutor's Office		SONY
ISLAS BALEARES	Islas Baleares	Mahón	C/ Artrutx, 21-23. Local 6.	Criminal Court	Courtroom - criminal	SONY
ISLAS BALEARES	Islas Baleares	Palma Mallorca	Vía Alemania, 5	Court of 1st Instance 1-12 / Criminal Court 1-8	Library	SONY
ISLAS BALEARES	Islas Baleares	Palma Mallorca	Vía Alemania, 5	Court of 1st Instance 1-12 / Criminal Court 1-8	Courtroom	TANDBERG
ISLAS BALEARES	Islas Baleares	Palma Mallorca	Plaça del Mercat, 12	Superior Court/Provincial Court	Jury room	SONY
ISLAS BALEARES	Islas Baleares	Palma Mallorca	C/ Travessa d'En Ballester, 23	Court of 1st Instance 1-19	S.M. 2 P.B.	SONY
ISLAS BALEARES	Islas Baleares	Palma Mallorca	C/ Travessa d'En Ballester, 23	Public Prosecutor's Office	Mezzanine	SONY
ISLAS BALEARES	Islas Baleares	Palma Mallorca	C /Miguel Santa Andreu 1	Criminal Court 1-8	Courtroom	SONY
LA RIOJA	La Rioja	Logroño	Victor Pradera, 1	Provincial Court	Courtroom	SONY
LA RIOJA	La Rioja	Logroño	Victor Pradera, 1	Administrative Disputes Division	Prov. Court viewing room	SONY
LA RIOJA	La Rioja	Logroño	Victor Pradera, 1	Public Prosecutor's Office	Library	SONY
LA RIOJA	La Rioja	Logroño	Victor Pradera, 1	Administration Secretariat, Superior Court of Justice	Sala Plenillos	SONY
LA RIOJA	La Rioja	Logroño	Breton de los Herreros 5-7	Sentence Enforcement Court	Courtroom 1	SONY
LA RIOJA	La Rioja	Calahorra	Avda. de Numancia, 26	Court of 1st Instance & Examining Magistrate's Court No 2	Courtroom	TANDBERG
LA RIOJA	La Rioja	Haro	Plaza Castañares, 4 Edif. Cid Paternina	Court of 1st Instance & Examining Magistrate's Court Nos 1/2	Courtroom	TANDBERG
MURCIA	Murcia	Cartagena	Ángel Bruna, 21	Provincial Court, 5th chamber	Courtroom 1	SONY
MURCIA	Murcia	Cartagena	Ángel Bruna, 21	Public Prosecutor's Office, Superior Court of Justice	Public Prosecutor's Office	SONY
MURCIA	Murcia	Cartagena	Ángel Bruna, 21	Registry	Library	SONY
MURCIA	Murcia	Cieza	C/ Diego Serrano Castellano, s/n	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	
MURCIA	Murcia	Cieza	Paseo ,2	Registry	Courtroom	
MURCIA	Murcia	Jumilla	Avenida de la Libertad, 7	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	TANDBERG
MURCIA	Murcia	Lorca	C/ Padre Morote, s/n	Criminal court No 1	Courtroom	TANDBERG
MURCIA	Murcia	Murcia	Luis Fontes Pagan, 2	Murcia Forensic Medicine Clinic	Meeting room	SONY
MURCIA	Murcia	Murcia	Ronda de Garay,5	Public Prosecutor's Office, Superior Court of Justice	Courtroom	SONY

MURCIA	Murcia	Murcia	Ronda de Garay,5	Provincial Court/ Superior Court of Justice , civil / criminal	Courtroom 1	SONY
MURCIA	Murcia	Murcia	Ronda de Garay,5	Provincial Court/ Superior Court of Justice , civil / criminal	Courtroom 2	SONY
MURCIA	Murcia	Murcia	Juan Carlos I,59	Court of 1st Instance No 1	Courtroom	SONY
MURCIA	Murcia	Yecla	San Antonio, 3	Registry	Courtroom	
PRINCIPADO ASTURIAS	Asturias	Gijón	Juan Carlos I, S/N	Criminal court	Prov. Court 8, criminal chamber 3	SONY
PRINCIPADO ASTURIAS	Asturias	Gijón	Juan Carlos I, S/N	Public Prosecutor's Office	PPO, office 3	SONY
PRINCIPADO ASTURIAS	Asturias	Gijón	Juan Carlos I, S/N	Examining Magistrate's Court 1-4 / Criminal Court 1-2	Duty office Secretariat	SONY
PRINCIPADO ASTURIAS	Asturias	Gijón	Prendes Pando, 1	Provincial Court 7 / Examining Magistrate's Court 1-7,10 / Social Court 1-4	Library	SONY
PRINCIPADO ASTURIAS	Asturias	Avilés	Marcos Del Torniello, 27	Public Prosecutor's Office	Public Prosecutor's Office	SONY
PRINCIPADO ASTURIAS	Asturias	Avilés	Marcos Del Torniello, 27	Combined Court 1-6 / Social Court 1-2 / Criminal Court	Courtroom	SONY
PRINCIPADO ASTURIAS	Asturias	Pola de Siero	Parroco fernandez Pedrera, 11	Court of 1st Instance & Examining Magistrate's Court 1-3	Combined courtroom 2	FALCON
PRINCIPADO ASTURIAS	Asturias	Cangas de Narcea	Pza. Asturias, 10	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
PRINCIPADO ASTURIAS	Asturias	Cangas de Onís	Avda. Covadonga, s/n	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
PRINCIPADO ASTURIAS	Asturias	Castropol	C/ Dámaso Alonso, s/n	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
PRINCIPADO ASTURIAS	Asturias	Valdés	Avda. Galicia, s/n	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
PRINCIPADO ASTURIAS	Asturias	Llanes	Avda. de la Estación, 3-4	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
PRINCIPADO ASTURIAS	Asturias	Tineo	Pza. Alfonso Martínez, 24	Court of 1st Instance & Examining Magistrate's Court No 1	Courtroom	FALCON
PRINCIPADO ASTURIAS	Asturias	Oviedo	C/ Comandante Caballero	Provincial Court	Courtroom 1	SONY
PRINCIPADO ASTURIAS	Asturias	Oviedo	C/ Comandante Caballero	Court of 1st Instance 1-8 / Examining Magistrate's Court 1-4 / Criminal Court 1-4	Courtroom (streamlined procedure)	SONY
PRINCIPADO ASTURIAS	Asturias	Oviedo	C/ Comandante Caballero	Public Prosecutor's Office, Superior Court of Justice	Courtroom	SONY
PRINCIPADO ASTURIAS	Asturias	Oviedo	San Juan , S/N	Superior Court of Justice	Courtroom 2	SONY

MADRID	Madrid	Madrid	C/ Garcia Gutierrez 1	National High Court (Audiencia Nacional)		
MADRID	Madrid	Madrid	C/ Gran Via, 52	Central Juvenile Court		SONY
MADRID	Madrid	Madrid	C/ Gran Via, 52	Administrative Disputes Division	Courtroom 2, 3rd floor	SONY
MADRID	Madrid	Madrid	C/ Gran Via, 52	Administrative Disputes Division	Courtroom 2, 5th floor	SONY
MADRID	Madrid	Madrid	C/ Luis Cabrera, 9	Institute of Toxicology and Forensic Sciences, Violence Against Women	Courtroom	SONY
MADRID	Madrid	Madrid	C/ Luis Cabrera, 9	Institute of Toxicology and Forensic Sciences	Courtroom	SONY
MADRID	Madrid	Madrid	c/ San Bernardo, 45	Central Services		SONY
MADRID	Madrid	Madrid	c/ San Bernardo, 45	Central Services		SONY
MADRID	Madrid	Madrid	c/ Fortuny, 4	Chief Prosecutor's Office	Technical secretariat	SONY
MADRID	Madrid	Madrid	c/ Marqués de la Ensenada	Supreme Court	Technical department	SONY
MADRID	Madrid	Madrid	c/ Ocaña, 157	Subdirector-General of New Tech. in Justice	Videoconferencing room	SONY
MADRID	Madrid	Madrid	C/Jacinto Benavente	Directorate-General of Registers and Notaries	Director's meeting room	SONY
MADRID	Madrid	Madrid	Casa de Campo	National High Court (Audiencia Nacional)	Main courtroom	TANDBERG 3000
MADRID	Madrid	Madrid	C/ Garcia Gutierrez 1	National High Court (Audiencia Nacional)	Courtroom (office of Pres. , criminal chamber?)	TANDBERG
MADRID	Madrid	Madrid	C/ Garcia Gutierrez 1	Central Examining Magistrate's Court No 5	Judge's office (Garzón?)	TANDBERG
MADRID	Madrid	Madrid	C/ Garcia Gutierrez 1	Central Examining Magistrate's Court No 3	Judge's office (Registrar?)	TANDBERG
MADRID	Madrid	Madrid	C/ Garcia Gutierrez 1	National High Court (Audiencia Nacional)	Multipurpose room	TANDBERG
MADRID	Madrid	Madrid	C/ Garcia Gutierrez 1	National High Court (Audiencia Nacional)	Pres. Mag.'s meeting room	TANDBERG
MADRID	Madrid	Madrid	C/ Garcia Gutierrez 1	National High Court (Audiencia Nacional)	Large high security room	TANDBERG

FRANCE

– courts of first instance and appeal courts, district courts and small claims courts, commercial courts, industrial tribunals, social security appeal tribunals and invalidity tribunals: 100 % by the end of 2007.

– administrative courts: six overseas administrative courts are equipped with videoconferencing systems (St-Denis on Réunion, Mamoudzou, Nouméa, Mata Utu, Fort-de-France and St-Pierre). The Council of State itself has two videoconferencing systems.

