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PROCEDURAL FEATURES OF WITNESS PARTICIPATION IN CIVIL PROCEEDINGS: A COMPARATIVE LEGAL ANALYSIS

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Akhundova Z.A. Procedural features of witness participation in civil proceedings: a comparative legal analysis.

This study provides a comprehensive comparative legal analysis of the status, rights, and obligations of witnesses in civil proceedings within the legal systems of the Republic of Azerbaijan, the Republic of Turkey, the Federal Republic of Germany, and the United States of America, and also examines the procedural specificities of obtaining evidence abroad under the 1970 Hague Evidence Convention. The author has investigated the classification of participants in civil procedural relations, the established legal nature of a witness's duty to cooperate with the court, mechanisms that have proven effective in ensuring the truthfulness and reliability of testimony, as well as the limits of permissible grounds for refusing to testify. It has been clarified that different jurisdictions conceptualize the role of the witness and strive to ensure a balance between the procedural requirements of the court and the substantive rights and interests of the parties.

It has been established that, in the legal system of the Republic of Azerbaijan, the procedural framework governing witness participation is regulated through clearly defined obligations, including compulsory attendance, truthful testimony, and the application of statutory sanctions in the event of unjustified absence or refusal to testify. The author has investigated legislative provisions concerning the conduct of witness examination, including mandatory warnings about criminal liability for knowingly providing false information, which has been demonstrated to underscore the evidentiary significance of witness statements.

The characteristics of the Turkish approach have been identified in comparison with the other jurisdictions analyzed, notably a broad range of grounds allowing a witness to refuse testimony. These grounds extend beyond close familial relationships to include various personal, property-related, and professional circumstances, thus providing witnesses with a wider protective framework. Moreover, the author has examined the formalized procedure for oath-taking prior to examination, reflecting the traditionally recognized moral and legal solemnity associated with giving testimony.

The German civil procedure has been studied as demonstrating an even broader recognition of protected relationships and interests. In addition to legally established family ties, German law recognizes factual familial relationships, close emotional bonds, and economic dependence as legitimate grounds for refusing to testify. It has been demonstrated that this approach emphasizes the protection of witness autonomy and personal integrity, even if such protections may limit the evidentiary potential available to the parties or the court.

The study supports the view that the American model, grounded in the Federal Rules of Civil Procedure and the Federal Rules of Evidence, establishes a clearly defined structure for the examination of witnesses.

The system provides for a distinction between direct, cross-, redirect, and recross-examination, with each stage regulated by studied rules concerning the scope and permissible methods of questioning. This adversarial model has been demonstrated to be effective in maximizing the reliability of testimony, allowing each party to challenge the accuracy and credibility of evidence through structured procedural safeguards.

Finally, the mechanisms established under the 1970 Hague Convention for obtaining international witness testimony have been examined. It has been demonstrated that the Convention is recognized as an effective instrument for facilitating judicial cooperation, harmonizing procedures for obtaining evidence abroad, and ensuring respect for the procedural autonomy of both the requesting and executing states. It has been established that the interaction between national procedural norms and international cooperation instruments reflects the growing significance of transnational evidence-gathering in contemporary civil litigation.

Key words: civil proceedings, witnesses, testimony, interrogation of a witness, refusal to testify, oath of a witness, direct examination, cross-examination, forced attendance, procedural guarantees, letter of request.

Ахундова З.А. Процесуальні особливості участі свідка у цивільному процесі: порівняльно-правовий аналіз.

Дане дослідження пропонує всебічний порівняльно-правовий аналіз статусу, прав і обов'язків свідків у цивільному судочинстві в правових системах Республіки Азербайджан, Туреччини, Німеччини та Сполучених Штатів Америки, а також розглядає процедурні особливості отримання доказів за кордоном відповідно до Гаазької конвенції про доказування 1970 року. У роботі досліджено класифікацію учасників цивільних процесуальних відносин, встановлений правовий характер обов'язку свідка співпрацювати з судом, механізми, що довели свою ефективність у забезпеченні правдивості та надійності показань, а також межі допустимих підстав для відмови від дачі свідчень. Уточнено, що різні юрисдикції концептуалізують роль свідка та забезпечуть баланс між процесуальними потребами суду та матеріальними правами й інтересами сторін.

