9 Each Party may, at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, declare that requests may also be sent directly to its judicial authorities, or through the channels of the International Criminal Police Organization (INTERPOL) or to its 24/7 point of contact established under Article 35 of the Convention. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party. Where a request is sent directly to a judicial authority of the requested Party and that authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform the requesting Party directly that it has done so.

Section 5 – Procedures pertaining to international co-operation in the absence of applicable international agreements

Article 11 – Video conferencing

1 A requesting Party may request, and the requested Party may permit, testimony and statements to be taken from a witness or expert by video conference. The requesting Party and the requested Party shall consult in order to facilitate resolution of any issues that may arise with regard to the execution of the request, including, as applicable: which Party shall preside; the authorities and persons that shall be present; whether one or both Parties shall administer particular oaths, warnings or give instructions to the witness or expert; the manner of questioning the witness or expert; the manner in which the rights of the witness or expert shall be duly ensured; the treatment of claims of privilege or immunity; the treatment of objections to questions or responses; and whether one or both Parties shall provide translation, interpretation and transcription services.

2 a The central authorities of the requested and requesting Parties shall communicate directly with each other for the purposes of this article. A requested Party may accept a request in electronic form. It may require appropriate levels of security and authentication before accepting the request.

b The requested Party shall inform the requesting Party of the reasons for not executing or for delaying the execution of the request. Article 27, paragraph 8, of the Convention applies to this article. Without prejudice to any other condition a requested Party may impose in accordance with this article, Article 28, paragraphs 2 to 4, of the Convention apply to this article.

3 A requested Party providing assistance under this article shall endeavour to obtain the presence of the person whose testimony or statement is sought. Where appropriate the requested Party may, to the extent possible under its law, take the necessary measures to compel a witness or expert to appear in the requested Party at a set time and location.

4 The procedures relating to the conduct of the video conference specified by the requesting Party shall be followed, except where incompatible with the domestic law of the requested Party. In case of incompatibility, or to the extent that the procedure has not been specified by the requesting Party, the requested Party shall apply the procedure under its domestic law unless otherwise mutually determined by the requesting and requested Parties.

5 Without prejudice to any jurisdiction under the domestic law of the requesting Party, where in the course of the video conference, the witness or expert:

a makes an intentionally false statement when the requested Party has, in accordance with the domestic law of the requested Party, obliged such person to testify truthfully;

b refuses to testify when the requested Party has, in accordance with the domestic law of the requested Party, obliged such person to testify; or

c commits other misconduct that is prohibited by the domestic law of the requested Party in the course of such proceedings;

the person shall be sanctionable in the requested Party in the same manner as if such act had been committed in the course of its domestic proceedings.

6 a Unless otherwise mutually determined between the requesting Party and the requested Party, the requested Party shall bear all costs related to the execution of a request under this article, except:

i the fees of an expert witness;
ii the costs of translation, interpretation and transcription; and
iii costs of an extraordinary nature.

b If the execution of a request would impose costs of an extraordinary nature, the requesting Party and the requested Party shall consult each other in order to determine the conditions under which the request may be executed.

7 Where mutually agreed upon by the requesting Party and the requested Party:

a the provisions of this article may be applied for the purposes of carrying out audio conferences;

b video conferencing technology may be used for purposes, or for hearings, other than those described in paragraph 1, including for the purposes of identifying persons or objects.

8 Where a requested Party chooses to permit the hearing of a suspect or accused person, it may require particular conditions and safeguards with respect to the taking of testimony or a statement from, or providing notifications or applying procedural measures to, such person.

Article 12 – Joint investigation teams and joint investigations

1 By mutual agreement, the competent authorities of two or more Parties may establish and operate a joint investigation team in their territories to facilitate criminal investigations or proceedings, where enhanced coordination is deemed to be of particular utility. The competent authorities shall be determined by the respective Parties concerned.

2 The procedures and conditions governing the operation of joint investigation teams, such as their specific purposes; composition; functions; duration and any extension periods; location; organisation; terms of gathering, transmitting and using information or evidence; terms of confidentiality; and terms for the involvement of the participating authorities of a Party in investigative activities taking place in another Party's territory, shall be as agreed between those competent authorities.