ITALY

A major role is played by the Department of Penitentiary Administration (Dipartimento dell'Amministrazione Penitenziaria), which is charged of providing this type of connections. Each Italian Region has at least one videoconferencing equipment, except for Valle d'Aosta. On the whole, in Italy, there are 197 Court – rooms equipped with videoconferencing facilities.

LATVIA

In 2007 the Supreme Court started a project during which the Supreme Court will be provided with technical equipment for videoconferencing. Till the end of 2007 the usage of technical equipment will be evaluated and the decision will be taken on further activities for using videoconferencing in judicial proceedings.

Regarding the courts of general jurisdiction and administrative courts at the moment several courts in Latvia (two first instance courts and one court of appeal) have started a pilot project, during which the recording of criminal proceedings is done by audio recording equipment in test regime (for more detailed information, please see answers to the question 1, first part concerning recording of the court hearing using sound or image records or other technical means). This pilot project is carried out to identify more effectively the necessary changes in the court work organization, as well as the necessary amendments in the legislation acts.

Court Administration, a directly subordinated public authority to the Minister of Justice, which organizes and ensures the administrative functioning of courts of general jurisdiction, administrative courts and land register divisions, initially plans to implement audio recording of court hearings. In 2008 it is planned to carry out the research on possibility to use videoconferencing in court proceedings.

In addition it should be mentioned that in the Ministry of Justice a working group has been created in order to elaborate a political planning document – a concept on usage of audio recording and videoconferencing in judicial proceedings.

LITHUANIA

None of courts in Lithuania have videoconference equipment. Therefore, it is not possible to answer the following questions of the questionnaire.

LUXEMBOURG

The buildings of the Luxembourg Law Courts (District Court and public prosecutor's office) and the Higher Court of Justice (Court of Cassation, Appeal Court and general prosecutor's office) are equipped for videoconferencing.

All the buildings of the new judicial centre in Luxembourg city (scheduled to open in the summer of 2008) will have facilities for videoconferencing. The equipment used is portable.

HUNGARY

Courts use mobile equipment in the possession of the National Council of Courts.

At present 5 courts have courtrooms developed specially for this purpose, but practically conditions of videoconferencing may be created in every court building.

MALTA

All the Civil and Criminal Courts in Malta may use videoconferencing if and when the Judge or Magistrate thinks it fit and proper to do so. Videoconferencing is mainly used in Family Court matters and criminal cases dealing with victims who are minor children.

At the Courts of Justice of Malta the current videoconferencing equipment (connection between the Judiciary's chambers and the Court Hall) is located in two specific halls. This equipment is used primarily for the taking of evidence from a witness when this has to be done in the privacy of the Judiciary's chambers. Furthermore, equipment used for videoconferencing facilities with an international connection is also available. On the other hand, the Courts of Magistrates of Gozo also have the same setup as regards videoconferencing facilities between the Magistrate's chambers and the Court Hall. However, for international video connection, the videoconferencing facilities available at the Ministry for Gozo are utilised.

NETHERLANDS

Three court are now equipped with videoconferencing facilities. The court of Maastricht for hearing illegal aliens in a Dutch prison and the courts of Haarlem and The Hague for cross-border hearing of witnesses and court experts.

AUSTRIA

<i>Territorial Scope of the Higher Regional Court Wien (Oberlandesgericht Wien)</i>			
<i>Court</i>	<i>Adress</i>		<i>telephone number</i>
<i>BG Bruck an der Leitha</i>	<i>Wiener Gasse 3</i>	<i>2460 Bruck an der Leitha</i>	<i>++43 2162 62151</i>
<i>BG Döbling</i>	<i>Obersteingasse 20-22</i>	<i>1190 Wien</i>	<i>++43 1 36003</i>
<i>BG Donaustadt</i>	<i>Dr.Adolf-Schärf-Platz 3</i>	<i>1229 Wien</i>	<i>++43 1 20135</i>
<i>BG Eisenstadt</i>	<i>Wiener Straße 9</i>	<i>7000 Eisenstadt</i>	<i>++43 2682 701</i>
<i>LG Eisenstadt</i>	<i>Wiener Straße 9</i>	<i>7000 Eisenstadt</i>	<i>++43 2682 701</i>
<i>BG Favoriten</i>	<i>Angeligasse 35</i>	<i>1100 Wien</i>	<i>++43 1 60148</i>
<i>BG Floridsdorf</i>	<i>Gerichtsgasse 6</i>	<i>1210 Wien</i>	<i>++43 1 27770</i>
<i>BG Fünfhaus</i>	<i>Gasgasse 1-7</i>	<i>1150 Wien</i>	<i>++43 1 89 143</i>
<i>BG Hernals</i>	<i>Kalvarienberggasse 31</i>	<i>1172 Wien</i>	<i>++43 1 404 25</i>
<i>BG Hietzing</i>	<i>Hietzinger Kai 1 – 3</i>	<i>1130 Wien</i>	<i>++43 1 8772621</i>
<i>BG Innere Stadt Wien</i>	<i>Marxergasse 1a</i>	<i>1030 Wien</i>	<i>++43 1 51528</i>
<i>BGHS Wien</i>	<i>Marxergasse 1a</i>	<i>1030 Wien</i>	<i>++43 1 51528</i>
<i>HG Wien</i>	<i>Marxergasse 1a</i>	<i>1030 Wien</i>	<i>++43 1 51528</i>
<i>BG Josefstadt</i>	<i>Florianigasse 8</i>	<i>1082 Wien</i>	<i>++43 1 404 25</i>
<i>BG Korneuburg</i>	<i>Hauptplatz 18</i>	<i>2100 Korneuburg</i>	<i>++43 2262 799</i>
<i>LG Korneuburg</i>	<i>Hauptplatz 18</i>	<i>2100 Korneuburg</i>	<i>++43 2262 799</i>

BG Krems an der Donau	Josef Wichner-Straße 2	3500 Krems an der Donau	++43 2732 809
LG Krems an der Donau	Josef Wichner-Straße 2	3500 Krems an der Donau	++43 2732 809
BG Leopoldstadt	Taborstraße 90 – 92	1020 Wien	++43 1 24527
BG Liesing	Häckelstraße 8	1230 Wien	++43 1 8697647
BG Meidling	Schönbrunnerstraße 222-228/3/5. OG	1120 Wien	++43 1 8158020
BG Mistelbach	Hauptplatz 2	2130 Mistelbach	++43 2572 2719
BG Sankt Pölten	Schießstattring 6	3100 Sankt Pölten	++43 2742 809
LG Sankt Pölten	Schießstattring 6	3100 Sankt Pölten	++43 2742 809
LG für Strafsachen Wien	Landesgerichtsstraße 11	1080 Wien	++43 1 401 27
Territorial Scope of the Higher Regional Court Wien (Oberlandesgericht Wien)			
Court	Adress		telephone number
LG Wiener Neustadt	Maria-Theresien-Ring 5	2700 Wiener Neustadt	++43 2622 21510
LG für Zivilrechtssachen Wien	Schmerlingplatz 11	1016 Wien	++43 1 52152
Territorial Scope of the Higher Regional Court Graz (Oberlandesgericht Graz)			
BG Graz-Ost	Radetzkystraße 27	8010 Graz	++43 316 8074
BG Graz-West	Grieskai 88	8020 Graz	++43 316 8074
LG Klagenfurt	Dobernigstraße 2	9020 Klagenfurt	++43 463 5840
BG Leoben	Dr. Hanns Groß-Straße 7	8700 Leoben	++43 3842 404
LG Leoben	Dr. Hanns Groß-Straße 7	8700 Leoben	++43 3842 404
BG Liezen	Ausseerstraße 34	8940 Liezen	++43 3612 22455
BG Spittal an der Drau	Schillerstraße 1	9800 Spittal an der Drau	++43 4762 4822
BG Villach	Peraustraße 25	9500 Villach	++43 4242 26726
LG für Zivilrechtssachen Graz	Marburger Kai 49	8010 Graz	++43 316 8064
Territorial Scope of the Higher Regional Court Linz (Oberlandesgericht Linz)			
BG Linz	Fadingerstraße 2	4020 Linz	++43 5 760121
LG Linz	Fadingerstraße 2	4020 Linz	++43 5 760121
BG Ried im Innkreis	Bahnhofstraße 56	4910 Ried im Innkreis	++43 5 760125
LG Ried im Innkreis	Bahnhofstraße 56	4910 Ried im Innkreis	++43 5 760125
BG Salzburg	Rudolfplatz 2	5010 Salzburg	++43 5 7601233
LG Salzburg	Rudolfplatz 2	5010 Salzburg	++43 5 7601233
BG Sankt Johann im Pongau	Eurofunkstraße 2	5600 Sankt Johann im Pongau	++43 5 7601236
BG Steyr	Spitalskysstraße 1	4400 Steyr	++43 5 760126
LG Steyr	Spitalskysstraße 1	4400 Steyr	++43 5 760126
LG Wels	Maria Theresia-Straße 12	4600 Wels	++43 5 760124
BG Zell am See	Mozartstraße 2	5700 Zell am See	++43 5 7601239
Territorial Scope of the Higher Regional Court Innsbruck (Oberlandesgericht Innsbruck)			
BG Bregenz	Anton-Schneider-Straße 14	6900 Bregenz	++43 5574 4931
BG Feldkirch	Churerstraße 13	6800 Feldkirch	++43 5522 302
LG Feldkirch	Schillerstraße 1	6800 Feldkirch	++43 5 522 302
BG Innsbruck	Museumstraße 34	6020 Innsbruck	++43 512 5930
LG Innsbruck	Maximilianstraße 4	6020 Innsbruck	++43 512 5930
BG Kitzbühel	Wagnerstraße 17	6370 Kitzbühel	++43 5356 64088
BG Lienz	Hauptplatz 5	9900 Lienz	++43 4852 650 05
BG Reutte	Obermarkt 2	6600 Reutte	++43 5672 71600
BG = Bezirksgericht BGHS = Bezirksgericht für Handelssachen HG = Handelsgericht LG = Landesgericht			

POLAND

As of October 1st, 2007 all Polish courts of appeals (9) and all circuit courts (48) has been equipped with videoconferencing facilities. Since videoconferencing is gaining popularity, district courts (ca 360) are planned to be equipped with the necessary hardware.