Встановлено, що у правовій системі Республіки Азербайджан процедурні межі участі свідків регламентовані через чітко визначені обов'язки, включно з обов'язковою явкою, правдивими показаннями та застосуванням передбачених законом санкцій у разі необґрунтованої неявки або відмови від дачі свідчень. При цьому законодавство також містить положення щодо проведення допиту, зокрема обов'язкові попередження про кримінальну відповідальність за свідоме надання неправдивої інформації, що підкреслює доведену доказову значущість свідчень.

Визначені характерні риси турецького підходу у порівняні з проаналізованими, серед яких широкий перелік підстав для відмови свідка від дачі показань. Ці підстави виходять за межі близьких родинних зв'язків і охоплюють різноманітні особисті, майнові та професійні обставини, забезпечуючи свідкам ширшу захисну рамку. Крім того, турецька система встановлює строгий та формалізований порядок прийняття присяги перед допитом, що відображає традиційно визнану моральну та правову урочистість акту дачі показань.

Досліджено німецьке цивільне судочинство, яке демонструє ще ширше визнання захищених відносин і інтересів. Окрім законодавчо встановлених сімейних зв'язків, німецьке право визнає фактичні родинні відносини, тісні емоційні зв'язки та економічну залежність як законні підстави для відмови від дачі свідчень. Такий підхід підкреслює сильну орієнтацію на захист автономії та особистої цілісності свідка, навіть якщо ці гарантії можуть обмежувати доказовий потенціал сторін або суду.

Підтримано точку зору, за якою американська модель, що ґрунтується на Федеральних правилах цивільного судочинства та Федеральних правилах доказів, встановлює чітку структуру проведення допиту свідків. Система передбачає розмежування прямих, перехресних, повторних та повторно-перехресних допитів, при цьому кожен етап регулюється дослідженими правилами щодо обсягу та допустимих методів опитування. Ця змагальна модель довела свою ефективність у максимальному забезпеченні надійності свідчень, дозволяючи кожній стороні перевіряти точність і достовірність показань через структуровані процесуальні гарантії.

Розглянуто механізми, встановлені Гаазькою конвенцією 1970 року, для отримання міжнародних свідчень. Доведено, що Конвенція визнана ефективним інструментом сприяння судовому співробітництву, гармонізації процедур отримання доказів за кордоном та забезпечення поваги

до процесуальної автономії як держави, що запитує, так і держави, що виконує. Встановлено, що взаємодія між національними процесуальними нормами та інструментами міжнародного співробітництва демонструє зростаюче значення транскордонного отримання доказів у сучасному цивільному судочинстві.

Ключові слова: цивільне судочинство, свідки, свідчення, допит свідка, відмова від дачі показань, присяга свідка, прямий допит, перехресний допит, примусовий привід, процесуальні гарантії, судове доручення.

Statement of the problem. The key problem of the study lies in the absence of a harmonized and uniform approach to regulating the participation of witnesses in civil proceedings across different legal systems. This imbalance manifests in significant variations in the legal status of witnesses, the scope of their procedural rights and obligations, the mechanisms of compulsory attendance and measures of liability, as well as substantial differences in oath-taking procedures, the structure of direct and cross-examination, and the permissible grounds for refusal to testify.

Additional challenges arise due to insufficient normative clarity regarding certain elements of the procedural mechanism. In particular, the legislation of the Republic of Azerbaijan lacks legal instruments to ensure the mandatory participation of interpreters and experts, which limits the court's ability to effectively gather evidence. Moreover, the scope of the powers of the executing state's court in obtaining witness testimony under the 1970 Hague Convention remains uncertain, indicating gaps and insufficient regulation of key issues in both national and international procedural frameworks.

