Article 10

Enabling the taking of testimony or statements by videoconference

1. If a person is in the requested Party and has to be heard as a witness or an expert witness by the competent authority of the requesting Party, the requested Party may enable testimony or a statement to be taken from that person by that competent authority by videoconference, if such a hearing is necessary for the investigation, prosecution or other criminal proceeding in the requesting Party. The Parties shall consult, if necessary, in order to facilitate the resolution of any legal, technical or logistical issues that may arise in the execution of the request for assistance and to mutually determine the conditions and manner applicable to the hearing by videoconference.

2. The following rules shall apply to the hearing by videoconference unless otherwise decided between the Parties:

(a) the requested Party will identify the person to be heard and invite the person to facilitate their appearance;

(b) at the request of the relevant authority of the requested Party or the person to be heard, the requesting Party will ensure, if necessary, that the relevant authority and/or the person are assisted by an interpreter;

(c) the hearing will be conducted directly by, or under the direction of, the competent authority of the requesting Party in accordance with its own laws, the fundamental principles of the law of the requested Party and the conditions and terms mutually determined between the Parties;

(d) the relevant authority of the requested Party will be present during the hearing, and will observe the hearing. If the relevant authority of the requested Party is of the view that during the hearing the fundamental principles of the law of the requested Party are being infringed, or the conditions and terms mutually determined between the Parties are not being respected, it will immediately take the necessary measures, including an intervention, adjournment or discontinuation of the hearing, to ensure that the hearing is conducted in accordance with the said principles, conditions and terms; and

(e) the Parties will ensure the right not to testify that would accrue to the person to be heard in accordance with their respective laws and will take other measures necessary for the protection of the person as agreed upon between the Parties.

Article 11

Obtaining items

1. At the request of the requesting Party, the requested Party shall obtain items. The requested Party shall employ compulsory measures, including search and seizure, in order to obtain items, if such measures are necessary and the request includes information justifying those measures under the laws of the requested Party.

2. The requested Party may, if it deems it appropriate, permit the presence of persons from the requesting Party during the execution of a request for obtaining items, as specified in that request.

Article 12

Examining persons, items or places

1. At the request of the requesting Party, the requested Party shall examine persons, items or places. The requested Party shall employ compulsory measures in order to examine persons, items or places, if such measures are necessary and the request includes information justifying those measures under the laws of the requested Party.

2. The requested Party may, if it deems it appropriate, permit the presence of persons from the requesting Party during the execution of a request for examining persons, items or places, as specified in that request.

Article 13

Locating or identifying persons, items or places

At the request of the requesting Party, the requested Party shall make best efforts to locate or identify persons, items or places.