ROMANIA

At this moment, such facilities exist only at the level of **5 Courts of Appeal**. However, by the end of 2008, all Romanian courts of appeal, tribunals, 86 courts of first instance, and the Ministry of Justice will be endowed with videoconference equipments through two ongoing Phare projects.

SLOVENIA

Some of courts are equipped audio / video recording, but not equipped with special videoconferencing facilities. In most cases, where the videoconference was needed for hearing the witnesses a special portable videoconferencing system was hired from commercial company and installed for such occasions.

FINLAND

Videoconferencing is being used in the following District Courts: Helsinki, Espoo, Vantaa, Tampere, Turku, Vaasa, Kouvola, Jyväskylä, Oulu and Rovaniemi.

SWEDEN

General Courts:

Högsta domstolen

Svea hovrätt

Göta hovrätt

Hovrätten över Skåne och Blekinge

Hovrätten för Västra Sverige

Hovrätten för Nedre Norrland

Hovrätten för Övre Norrland

Attunda tingsrätt

Solna tingsrätt

Stockholms tingsrätt

Södertälje tingsrätt

Södertörns tingsrätt

Uppsala tingsrätt

Gotlands tingsrätt

Linköpings tingsrätt

Norrköpings tingsrätt

Jönköpings tingsrätt

Växjö tingsrätt

Kalmar tingsrätt

Örebro tingsrätt

Blekinge tingsrätt

Helsingborgs tingsrätt

Ystads tingsrätt

Malmö tingsrätt

Göteborgs tingsrätt

Värmlands tingsrätt

Gävle tingsrätt

Hudiksvalls tingsrätt

Sundsvalls tingsrätt

Östersunds tingsrätt

Lycksele tingsrätt

Skellefteå tingsrätt

Umeå tingsrätt

Gällivare tingsrätt

Luleå tingsrätt

General Administrative Courts:

Kammarrätten i Stockholm
Kammarrätten i Göteborg
Kammarrätten i Sundsvall
Kammarrätten i Jönköping
Länsrätten i Stockholms län
Länsrätten i Uppsala län
Länsrätten i Gotlands län
Länsrätten i Skåne län
Länsrätten i Göteborg
Länsrätten i Värmlands län
Länsrätten i Gävleborgs län
Länsrätten i Jämtlands län
Länsrätten i Västerbottens län
Länsrätten i Norrbottens län
Länsrätten i Östergötlands län
Länsrätten i Jönköpings län
Länsrätten i Kronobergs län
Länsrätten i Kalmar län
Länsrätten i Blekinge län
Länsrätten i Örebro län

The intention is to install videoconference equipment in the following courts in the beginning of 2008:

General Courts:

Nacka tingsrätt
Eskilstuna tingsrätt
Nyköpings tingsrätt
Västmanlands tingsrätt
Falun tingsrätt
Lunds tingsrätt
Halmstads tingsrätt
Varbergs tingsrätt
Alingsås tingsrätt
Borås tingsrätt
Uddevalla tingsrätt
Vänersborgs tingsrätt

General Administrative Courts:

Länsrätten i Södermanlands län

Länsrätten i Västmanlands län

Länsrätten i Hallands län

UNITED KINGDOM

England and Wales

- 40% of Crown and Magistrates' courts have videoconferencing facilities to link the courts to the prisons.
- The Court of Appeal Criminal Division has videoconferencing facilities in 1 of its 6 courtrooms.
- 140 Crown Court rooms have videoconferencing facilities in 56 sites.
- 207 Magistrates Court rooms have videoconferencing facilities in 162 sites.
- 72 County Court rooms have videoconferencing facilities in 59 sites.
- 89 non-courtroom videoconferencing units (units based a Regional Offices, some courts and Asylum Immigration Tribunal Offices etc).
- Total Number of videoconferencing rooms: **509**.

Scotland

- 3 High Courts.
- 21 Sheriff Courts.

Northern Ireland

- 13 Crown courts (21 court rooms).
- 17 Magistrates courts (17 court rooms).
- 1 High Court.
- Various Criminal, Civil & Family, Family Care Courts, Family Proceeding Courts.

4. With what other type of locations have the courts established video links in practice (police stations, prisons, embassies etc.)?

BULGARIA

See p. 3 above.

CZECH REPUBLIC

None.

DENMARK

Videoconferencing facilities have been established at Nyborg remand prison and Sandholm police station.

GERMANY

Public prosecutors' offices, prisons, police stations, administrative authorities and, in just a few cases, embassies.

ESTONIA

So far with prisons, foreign courts, between courthouses and in process with Citizenship and Migration Board Illegal Aliens Expulsion Center.

IRELAND

The main use of video link to date has been to take evidence from vulnerable witnesses who give their evidence from a location within the Courthouse or courts complex but remote from the actual courtroom itself. Videoconferencing to remote witnesses is less frequent but is usually to a location abroad.

The Courts Service is at present working with the Irish Prisons Service to establish videoconferencing between courtrooms and selected prisons to provide for prisoner appearance in court by video conferencing link. In this regard it is anticipated that video conferencing between Limerick District Court and Limerick Prison will commence in early 2008.

SPAIN

In prisons, certainly. In any case, the Ministry of the Interior is responsible for their installation.

FRANCE

Prisons: 60 % of sites are equipped;

Investigative forces (police, gendarmerie): fourteen sites have been equipped on an experimental basis

ITALY

With other Court-room and prisons.

LATVIA

In Latvia there are no established video links in practice between courts and police stations, prisons, embassies etc.

LUXEMBOURG

Links will be possible with other buildings in Luxembourg, such as police stations, detention centres and embassies.

HUNGARY

As we use mobile equipment links may be established with any other institution.

MALTA

The Courts of Malta established video links with Courts and prisons abroad.

NETHERLANDS

Prisons within the Netherlands, including the court of Curacao, several police stations and courts outside the Netherlands.

AUSTRIA

Prisons.

POLAND

Police stations, prisons.

ROMANIA

In practice, the video links have been established with the judicial authorities of other states (courts or prosecutor offices).

SLOVENIA

We have already had some trials supported with videoconference systems for protecting witnesses. The connection was established between the court and with unknown location in diameter of 50 km from the court (protecting the witnesses).

FINLAND

- prisons
- police stations (police custodies)

SWEDEN

The courts have established video links with public prosecution offices, and detention facilities. Furthermore there is currently an ongoing work with establishing video links with prisons.

UNITED KINGDOM

England and Wales

- Most commonly connection is made with remand prisons where approximately 4000 court hearings per month are dealt with using video links.
- The Prison Video link network connects 30 Crown Courts, 155 Magistrates Courts and the Court of Appeal with 60 prisons so that the defendant can participate in interim hearings (appeals if at Court of Appeal) by videoconferencing.
- Links are made between a police station and a Magistrates' Court for terrorist cases.
- In the Virtual Court prototype (see the answer to question 1), a magistrates court was connected to four police stations
- A further Virtual Court pilot may be run in South East London and one or more other areas commencing in late 2008/early 2009. This is dependent upon a viable business case.
- Remote witness room videoconferencing links have been installed in a handful of Victim Support Offices, and Police Premises as part of centrally funded national rollouts.
- In one or two cases, video links have been established with private houses and hospitals.
- Video links have been used between courts in the UK and embassies or consulates abroad when a witness located abroad is asked to give evidence (e.g. the Mexican case referred to above).
- In family proceedings, courts use videoconferencing to link up with medical expert witnesses, particularly in care cases. Sites such as hospitals, care homes, local authority social services offices, children's advisory service offices, universities, libraries and prisons are all options for courts to link up with.

Scotland

Links have been made with:

- Barlinnie Prison for routine procedural hearings.
- Other courts in the United Kingdom.
- Universities and Colleges.
- Commercial videoconference premises and other third party buildings.

Northern Ireland

- Prisons.
- Police stations.

- 5. Do you have any experience of cross-border videoconferencing, in particular as regards the application of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and taking of evidence by videoconference as foreseen by Article 10(4) of the Taking of Evidence Regulation? Please give details.**

BELGIUM

Criminal law : A real-life case : the confrontation of suspects in Belgium through videoconferencing with suspects in Tunisia in the judicial inquiry on the murder of André Cools. We have experience of cross-border videoconferencing with Netherlands, Spain and Portugal as regards the application of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters.

BULGARIA

N/A

CZECH REPUBLIC

No, Czech Republic has no experience with this use of videoconferencing technology.

DENMARK

No.

GERMANY

A practical survey shows favourable experience of cross-border hearing of witnesses in criminal cases. A number of countries have been contacted for that purpose.

The following are known to have been involved:

Poland, the Czech Republic, Austria, Italy, Spain, Portugal, Norway, Slovenia, Morocco, Bosnia and Herzegovina, the United Kingdom, the Netherlands, France, Belgium, the United States of America, Israel and Australia.

There has presumably also been contact with other countries; as such cases are not recorded separately, they cannot be identified in retrospect.

ESTONIA

Yes, since 2005 September with Finland (so far ca 20 sessions) and once with Sweden (May 2006).

IRELAND

Ireland has some experience in establishing video conferencing links to other countries including the UK, other European Countries, the USA, Australia and New Zealand.