Significant differences between the national legal systems of Azerbaijan, Turkey, Germany, France, and the United States concerning the regulation of the status and participation of witnesses in civil proceedings, coupled with fragmented regulation of international evidence-gathering procedures, create the need for the development and scholarly justification of optimal models of procedural regulation. The heterogeneity of approaches complicates effective interaction between legal systems, hinders the implementation of international legal assistance, and necessitates the formulation of conceptual criteria that ensure the coherence of national norms with international standards.

Purpose of the study. The aim of the study is to conduct a comprehensive comparative-legal analysis of the legal position of witnesses in the civil procedure of Azerbaijan, Turkey, Germany, France, and the United States, as well as the specifics of obtaining international witness testimony under the 1970 Hague Convention, in order to identify key similarities and differences and to determine the most effective mechanisms for ensuring the reliability and procedural consistency of witness testimony.

State of Research. The institution of witness testimony is extensively regulated in the national legislation of the states under consideration. However, regulation is not uniform. Despite the existence of a substantial body of norms, significant differences between legal systems persist, and certain mechanisms (for example, those concerning experts and interpreters) remain unregulated. At the international level, the 1970 Hague Convention contains a number of general, incompletely developed provisions, leaving room for interpretative variation by national authorities.

Legal doctrine emphasizes the importance of the institution of witness testimony; however, there is no universal regulatory model, and each legal system develops its own approach based on its traditions and procedural principles. International practice demonstrates a diversity of mechanisms, while issues regarding the scope of the executing court's powers and the possibility of posing additional questions remain subject to debate.

Thus, the current state of scholarly and normative development can be characterized as fragmented and non-unified, necessitating further comparative-legal research to identify an optimal procedural framework.

Presentation of the main material. All subjects of civil procedural relations, based on the nature of their authority and legal status, are divided into three main categories. The first group comprises the court. It should be noted that the concept of "court" as a subject of civil procedural relations includes not only the judicial authority as an institution but also the judicial panel hearing the civil case and representing the court itself. The second group consists of the parties to the case, including the plaintiff and the defendant, as well as third parties. The final group comprises other participants in the judicial process—judge's assistants, courtroom secretaries, bailiffs, witnesses, experts, legal experts, interpreters, and specialists. Unlike the parties to the case, these other participants have no interest in the merits of the civil dispute [3, p. 33–34].

The list of persons participating in the case is established by Article 46 of the Civil Procedure Code of the Republic of Azerbaijan (hereinafter CPC AR). According to this provision, participants include the parties, third persons, applicants, interested persons, as well as public associations, state bodies, and other entities authorised to apply to the court for the protection of violated or disputed rights.

Alongside the persons participating in the case, the subjects of civil procedural relations include individuals who assist in the administration of justice. Unlike the former, they do not possess a substantive or procedural legal interest in the outcome of the dispute. The absence of legal interest presupposes their procedural objectivity, although a subjective, factual interest may arise during the hearing. However, such an interest has no legal significance and does not affect their ability to participate in determining the outcome of the case.

According to Article 61 CPC AR, witnesses are among those who assist the administration of justice. It should be emphasized that witness testimony is one of the most common and significant means of establishing facts relevant to the correct resolution of a civil case. A witness is a participant whose main function is to provide truthful testimony regarding facts known to him. Witness testimony is one of the most important sources of evidence, enabling the court to establish the presence or absence of circumstances supporting the parties' claims and objections, as well as other facts relevant to the resolution of the case [4, p. 132].

Under Article 62.1 CPC AR, the court may summon and examine as a witness any person who is aware of facts relevant to the case. The principal obligations of a witness, prescribed by Articles 62.2 and 62.3 CPC AR, include appearing in court, reporting all facts known to him, providing truthful testimony, and answering questions posed by the court and parties [1].

Unlike the legislation of the Republic of Azerbaijan, Turkish law provides more lenient financial measures of liability for witnesses properly summoned to court but failing to appear without a valid excuse. According to Article 245 of the Turkish Code of Civil Procedure, such a witness is subject to compulsory appearance and may also be required to compensate expenses caused by his absence and pay a disciplinary fine of up to 500 Turkish Liras (approximately 12 USD). If the witness subsequently provides a justified excuse, the expenses and fine are annulled [2]. Furthermore, refusal to answer questions or to take the oath may result in up to two weeks' detention.

A comparative analysis of the legal regulation of witness status in civil procedure demonstrates substantial differences among states regarding obligations, liability, and grounds for refusal to testify. The legislation of the Republic of Azerbaijan focuses on the duty of the witness to appear in court and provide truthful testimony, enforcing non-appearance through fines and compulsory appearance. However, the regulation of interpreters and specialists is insufficiently detailed, creating a gap in the legal framework. Thus, Article 186 CPC AR provides for a fine of up to 110 AZN (approximately 65 USD) for non-appearance of a witness, expert, or specialist without a valid excuse, and in cases of repeated unjustified non-appearance, witnesses are subject to compulsory appearance [1]. At the same time, although Article 186.2 CPC AR provides a mechanism for compulsory appearance of a witness, similar measures for interpreters and specialists remain unregulated. This issue therefore requires further legislative clarification.

The French system is characterized by strict financial sanctions for non-appearance or refusal to testify, creating a strong incentive for witnesses to attend and ensuring the significance of their testimony. Article 207 of the French Code of Civil Procedure stipulates that absent witnesses may be summoned at their own expense if their testimony is deemed necessary. Witnesses who fail to appear, or who refuse without valid grounds to testify or take the oath, may be fined up to 10,000 euros (approximately 11,500 USD). A person who proves that he was unable to appear on the appointed date may be exempted from fines and expenses [5].

Turkish civil procedure combines coercive measures with robust safeguards for witness rights. Although fines and compulsory appearance are provided, the law also establishes detailed grounds for refusal to testify. Article 247 of the Turkish Code of Civil Procedure obliges a witness to appear but allows refusal to testify if statutory grounds exist. Articles 248 and 249 divide such grounds into two groups. The first includes personal and family ties: the spouse or former spouse of a party, fiancé(e), ancestors and descendants of the witness or spouse, adopted persons, blood or marital relatives up to the third degree, and guardians or wards. The second category includes instances where questions concern legally protected information (state or professional secrets), or where testimony may cause serious material harm or affect the honour and reputation of the witness or his close relations [2].

Thus, the legislator creates a balanced mechanism: when personal, property-related, or status-based reasons exist, the witness may refuse to testify, but must justify the refusal and provide supporting evidence, after which the court evaluates its legitimacy.

Of particular interest is the German approach, which expands the grounds for refusal by recognizing broader personal circumstances (such as de facto cohabitation or engagement) and financial dependence of the witness on a party. This allows for objective consideration of possible impacts on the witness's impartiality and free will (Sections 383 and 384 of the German Code of Civil Procedure) [6]. In the national legislation of the Republic of Azerbaijan, such circumstances are not treated as grounds for exemption from the duty to testify.

In terms of financial dependence, German law recognizes situations in which a witness is materially dependent on a party to the proceedings. Such dependence constitutes sufficient grounds for refusal to testify, as it may objectively influence the witness's impartiality and freedom of will.

Overall, it can be concluded that Turkish legislation combines elements of witness protection with mechanisms of coercion, ensuring a balance between the interests of the court and the rights of participants. The Azerbaijani approach focuses primarily on sanctions and compulsory measures, whereas the French model emphasizes financial responsibility, creating incentives for appearance. These differences demonstrate that effective regulation of witness testimony requires a comprehensive approach that considers the personal and legal interests of participants, as well as ensures the prompt and fair adjudication of civil cases.