SPAIN

Yes, we have experience of international videoconferencing - for instance, in the case of the Audiencia Nacional (National High Court), where more than 300 videoconferences were held with Argentina in the case of the Argentinian naval officer Adolfo Scilingo, sentenced to 640 years' imprisonment for torturing and murdering 30 persons.

FRANCE

Yes: foreign courts (in Spain, Portugal, Italy and the United Kingdom) have used videoconferencing to hear witnesses held or resident in France, and one French court has used it to hear a foreign witness.

Generally, videoconferencing works well: it is a very flexible, practical and economical procedure which produces good results.

ITALY

From 2000 to December 2007, about 100 videoconferences with European Union member States were carried out.

LATVIA

Taking into account the observations included in the answer to question 3, Latvia has no information on usage of videoconferences in cross border cases, as well as regarding the abovementioned Convention.

LUXEMBOURG

No.

HUNGARY

Till the time being we used videoconferencing only once in a cross-border proceeding in cooperation with a Finish court. Our experience was positive.

MALTA

In January 2007, at the Court of Magistrates of Gozo videoconferencing on a cross border basis between Malta and the United Kingdom was effected in the course of a civil case with regard to the custody of a minor.

NETHERLANDS

With regard to cross-border hearing of witnesses and experts experiences have started from April 2007. More than 10 cases, both inside and outside Europe have been done so far. Actors involved are mainly positive, savings in costs and time are substantial.

AUSTRIA

The cross-border videoconferences mentioned are not reported to the ministry of justice. An involved judge told that these conferences in particular with Spain proceeded without problems.

POLAND

There have been numerous testimonies taken via videoconference between Poland and UK and Poland and Spain in accordance with the above mentioned Convention. Usually scheduling and setting all the necessary details (mostly re interpreting, recording) is time consuming.

ROMANIA

Since, for Romania, the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union entered into force only at 1st of December 2007, no experience, based on this convention, has been reached till now. The hearing by videoconferencing was requested and granted only in conformity with the Council of Europe Convention on mutual legal assistance.

SLOVENIA

We had some cross-border trials, where the videoconferences were established for hearing witness in other country (Germany, Croatia, and Bosnia).

FINLAND

In Finnish courts there is extensive experience of cross-border videoconferencing. The numbers of cross-border videoconferences mentioned are not automatically reported to the Ministry of Justice. In recent years there has been cross-border videoconferencing with courts in e.g. Estonia, Sweden, Denmark, Norway, Luxembourg, the Netherlands, Liechtenstein and Hungary. These videoconferences have proceeded without problems.

SWEDEN

We have some experience in cases where Swedish district courts have made requests for video conference in others member states and vice versa. Countries that have been involved are among others Bulgaria, UK and Estonia. So far we have only good experience from the use of videoconferences and there have been no problems that we know of.

UNITED KINGDOM

In **England and Wales** video links have been established in cases with other Member States. We are also aware of a trial where witnesses gave evidence from Afghanistan and a number of appeal hearings where evidence was received from remote witnesses – e.g. in Australia and Nigeria.

In civil matters we allow the use of videoconferencing but our judges are keen to ensure appropriate safeguards exist to ensure that for direct taking of evidence under Article 17 of the Taking of Evidence Regulation that witnesses give evidence voluntarily.

Scotland has considerable experience in the use of videoconferencing technology having used the provision in conjunction with Austria, Spain, the United States and Australia.

Northern Ireland has no experience in this area.

6. Do you have any experience of the use of videoconferencing equipment for translators or interpreters?

BULGARIA

N/A

CZECH REPUBLIC

No, Czech Republic has no experience with this use of videoconferencing technology

DENMARK

The trials carried out included a case involving use of an interpreter. A final assessment of the trials will be available in late December 2007.

GERMANY

A simultaneous interpreting facility has occasionally been inserted into the videoconferencing equipment, so that an interpreter can be used in proceedings in which a number of defendants speak a foreign language.

In administrative court proceedings, interpreters have also been involved via a videoconference link in order to reduce costs.

ESTONIA

Not in distance translation, but 2 courtroom videoconference systems have simultaneous translation functionality (separate language channels).

IRELAND

No.

SPAIN

Yes, videoconferencing has been used with translators and interpreters in the case of the May 11 attacks (international terrorism). Videoconferences were held with Belgium and Italy with simultaneous interpreting using a system complementing the videoconferencing. A videoconference was also held with Italy while the verdict was being read out.

FRANCE

Not as far as we are aware (the interpreter is provided by France when France is executing a request, and provided by the foreign State when that State is executing the request)

ITALY

No, we haven't.

LATVIA

Taking into account the observations included in the answer to question 3, it is not possible to give more detailed information on translation using videoconferences.

It should be mentioned that in the frame of the project started in the Supreme Court attention mostly is devoted to the effective questioning of witnesses (so called distance questioning).

LUXEMBOURG

No.

HUNGARY

According to Hungarian rules on criminal procedure language of the proceeding is Hungarian, but anyone can use his or her mother language. In these cases the presence of an interpreter during the procedural act is a requirement, also in case where videoconference is used.

MALTA

No, Malta has no experience in this regard.

NETHERLANDS

Yes; in almost all of the proceedings where videoconferencing is used translators or interpreters participate either in court or in prison.

AUSTRIA

No.

POLAND

There have been laboratory trials (moot court trials) at the Circuit Court of Wroclaw which were run as an experiment. An extended use of remote interpreting via phone conference and videoconference has been tested and both usefulness and efficiency of this method has been demonstrated.

ROMANIA

Only a single Court of Appeal (Timisoara) has experience of the use of videoconferencing equipment for translators. This Romanian court has a single experience related to an international cross-border cooperation criminal case. A German court of instance heard 2 witnesses which testified at the premises of Court of Appeal Timisoara. The German translator did most of the translation work, and the Romanian interpret had few interventions, when the judges considered they were necessary. Concluding the short description, it was not a simultaneous translation but a sequential one. Technically speaking, it did not take very long until the Romanian and German courts were interconnected.

All the rest of 4 Courts of Appeal endowed with such facilities mentioned that they have no idea of the existence of such usage modality of the videoconferencing.

SLOVENIA

Videoconferences with cross-border hearing of witnesses were translated simultaneously by translators or interpreters either in the court or at the destination.

FINLAND

Yes, e.g. in videoconferencing with Swedish prisons, with one interpreter in the prison and another interpreter in the Finnish District Court.

SWEDEN

We only know of a few cases when translators or interpreters have been using videoconferencing equipment. The experience is hence limited.

UNITED KINGDOM

In **England and Wales** video links have been used in cases where a witness was located in a prison or police custody and the interpreter based in the court. The split screen aspect of the virtual court prototype could also allow for the possibility of interpreters and witnesses both based outside of court.

Scotland has experience of the use of interpreters in videoconferencing, but the interpreter will generally be seated next to the witness.

Northern Ireland has no experience of this but has conducted tests that demonstrate that it can be done.

7. Which uses of videoconferencing equipment have proved particularly valuable to the judicial system?

BELGIUM

See question 1.

CZECH REPUBLIC

The technology has proved valuable for training and learning purposes.

DENMARK

A final assessment of the trials will be available in late December 2007.

GERMANY

Use of videoconferencing by the judicial system is extremely valuable in all areas of the law.

Whereas in criminal proceedings it assists in reaching a verdict, in administrative court proceedings, for instance, it is commonly used to reduce costs and speed up cases.

ESTONIA

- 1) **in criminal proceedings interneers distant hearing by judge**, foremost in trying preliminary dismissal applications– since Feb 2005 over 1900 cases proceed over videoconference between prison and court. In 2007 ca 90% of the cases.
- 2) **in international criminal proceedings** abroad situating parties distant hearing – since Sept 2005 ca 20 cases with Finland

POSSIBLE FUTURE APPLICATIONS

- In all proceedings service providing for parties who want to attend hearings from different location – attorneys, experts and other parties (also abroad situating)
- implement in administrative process – internees applications, illegal aliens cases, state agencies
- Use for under aged and other protection needing witnesses real-time hearing
- In criminal process for carrying out preliminary proceedings by Prosecutor’s Office
- Supporting the use of VC for judges specialization
- Carrying out court personnel e-trainings

IRELAND

The following have proved valuable to the Irish judicial system:

- § The use of video link equipment to enable vulnerable witnesses to give evidence from a location within a courthouse or complex but remote from the actual courtroom itself.
- § The use of video conferencing equipment to take evidence from witnesses based abroad in Civil and Family Law cases.

SPAIN

As can be seen, the cases referred to above are real instances, and on an everyday basis videoconferencing avoids the need for travel on the part of the Criminal Police, prisoners from prisons, forensic experts, etc.

FRANCE

In criminal proceedings for extensions of police custody and judicial detention, between the court and the premises of the police and gendarmerie; for the extension of remand in custody by the juge des libertés et de la détention (custody and release judge); for the examination of requests for release by the examining magistrate; to hear witnesses and experts before the Assize Court; to hear witnesses before the criminal court.

Regarding the enforcement of sentences, in connection with the centralisation of the enforcement of sentences for those convicted of terrorism by the court of first instance in Paris; for hearings before sentence is adjusted (sentencing court and sentencing judge).

The use of videoconferencing has been introduced in criminal matters in particular, to make it possible to restrict the number of transfers of detainees.

ITALY

Videoconferencing system has implied the following advantages: greater quickness in the carrying out of trials, presence of the accused in various criminal proceedings on the same day, reduction of the overall number of transfers of highly dangerous prisoners, with savings in economic resources and staff and with a contextual increase in the security threshold.

LATVIA

Latvia has not carried out such evaluation. This issue could be evaluated more in detail after wider implementation of videoconferencing in the courts of Latvia.