The procedure for examining witnesses during judicial proceedings is regulated by Article 195 of the Civil Procedure Code of the Republic of Azerbaijan (CPC AR). In accordance with this provision, each witness is examined individually, without the presence of other witnesses. At the initial stage, the presiding judge ascertains the nature of the witness's relationship with the parties to the proceedings and invites the witness to present everything personally known regarding the facts of the case. Thereafter, the witness is cautioned about criminal liability for refusal to testify and for providing knowingly false information, as stipulated in Article 62.4 CPC AR [1].

Pursuant to Article 194 CPC AR, prior to the commencement of testimony, the presiding judge must establish the witness's identity, explain his or her procedural rights and obligations, and warn of liability for unjustified refusal to testify and for giving knowingly false testimony. After these explanations are provided, the witness confirms them by signature, which is recorded in a separate protocol and attached to the minutes of the court hearing. In German civil procedure, however, the approach differs in certain respects. Under §395 of the German Code of Civil Procedure, the judge warns the witness, prior to questioning, of the obligation to provide truthful information [6]. A distinctive feature of the German model is that the oath, if deemed necessary, is administered after the testimony has been given, thereby serving as an ex post confirmation of its truthfulness.

The legislator of the Republic of Turkey employs a different framework. In Turkish civil procedure, the oath is administered before the examination begins, underscoring its preventive function and aiming to ensure good-faith conduct by the witness from the outset. According to Article 258 of the Turkish Code of Civil Procedure, all present, including the judge, stand during the administration of the oath. The judge addresses the witness with the question: "Do you swear that the answers you give to the questions addressed to you as a witness will be truthful, and that you will not conceal any information, based on your honor, good faith, and all values and beliefs sacred to you?" The witness responds: "I swear that I will answer the questions truthfully, without concealing anything, based on my honor, good faith, and all values and beliefs sacred to me." At that moment, the oath is considered administered [2].

In the United States, the procedure for administering an oath to a witness is governed by the Federal Rules of Evidence (FRE). Rule 603 requires that every witness, prior to giving testimony, must affirm a commitment to tell the truth through an oath or solemn affirmation. No specific formula is prescribed, allowing for consideration of various religious and cultural backgrounds. The essential requirement remains that the form employed must exert a morally binding effect on the witness and ensure awareness of the responsibility for truthful testimony [8]. Despite the procedural flexibility, the obligation to take an oath serves as a universal mechanism for securing the reliability of witness testimony and upholding the principle of truthfulness in the process.

Norms regulating the participation of witnesses and the procedure for their examination in U.S. civil proceedings are enshrined in the Federal Rules of Civil Procedure (FRCP) [9], adopted by the Supreme Court pursuant to the authority granted by the Rules Enabling Act [11]. Under Rule 43(a),

unless otherwise provided by federal law or specific rules, witness testimony is presented orally in open court, reflecting the principle of the immediacy of evidence [9]. This provision codifies the principle of direct presentation of evidence.

In Azerbaijani civil procedure, the examination of witnesses follows a structured sequence: questions are initially posed by the party who called the witness, followed by questions from the other participants in the proceedings. The judge may intervene at any point to clarify information or guide the examination, and if necessary, may summon the witness again or conduct a confrontation to resolve contradictions. The comparative analysis thus reveals a shared fundamental objective—ensuring truthful testimony, while demonstrating differences in the procedural organization of examination and oath-taking.

In U.S. civil procedure, the first stage of witness examination, known as *direct examination*, is conducted by the party that called the witness. This sequence is directly established in Rule 611 of the Federal Rules of Evidence, applied in conjunction with the Federal Rules of Civil Procedure [8].

Rule 43(a) FRCP allows exceptions to the general requirement of in-court oral testimony [9]. The court may permit an examination outside the courtroom when substantial obstacles exist, such as health conditions, security risks, significant distance, or other objective difficulties. However, real-time audio or video transmission to the courtroom remains mandatory, ensuring adherence to the principles of openness and adversarial proceedings.