LUXEMBOURG

Luxembourg does not have extensive experience in this area.

HUNGARY

In Hungary videoconferencing may only be used in criminal proceedings.

We would also like to note that according Act XIX. of 1998. on Criminal Procedure and Act LIII. of 1994. on Enforcement Proceedings, video records and sound records may also be taken on certain procedural acts.

MALTA

The equipment proved particularly valuable in the taking of evidence from a witness in cases where the witness required:

- protection;
- anonymity;
- security against traumatic experiences when having to face the accused who might have been the witness's aggressor.

The above mentioned points are particularly true with regard to national cases. The same holds for cross-border cases. In such cases the equipment greatly facilitated communication without incurring costs connected to traveling. In the absence of videoconferencing equipment, traveling costs would have been sustained.

NETHERLANDS

It is expected (and supported by first experiences) that videoconferencing is particularly valuable for non-complex, short-duration proceedings, like detention of aliens and for cross-border hearing of witnesses and court experts.

AUSTRIA

- Interrogation of inmates
- testimonies of witnesses during court hearings

POLAND

Remote testimony of witness and of expert witness

Remote testimony of a child or other vulnerable witness in order to reduce court trauma

Remote interpreting (because of limited availability of court interpreters of some languages)

ROMANIA

The videoconferencing equipment have proved particularly valuable mostly in internal criminal cases (such as human trafficking and drug trafficking) when witnesses needed to be heard.

SLOVENIA

The videoconferencing is particularly valuable for short-duration proceedings like cross-border hearing of witnesses and court experts or proceedings where the witnesses have to be protected.

FINLAND

- interrogation of inmates
- testimonies of witnesses and experts during court hearings

SWEDEN

There is no statistics on the usage of videoconferencing equipment, however the Swedish courts use it on an almost daily basis. Videoconference is mostly used in detention hearings. It is also proved particularly valuable in security aspects when witnesses are involved.

UNITED KINGDOM

England and Wales

Value has been seen in the following areas:

- In criminal cases we have experience of remote sentencing. The accused remains in detention, which presents logistical advantages, cuts costs, avoids delays etc.
- In appeal hearings, videoconferencing has obviated the need for high security risk prisoners to be brought from remote prisons to London to attend the hearing and has minimised the risk of escape / danger to the public.

- There is considerable potential in the Virtual Court (video link between court and police station). A prototype in London allowed us to deal with first hearings within 2-3 hours of charge in simple cases and has the potential to hear a significant number of first hearings on the same day. Speed of process has proved an asset in cases involving domestic violence and many victims and witnesses are expected to receive a more responsive service.
- The virtual court also includes a document sharing solution alongside the video link, which has the potential to greatly reduce delay due to missing or inaccurate case papers. Criminal Justice System Agencies also anticipate huge improvements in efficiency, by making more use of electronic working and integration of resource. There is also significant potential to free up police cell space by dealing with cases more quickly, which could have particular benefits for individuals with mental health issues and reduce instances of self-harm in police custody. In this way we anticipate that public confidence in the Criminal Justice System should rise. Experience from the prototype indicates that the judiciary appreciate the flexibility that evening virtual court hearings gives them to balance work, family life and public service.
- Value has been seen in assisting vulnerable or intimidated witnesses, in that they are not required to enter the court.
- The need for witnesses to travel from abroad has been avoided, thus saving time and costs to the proceedings
- The use of videoconferencing to assist professional witnesses (i.e. Medical Consultants etc) has ensured that their time as a witness is used effectively.
- Civil justice mobile videoconferencing units have been installed in all county courts that have jurisdiction in care cases. An evaluation of these facilities in February 07 reported encouraging results, showing that videoconferencing is being used for a variety of purposes, which in turn has brought benefits to court users, witnesses and practitioners as well as the judiciary and court staff. Particular value here has been seen in the use by medical experts.

Scotland

Value has been seen:

- In cases with vulnerable witnesses.
- The provision of evidence by witnesses abroad to courts in Scotland.

b) Technical aspects

8. Do you use your own built in equipment, mobile solutions or videoconference services on demand for having videoconferences (please specify)?

BELGIUM

The equipment used come from the DGCC-Ministry of Interior (a mobile solution).

BULGARIA

Built in equipment, mobile solutions or videoconference services are still not used in practice.

Formally they have not been tested.

CZECH REPUBLIC

The equipment is used as stationary, due to connection to data lines etc.

DENMARK

The trials carried out made use of both mobile equipment and built-in (standard) equipment.

GERMANY

Videoconferencing systems are used in accordance with requirements. There are therefore both built-in systems, purchased by the courts, and mobile systems. Videoconferencing systems are also rented as required.

ESTONIA

Manly built in equipment. The personal systems are somewhat mobile.

See also the answer to Question 3.

IRELAND

The Irish Courts Service uses its own built in/permanently installed equipment. The equipment is sourced from a specialist company selected following a competitive tendering exercise. Please see the response to question 3 for a listing of locations where video conferencing equipment has been installed to date.

SPAIN

FRANCE

The videoconferencing equipment in the courts consists of fixed units which have been purchased. However, it is possible to use services on demand on a one-off basis, so as to benefit from an external bridge allowing multipoint sessions to be set up.

ITALY

We use built in equipment supplied by the private company managing the system.

LATVIA

At this stage courts of general jurisdiction and administrative courts in Latvia do not have videoconference equipment. In 2008 videoconference possibilities will be available at the Supreme Court.

LUXEMBOURG

We use Polycom videoconferencing systems.

HUNGARY

We use the equipment provided by an external, private company in cross-border cases.

Our equipments may only be used to establish connection between the courtroom and the room where the witness or person under proceeding is situated.

MALTA

Malta uses its own built in equipment for having videoconferences.

NETHERLANDS

Both courts and prisons have dedicated custom-made built-in videoconferencing solutions that can very easily be used by court clerks. A mobile solution is available for special locations.

AUSTRIA

Own equipment is used

POLAND

No.

ROMANIA

RO has begun the process of purchasing its own equipments. RO is at the stage of putting them into place and extending the WAN capabilities in order to support the videoconferencing traffic.

SLOVENIA

We use videoconferencing services on demand mostly, although some of courts have their equipment for audio video recording.

FINLAND

Own equipment is used.

SWEDEN

Swedish courts use their own built in equipment for videoconferencing. The videoconference is managed from a control system with a touch panel at the courts desk. Several cameras are installed to cover the entire courtroom. The pictures are displayed on a minimum of two screens mounted on the wall.

UNITED KINGDOM

England and Wales

- The vast majority of Criminal videoconferencing systems are fixed installations.
- Civil systems are mainly mobile units.
- Videoconferencing units for meetings may be a mixture of mobile and static component systems.
- For the Virtual Courts prototype, videoconferencing equipment was available on demand for the pilot, as ISDN was used for network connectivity. We are currently scoping the technical solution for further pilots.

Scotland

- Videoconferencing units in are all portable.

Northern Ireland

- Videoconferencing units in Northern Ireland are fixed installations.

9. What technical standards are used for videoconferencing (ITU H.320, H.323, G3 or other)?

BELGIUM

H320 (ISDN), le H323 (IP) is possible through the network DGCC (Direction générale du centre de crise, Directorate general of Crisis centrum – Ministry of Interior)

BULGARIA

The H.323 standard has been applied.

CZECH REPUBLIC

The H.320/ H.323, G3 protocols can be used with H.320 for the use with ISDN and H.323 with the use with IP.

DENMARK

A final decision will be taken after assessing the trials.

GERMANY

The following standards are complied with:

H.261, H.263, H.263+, H.263++, H.264, MPEG-4 SP@L3, ITU standards: H.320, H.323, H.221, bonding, H.281, H.225.0, H.245, T.120 and G.3.

In the case of sound recording: G.711, G.722 and G.728 (ITU-T recommendation).

ESTONIA

The used equipment supports [ITU H.320](#), [H.323](#) connection standards. Video: H.261, H.263, H.264; Parallel video H.239 and DuoVideo Audio: G.711, G.722, G.722.1, G.728

We are also considering to start using free-ware Skype for having video hearing with attorneys and other parties.

IRELAND

The following technical standards are used:

- § ITU H320 standard for video conferencing over ISDN.
- § ITU H323 standard for video conferencing over IP.

Currently all Video Conferencing takes place using ISDN. However, the systems now being installed are IP ready.

SPAIN

Our videoconferences are based on standards H320 (RDSI) and H323 (IP).

FRANCE

Currently: H.320 on ISDN support (switched telephone network) up to 384 kb/s (or 3xT0), but in due course (after 2009) we plan to use H.323 on IP up to 768 kb/s;

For video coding, standards H.261, H.263, H.263+, H.263++ and H.264 are or may be used;

For audio coding, standards G.711, G.722.x, G.723, G.728 and G.729 x are or may be used;

For camera control: H281.

ITALY

H.320 over ISDN lines.

LATVIA

At this stage it is not possible to provide information on technical standards of videoconferencing. In 2008 videoconference possibilities will be available at the Supreme Court.

LUXEMBOURG

H.320 Video over ISDN, H323, G.722.1, H.261, H.264, H.263, H.239, G.711, SIP, SCCP. Besides this, AES encryption on all units is standard.

HUNGARY

As equipment was provided by an external firm we do not have information on standards.

MALTA

- Internal cases:

So far the equipment used to perform video conferencing when conducting a national Court sitting which is standard audio and video recording, CCTV and audio connected to Public Address and Recording systems in the room where the victim is testifying and in the room where there is the accused.

- Cross Border cases:

- H323 Network;
- H239 People and Content IP;
- H320 ISDN Quad BRI;
- G.711 Audio.

NETHERLANDS

H323.

AUSTRIA

- H.320, H.323, H.264, H.239 and MPEG4

POLAND

Generally all the following standards are in use: ITU H.320, ITU H.323, and ITU H.324 have been in use. In recent years, IP based videoconferencing has emerged as a common communications interface and standard for all courts. Taking into account costs and proliferation of the Internet, and broadband in particular, there has been a strong spurt of growth and use of H.323, IP VTC.

ROMANIA

The purchased equipments support both technical standards: **H.320** and **H.323**

SLOVENIA

For each videoconference the technical standards were agreed separately and the testing were performed some days before the trial.

FINLAND

- H.320, H.323, H.264, H.239 and MPEG4, AES encryption standard H.235 and SIP

SWEDEN

H.323 for internal communication within Swedish Courts and H.320 for calls outside Swedish Courts.

UNITED KINGDOM

England and Wales

- Internal witness video-link systems communicate over IP at 2mbps over H.323 protocol.
- Non-IP WAN court based videoconferencing systems are capable of connecting via ISDN using H.320 and H.264 at 384k (with the ability to connect from 128k – 512k).

Scotland

- The videoconferencing equipment used conforms to H.323 standards and operates using the SCS Ethernet connecting via an existing Radvision Gatekeeper / Gateway to ISDN lines. The connection speed is maintained at 384Kb/s.

Northern Ireland

- All court videoconferencing codecs conform to H.320 for ISDN connectivity and support Bonding Mode 1 up to 384kbs with some site supporting 512kbs. H.221 2 x 64kbs calls are also supported as is restricted mode for 56kbs per channel calls to T1 circuits typically used in the USA. Internally some sites deploy H.323 between codecs.

10. What, if any, encryptions are used to ensure security of communication in judicial proceedings?

BELGIUM

Crypto Tandberg AES DES (128 bits) complying with NATO standards

BULGARIA

The AES 128 bit key **encryptions** protocol has been applied.

CZECH REPUBLIC

There are no encryptions used at the moment, however the use of AES encryptions is possible.

DENMARK

A final decision will be taken after assessing the trials.

GERMANY

If encryption is used: AES (advanced encryption standard).

ESTONIA

Encryption AES 128-bit or DES 56-bit. ITU-T H.233, H.234 (ISDN) H.235 (IP) protocols. All the traffic between justice and internal security agencies is also encrypted. With outside parties the connection is established as Virtual Private Network (VPN).

IRELAND

Encryption has not been implemented but the use of encryption is possible.

SPAIN

The list of all our videoconferencing facilities refers to three types of equipment, by manufacturer:

Sony – this is the oldest equipment we have.

Falcon – we have very little of their equipment installed.

Tandberg – this is the equipment we are currently installing.

The type of encryption varies as follows:

Sony:DES

Falcon: does not support encryption.

Tandberg: DES or AES.

FRANCE

H.235 V3 for integrated AES encryption.

ITALY

AES Encryption. Data transmission occurs within a closed circuit, and which therefore cannot be intercepted.

LATVIA

At the present stage it is not possible to provide information on technical standards of security while using videoconferencing. In 2008 videoconference possibilities will be available at the Supreme Court.

It should be mentioned that in the videoconferencing communication channels the data will be ciphered in courts of general jurisdiction and administrative courts, although more detailed solutions of security issues will depend on chosen technical standards.

LUXEMBOURG

Polycom has a judicial solution based on the VSX series. The problem is that it is not available outside the US.

HUNGARY

Videoconferencing equipments contain own encryptors.

MALTA

- Internal cases:

When videoconferencing is required to examine a witness abroad the normal security measures taken through internet and / or telephone communications are used.

- Cross Border cases:

Advanced Encryption Standard (AES) Encryption.

NETHERLANDS

128-bits AES encryption protocol.

AUSTRIA

No encryption is used, the IP Network is a closed network (Intranet)

POLAND

There are no uniform standards for encryption.

ROMANIA

The purchased equipments support AES encryption (H.233, H.234, H.235)

SLOVENIA

The security was agreed on every single performed videoconference separately.

FINLAND

- No encryption is used, the IP Network is a closed network (Intranet)
- If necessary, AES encryption standard H.235 will be used

SWEDEN

IP-sec in the closed WAN is used exclusively by the Swedish courts. No encryption in the videoconference endpoints.

UNITED KINGDOM

No encryption is used in any of the three jurisdictions. In England and Wales video-link security has been assessed by the UK Government Communications Service and found to be acceptable.

11. Do you make videoconferences domestically over computer (IP connection) or telephone network (ISDN connection)?

BELGIUM

Public network ISDN for hearings, IP connections possible through the network DGCC

BULGARIA

ISDN connection and IP connection are in process of development.

CZECH REPUBLIC

Both options are possible, but the technology is currently used with IP connection.

DENMARK

A final decision will be taken after assessing the trials.

GERMANY

Videoconferences are held via IP or, in the main, ISDN connections.

ESTONIA

Mostly over computer (IP) network. There only 2 videoconference sites with ISDN connectivity – one in Harju County Court in Tallinn and other in Tartu County Court in Tartu. We prefer IP connections, as the connection costs less and the IP network infrastructure is well developed in the region.

IRELAND

Currently, all Video Conferencing takes place using ISDN. However the systems now being installed are IP ready and it is planned to use IP connections for videoconferencing sessions with the Irish Prisons Service in the future.

SPAIN

Both.

FRANCE

Videoconferences in the judicial field currently use only the switched telephone network (ISDN). However, the Ministry of Justice plans to use IP connections after 2009 (see question 9).

ITALY

Generally, ISDN connection is used; only in exceptional cases IP connection is used.

LATVIA

At this stage it is not possible to provide information on technical standards of videoconferencing. In 2008 videoconference possibilities will be available at the Supreme Court.

LUXEMBOURG

IP and ISDN connections are possible. You can make a choice during call setup.

HUNGARY

Inside the country both computer network and phone network may be used. The ISDN network is faster and more secure.

MALTA

Yes, Malta uses both the computer (IP connection) and the telephone network (ISDN connection).

NETHERLANDS

Within the NL Justice Wide Area Network (courts versus prisons) IP is used. Outside this, WAN is used. For cross-border, IP or ISDN is used depending on what other location requires.

AUSTRIA

Domestic connections are mainly based on IP, ISDN is used only in 15 locations. By 2008 all communication will be based on IP.

POLAND

Over IP connection and over ISDN connection.

ROMANIA

At this moment, RO extends its WAN capabilities in order to support the videoconferencing traffic.

SLOVENIA

All videoconferences connections were established via more ISDN lines.

FINLAND

Domestic connections are mainly based on IP., ISDN is used only in 15 locations. By 2008 all communication will be based on IP.

SWEDEN

ISDN is used when calling outside of the Swedish courts IP network.

UNITED KINGDOM

England and Wales

- There are two different types of external communication used within Her Majesty's Court Service.
- There is a Wide Area Network (WAN) which links 30 Crown Courts, 1 courtroom at the Court of Appeal Criminal Division, 155 Magistrates' Courts and Prisons for remand hearings via IP connection.
- The remainder of systems that can videoconference use either ISDN lines or connect outside via buildings' telephone systems.
- The Virtual Courts prototype has used ISDN. The current intention is that IP connectivity will be used in the 'production-ready' roll-out.

Scotland

- IP is used for links within the Scottish Court Service and ISDN for connections to outside agencies.

Northern Ireland

- ISDN Lines are used, although installation of a multi conferencing bridge using IP in March 2008 is currently under consideration.

12. Is it allowed and possible to make a cross-border videoconference over a computer network (IP)?

BELGIUM

It's possible through infrastructure of the DGCC (border controller, gatekeeper)

BULGARIA

Yes, it is possible.

CZECH REPUBLIC

There is no experience with a cross-border videoconference.

DENMARK

A final decision will be taken after assessing the trials.

GERMANY

While cross-border transmission via an IP connection is basically possible in a few instances, it is mostly not used, for technical and data-protection reasons.

ESTONIA

Yes, it is allowed and possible.

IRELAND

This is technically possible but currently untested.

SPAIN

FRANCE

Currently this is not technically possible, since the units in place are linked only to the ISDN network (switched telephone network).

ITALY

Yes, it is.

LATVIA

At this stage it is not possible to provide information on videoconferencing. In 2008 videoconference possibilities will be available at the Supreme Court.

LUXEMBOURG

Yes.

HUNGARY

Yes, if proper encryption is possible.

MALTA

Yes, Malta allows a cross-border videoconference over a Public IP Address.

NETHERLANDS

Yes.

AUSTRIA

No, cross border connection are established via ISDN

POLAND

Yes.

ROMANIA

Not at this moment.

SLOVENIA

With the current connections the videoconference via computer (IP) is not possible.

FINLAND

No, cross border connection are always established via ISDN

SWEDEN

It is not possible without the use of a third party that converts from H.320 to H.323.

UNITED KINGDOM

In **England and Wales** testing would be required. There is a high chance that this would be possible although security protocols may prove to be an obstacle.

In **Scotland** this is not possible with current equipment.

13. How is the videoconference managed (by a court clerk, a special technician, manually, by computer/automatically)?

BELGIUM

By a special technician for hearings. But the automatic connection is possible (through infrastructure of DGCC)

BULGARIA

The videoconference is managed by a special technician.

CZECH REPUBLIC

The equipment is managed by a member of the individual court's IT department.

DENMARK

In the trials carried out, the equipment was operated by the magistrate (via a touch panel). No decision has been taken as to who will operate the equipment in future.

GERMANY

In most cases, videoconferencing equipment is operated by court staff. Depending on the technical facilities available, connections are established automatically.

ESTONIA

We use automatically driven solution (Bosch DCN conference system) where turn-table cameras turn according to the use of microphones. That means there is no need for separate video jokey (VJ) to carry out videoconference. Court clerk starts and ends the session. If needed she/he has possibility to control all equipment functions through computer interface. The running software can be dragged on separate LCD monitor that it would not interfere his/ her main functions.

IRELAND

The video conferencing equipment and systems are supported by specialist technical companies with whom the Courts Service has contractual relationships. The day to day operation and use of the equipment is carried out by Courts Service staff.

SPAIN

FRANCE

Videoconferences are managed manually, but the manager may vary from site to site. In general, the unit is checked and prepared beforehand by a technician, but management during the session is mostly carried out by a clerk (who may be assisted as necessary by a technician).

ITALY

By a special technician, who is an employee of the private company managing the system.

LATVIA

At this stage it is not possible to provide information on videoconferencing. In 2008 videoconference possibilities will be available at the Supreme Court.

LUXEMBOURG

Management can be done on an endpoint by anyone assigned to access the unit.

HUNGARY

Videoconference is managed by employees of a private company.

MALTA

- Internal cases: A Deputy Registrar with sound technical background manages the videoconferences in this regard.
- Cross Border cases: The Training Academy Administrator manages the videoconferences in this regard.

NETHERLANDS

Due to advanced automation the videoconferencing solutions can very easily be used by court clerks; a technical helpdesk is available in case of problems.

AUSTRIA

By Clerk.

POLAND

By a technician who is frequently a court clerk.

ROMANIA

This depends on the trained personnel (court clerk, or IT specialist)

SLOVENIA

The videoconference is managed by special technician, who is responsible for information technology in the court and persons at the company, hired to establish the videoconference.

FINLAND

By court clerk.

SWEDEN

By the judge or his/her clerk.

UNITED KINGDOM

England and Wales

- For both Prison Video Links and the Virtual Courts prototype, the videoconference is managed by a legal adviser in the court. In some cases this is done by an administrative member of staff.
- This is a manual process but there are some pre-programmed automatic sequences so that all the parties can see each other and the courtroom.
- For Prison Video links, conference calls have to be booked through a service provider. In the final implementation of Virtual Courts this could also be the case.
- ISDN to IP connections are managed by a Network manager.

Scotland

- This is generally managed by staff from a dedicated Scottish Courts Service unit – the Electronic Service Delivery Unit (ESDU).

Northern Ireland

- This is managed by a court clerk.

14. Does your equipment enable:

- **picture in picture sending functionality (e.g. PC/ documents picture);**
- **far-end camera control;**
- **multipoint connections;**
- **recording of the video session?**

BELGIUM

- o picture in picture sending functionality (e.g. PC/ documents picture) :** PIP can be set going at any moment in dual video
- o far-end camera control :** possible
- o multipoint connections :** only through infrastructure of DGCC (max 16 multipoints at the same time)
- o recording of the video session :** possible through infrastructure of DGCC

BULGARIA

Our equipment enables picture in picture sending functionality and multipoint connections.

CZECH REPUBLIC

The equipment enables all of the mentioned, but some of the features are currently unused.

DENMARK

The equipment used in the trials allowed picture-in-picture sending, far-end camera control and recording of the video session, but not multipoint connections.

GERMANY

Depending on requirements and age of equipment, the following are available:

- (a) picture-sending options (e.g. using a document camera);
- (b) far-end camera control;
- (c) multipoint connections;
- (d) recording options.

ESTONIA

- picture in picture sending functionality (e.g. PC/ documents picture) - YES
- far-end camera control – YES (also mute our and other side microphone)
- multipoint connections – YES, both ISDN or IP connection
- recording of the video session - YES

IRELAND

- **picture in picture sending functionality (e.g. PC/ documents picture)** -A small number of Courtrooms have this ability via a document camera which is interfaced to the Video Conferencing system.
- **far-end camera control** - video link systems used for the taking of evidence from a location within the courthouse/courts complex that is remote from the actual courtroom provide far end camera control.
- **multipoint connections** - No
- **recording of the video session** -Yes

SPAIN

FRANCE

- picture in picture sending functionality (e.g. PC/documents picture) : *no, although there may be exceptions.*
- far-end camera control : *yes, but this function is not generally used.*
- multipoint connections : *yes, for some models. The Ministry has a bridge and may call on a managed external service if necessary (see question 8).*
- recording of the video session : *no, but it is technically possible to connect video recording equipment (video recorder or other)*

ITALY

Yes, if necessary.

Yes.

Yes.

Yes.

LATVIA

At this stage it is not possible to provide information on videoconference equipment. In 2008 videoconference possibilities will be available at the Supreme Court.

LUXEMBOURG

- picture in picture sending functionality (e.g. PC/ documents picture)?

yes,

- far-end camera control?

yes,

- multipoint connections?

yes, an extra key has to be bought,

- recording of the video session?

yes, it can send the video stream to a recording device like a RSS2000, but the VSX units can't store any video or audio on there own box.

HUNGARY

- picture in picture sending functionality (e.g. PC/ documents picture) - no
- far-end camera control - yes
- multipoint connections - yes
- recording of the video session - yes

MALTA

- *Picture in picture sending functionality (e.g. PC / documents picture):* Yes
- *Far-end camera control:* Yes
- *Multipoint connections:* Yes
- *Recording of video session:* Yes, for Malta. However, Gozo can also support functionality.

NETHERLANDS

- a. picture in picture sending functionality (e.g. PC/ documents picture)

Yes; this is an important functional requirement.

- b. far-end camera control

No; it is an important functional requirement to have (multiple) fixed camera's and NOT to have facilities to control, pan, tilt or zoom the camera's.

c. multipoint connections

Not yet. Equipment can be adapted regarding this future enhancement

d. recording of the video session

Not yet; additional equipment can be added for this future enhancement.

AUSTRIA

○ picture in picture sending functionality (e.g. PC/ documents picture)

§ Possible/not implemented

○ far-end camera control YES

○ multipoint connections YES

○ recording of the video session NO

POLAND

Enable all these functionality.

ROMANIA

Answers:

§ Picture in Picture sending functionality – yes

§ Far-end camera control – no

§ multipoint connection – yes, up to 8

§ recording the video session – not the equipment, but the audio-video system

SLOVENIA

- picture in picture sending functionality (e.g. PC/ documents picture)

Yes, if the hired equipment had such functionalities.

- far-end camera control

For hearing the witness, we did not need such functionalities.

- multipoint connections

We always had only point-to-point connections. We don't have experiences in multipoint, but the hired equipment have such functionalities.

- recording of the video session

Some of courts are equipped with audio / video capturing and storing such data.

FINLAND

- picture in picture sending functionality (e.g. PC/ documents picture)

§ Possible/not yet implemented

- far-end camera control YES
- multipoint connections YES
- recording of the video session NO (has been tested)

SWEDEN

All of the above except recording of video sessions.

UNITED KINGDOM

England and Wales

- It is possible to send picture in picture.
- Document in picture is possible
- Far-end camera control is possible.
- Multipoint connections are possible if licences are acquired or a bridge is used.
- Recording of the video session is possible, but not allowed under legislation.

Scotland

- Picture in picture sending is possible
- Far end camera control is possible, but only internally (not over the ISDN lines)
- Multipoint connections are possible with some, but not all of the units in the courts service.
- Recording of the video session is not possible

Northern Ireland

- Picture in picture sending functionality is not supported but recent installations can be upgraded to support this
- Far-end camera control is supported by most codecs but it is disabled for operational reasons
- Multipoint connections is supported via an external bridge
- Recording of the video session is supported (4 channel audio only)

15. Which producer's videoconferencing equipment do you use (needed to estimate compatibility possibilities, e.g. videoconferencing equipment: Tandberg, Polycom, VCON, audio equipment: Bosch/Philips, Sennheiser, Auditel, DIS or other)?

BELGIUM

All the equipment is Tandberg.

BULGARIA

The VCON videoconferencing equipment has been used.

CZECH REPUBLIC

The brand of the equipment used is Aethra Vegastar Silver E.

DENMARK

The trials carried out made use of Tandberg and Sony equipment.

GERMANY

As videoconferencing systems cannot normally be purchased without issuing a call for tenders, the equipment provided is determined by the outcome of tendering in each case. As videoconferencing systems have to meet international standards and tendering procedures must not favour any particular producer, the choice of producer is only a minor consideration.

Equipment made by the following producers is in use:

Polycom, Sony, Tandberg and VCON.

Requirements for audio equipment do not favour any particular producer. We are not aware of any compatibility problems. When built into courtrooms, audio equipment must meet the needs of magistrates and parties in proceedings.

Image transmission to the courtroom must satisfy the principle of a public hearing. This is achieved without favouring any particular producer.

ESTONIA

Courtroom solutions: conference system Bosch DCN + Tandberg 3000 MXP (2007), Tandberg 2500 (2005)

Prison systems: Tandberg 770 MXP (since 2007), Tandberg 770 (2005)

Personal conference systems: VCON vPointHD / Polycom PVX

Group work systems: VCON HD 3000

Further information can be found: <http://www2.just.ee/KHT/videokonv>

IRELAND

The Courts Service uses Polycom equipment.

SPAIN

Sony – this is the oldest equipment we have.

Falcon – we have very little of their equipment installed.

Tandberg – this is the equipment we are currently installing.

FRANCE

The equipment bought by the Ministry in the last year is Tandberg, and represents over 80 % of the equipment held. The remainder, which was bought earlier, consists of a mix of equipment, mostly Polycom and Sony.

As regards audio, the sound is managed using LG television sets supplied with the Tandberg videoconferencing equipment. For the older models the equipment is not homogenous.

ITALY

Our equipment is produced by Phillips as far as audio equipment is concerned, and by AETHRA as far as video equipment is concerned.

LATVIA

At this stage it is not possible to provide information on videoconferencing equipment. In 2008 videoconference possibilities will be available at the Supreme Court.

LUXEMBOURG

Polycom.

HUNGARY

We use Polycom equipment.

MALTA

The videoconferencing equipment used both in Malta and in Gozo is Polycom – VC models are VSX 8000.

NETHERLANDS

Videoconferencing: Tandberg Codec 3000 MXP is in the core of the solution and is used for data transmission via IP and/or ISDN.

Screens: Pioneer and Sony

Camera's: Bosch

Document Camera: Samsung

Videoprocessing: Jupiter

Microphones: Sennheiser

Audioprocessor: Yamaha

Speakers: Sony and Pioneer

Operating Panel: Creston

Videoconferencing solutions are installed and serviced by KPN (and AVEX); this company acts as the videoconferencing system integration provider for all courts and prisons on the basis of a Master Agreement.

AUSTRIA

- Polycom ViewStation EX (16)
- Sony PCS-1 (30+)

POLAND

Tandberg, Sony.

ROMANIA

Type of videoconferencing equipment: AETHRA

SLOVENIA

The producer's videoconferencing equipment depends by whom we hire for establishing the videoconference.

FINLAND

- Polycom ViewStation EX

SWEDEN

Tandberg. Swedish court administration has found Tandberg to be best suited to their needs. They are easy to integrate with a control system. The MTU size can be set to meet the demands of our IP network (WAN). They have a good support for monitoring and management in the Tandberg TMS software.

UNITED KINGDOM

In **England and Wales** the majority of videoconferencing equipment used is either Polycom or Sony. This applies to Court systems and videoconferencing equipment installed for meetings outside of courtrooms.

In **Scotland** the majority of the units are of Sony manufacture – PCS 1s and 11s, and TL30s and 50s. There are also some Tandberg units.

In **Northern Ireland** Polycom is used in the courts and Tandberg in prisons.

Additional information by the Spanish delegation**PROTOCOL FOR ACTION BY LAW ENFORCEMENT AGENCIES, AND COORDINATION WITH THE JUDICIAL BODIES, IN CONNECTION WITH APPEARANCE VIA VIDEOCONFERENCING IN ORAL HEARINGS AND JUDICIAL PROCEEDINGS****1. INTRODUCTION.**

The latest legislative reforms (*Ley Orgánica 13/2003, de reforma de la Ley de Enjuiciamiento Criminal en materia de prisión provisional* (Organic Law No 13/2003 on Reform of the Code of Criminal Procedure in Respect of Pre-Trial Detention) and *Ley Orgánica 19/2003, de modificación de la Ley Orgánica del Poder Judicial* (Organic Law No 19/2003 on Reform of the Organic Law on the Judiciary)), and the agreements concluded by the National Criminal Police Coordination Committee, aim at enabling the use of these technical means.

The Ministry of Justice has set up a series of videoconferencing rooms in various courts (giving priority to *Audiencias Provinciales* (Provincial High Courts)) which can be used by members of the law enforcement agencies to avoid travelling outside the territory of the police unit to which they are assigned, or in some cases travelling long distances within one province.

In order for appearances by videoconferencing to be arranged, these technical facilities must be available in the venue where the oral hearing is to be held. To this end, the various Directorates-General have an updated computerised list of all public bodies where this means of communication is known to be available, so that all units can check whether there is a videoconferencing room at the venue of the requesting court.

The purpose of this protocol is to make it easier for law enforcement agencies to comply with judicial summonses to appear at oral court hearings, as witnesses or experts, when the hearing is held at a venue a long way from the workplace of the party summoned.

Account should also be taken of the fact that in some provinces there are videoconferencing rooms in other official premises, such as prisons. The provincial police authorities contact the management of these bodies to assess the possibility of these media being used by staff who need to do so.

2. PROCEDURE TO BE FOLLOWED BEFORE A COURT APPEARANCE

When a member of the law enforcement agencies is served, by whatever means, with a summons to appear as witness or expert at an oral hearing, or other type of judicial proceedings, at a venue which is in a province other than that to which s/he is assigned or which is in the same province but is at a considerable distance, so that the officer summoned would be unavailable for more than one day for the duties to which s/he is normally assigned, the following procedure is to be followed:

2.1. By the member of the law enforcement agencies who has been summonsed:

The officer notifies his/her unit management of the summons received, if it was not served through the official channels.

2.2. By the unit management:

- 2.2.1. The unit management must assess the advisability of an appearance via the videoconferencing system, based on the criteria of distance from the requesting court, the frequency of such proceedings, their effect on the normal functioning of the unit and the procedural importance of judicial immediacy. It must also take account of the fact that, as a rule, this system is used mainly for appearances by witnesses.
- 2.2.2. Once the advisability of using this technical medium has been assessed, the unit management checks, either by itself (computerised list, own knowledge, precedents, etc.) or through the higher police unit at provincial level, whether the venue of the requesting court has a videoconferencing room.
- 2.2.3. If so, the unit management submits a request - directly or through the higher police unit at provincial level - for the officer to appear via videoconferencing, justifying the application on the grounds of utility and benefit for the Service and of avoiding conditions which are burdensome and prejudicial to the Service, pursuant to Articles 325 and 731bis of the Law on Criminal Procedure and Art. 229(3) of Organic Law 6/1985 on the Judiciary, and states in the request the locality from which the officer is to appear (see specimen attached).
- 2.2.4. Once the request has been granted, the unit management notifies the officer concerned and establishes the necessary contacts to enable him/her to appear via videoconferencing.

2.3. By territorial or provincial headquarters:

- 2.3.1. Through meetings of the Provincial Criminal Police Committees or by any other means, the management of the territorial or provincial headquarters establishes, together with the *Audiencias Provinciales* (Provincial Courts), a two-way procedure for the use of these videoconferencing rooms, handling the requirements of all territorial or provincial staff centrally.
- 2.3.2. As fluid a procedure as possible is established for communication with these centres, to enable units to submit requests directly.
- 2.3.3. Both the territorial units and members of the law enforcement agencies who have been summoned are provided with the necessary information, specimen documents and details of the procedure to be followed (location of the room, link, etc.) in order to request authorisation to appear via videoconferencing and, once it has been granted, coordination facilities to enable the videoconference to be held.

2.4. By Directorates-General:

- 2.4.1. The Directorates- General maintain an updated computerised list of public bodies which have videoconferencing rooms.
- 2.4.2. They establish the necessary contacts with public bodies which have these technical media (Ministry of Justice, prisons, etc.), to facilitate country-wide access to them for their staff.

2.4.3. The rules for making use of this procedure for court appearances will be updated, as requirements and events dictate.

2.4.4. In the interests of implementing the legal reform of the Law on Criminal Procedure (Articles 325 and 731bis), on the grounds of utility, security, public order or other particularly burdensome or prejudicial conditions, they promote the installation of videoconferencing rooms in territorial or provincial headquarters – at local/provincial level – as also in Guardia Civil and Police Directorates-General, at central/national level.

3. APPEARANCE VIA VIDEOCONFERENCING

3.1. To enable the officer's identity to be checked by an officer of the court, s/he carries the following documentation:

- a. National Identity Document
- b. Professional Identity Card
- c. Original copy of the summons issued by the court
- d. Original of the court document authorising the videoconference.

The officer appears in plain clothes, dressed appropriately for the proceedings in which s/he is to participate.

Additional information by the United Kingdom delegation

For ease of reference we attach a description of the main types of court mentioned in our answers.

England and WalesThe Court of Appeal

The Court of Appeal is divided into two Divisions, Criminal and Civil and usually sits in London. The Criminal Division hears appeals against conviction and sentence from people convicted or sentenced in the Crown Court. The Civil Division hears appeals mainly against decisions of the High Court and the county courts.

The High Court

The High Court is based in London, although cases can be heard in other parts of England and Wales. The High Court can hear almost any civil action, although in practice it deals mainly with the larger or more complex cases.

County Courts

County courts deal with the majority of civil cases in England and Wales. Put in the simplest terms, the less complicated civil cases are heard in the county courts while the more complex cases are heard in the High Court.

The Crown Court

The Crown Court deals with all serious criminal cases passed up from the Magistrates' Courts. Cases for trial are heard before a judge and a jury of 12 members of the public. The Crown Court also acts as an appeal court for cases heard by lay magistrates in the Magistrates' Courts.

Magistrates' Courts

Magistrates' courts deal mainly with criminal matters and most criminal offences are heard in the magistrates' courts. The most serious offences are passed to the Crown Court for trial. Magistrates' courts also deal with some civil cases.

Scotland

The High Court of Justiciary

The High Court of Justiciary is the supreme criminal court in Scotland. In practice it deals with serious crimes. When exercising its appellate jurisdiction the High Court sits only in Edinburgh. Appeals are heard from the High Court, Sheriff Court and District Court.

Sheriff Courts

Sheriff courts have an extensive jurisdiction in both criminal and civil cases. It is a court of first instance which deals with the bulk of civil litigation in Scotland including divorce. In criminal matters Sheriff courts may deal with a wide range of offences (minor or serious) committed within its area including all those that can be raised in the District Court and most that can be heard in the High Court of Justiciary. The Sheriff can sit alone (summary procedure) or with a jury (solemn procedure). Appeals go to the High Court of Justiciary sitting as an appeal court.

Northern Ireland

County Courts

County courts are local civil courts which deal with proceedings that might otherwise go to High Court. The county courts also have an appellate jurisdiction (in relation to both civil and criminal matters), mainly from the Magistrates' Courts.

Crown Court

As in England and Wales, Crown Courts deal with the most serious criminal offences.

Magistrates' Courts

Again as in England and Wales, Magistrates' Courts deal mainly with criminal cases but and also some civil cases. The criminal offences are those where the defendant is not entitled to trial by jury.

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