Comparative analysis of different legal systems demonstrates that the institution of witness testimony is a universal mechanism for ensuring the reliability of judicial proceedings, yet the procedural means of its implementation vary substantially. The Azerbaijani model provides detailed regulation of examination and places particular emphasis on warnings of liability. In Germany, the oath is administered after testimony, giving it a confirmatory effect. In Turkey, the oath functions as a preventive measure, intended to instill good-faith behavior before testimony begins. The American system exhibits procedural flexibility while preserving the principles of immediacy, adversarial process, and transparency, including the possibility of obtaining remote testimony. Despite these differences, all models aim to ensure truthful and procedurally admissible witness testimony, relying on a formalized oath procedure, clarification of obligations, and clear procedural safeguards.

In civil procedure, examination traditionally consists of two stages: direct and cross-examination. Direct examination is conducted by the party that called the witness and is aimed at eliciting information supporting its position. Thereafter, the opposing party may conduct cross-examination, the purpose of which is to verify, clarify, or reveal inconsistencies in the testimony. Cross-examination is limited to the scope of the direct examination. This means that questions may address only those issues previously raised. For example, if the direct examination concerned the appearance of a vehicle involved in a traffic accident, it would be impermissible to expand the cross-examination to include questions about the driver's pre-accident behavior if that aspect had not been previously addressed. This model ensures a structured process and prevents arbitrary expansion of the subject matter under review.

International regulation of witness examination is based on the 1970 Hague Convention, under which the executing state applies its own procedural rules. At the same time, it may follow specific requests from the foreign court concerning the method or manner of obtaining testimony, provided such requests do not conflict with its domestic law or create procedural or practical obstacles. Article 9 of the Convention explicitly establishes this balance between the autonomy of national procedural regulation and respect for the foreign court's request. Letters rogatory must be executed without undue delay [7].

A telling example can be found in English judicial practice, particularly in «*J. Barber and Sons v. Lloyds Underwriters*» (1986), where the court refused to admit a videotaped witness examination at the trial stage [10]. The significance of this decision goes beyond the specific dispute, as it illustrates the fundamental commitment of the English justice system to strict adherence to procedural norms established in national legislation and court rules. The court explicitly noted that, despite the potential technological advantages of video recording, its use as a full-fledged substitute for in-person testimony could not be deemed permissible in the absence of clear statutory regulation.

This precedent thus underscored the traditional position of English procedural law, which places particular emphasis on the immediacy of judicial examination of evidence and the judge's direct observation of a witness's demeanor and reactions. Any departure from the classical model of oral proceedings—including the introduction of technical recording methods—requires prior legislative authorization setting out the conditions, limits, and legal effect of such evidentiary procedures.

The ruling in «*J. Barber and Sons v. Lloyds Underwriters*» serves as an illustration of a broader principle: courts are not empowered to expand the range of procedural instruments on their own initiative when such instruments implicate fundamental guarantees of adversarial proceedings and the immediacy of evidence assessment. The refusal to admit the videotaped testimony was based not on technical or practical considerations, but on the fact that the relevant procedural mechanism was absent from the existing law, and its introduction would require formal regulation by the legislature or higher judicial authorities.

Analysis of the Hague Convention shows that it does not provide a direct answer to whether the executing state's court may ask additional questions beyond those included in the foreign court's request, leaving the matter to national legislation. The Convention also permits the presence of a judge from the requesting state during the examination, provided domestic law of the executing state allows this. Overall, international practice demonstrates diverse approaches to witness participation in civil proceedings. The most effective method is considered to be the preliminary explanation of criminal liability for false testimony and obtaining confirmation from the witness of readiness to provide truthful information, which reduces the risk of distortion and facilitates subsequent assessment of evidentiary reliability

Conclusion. A comparative analysis of the legal status of witnesses and the mechanisms of their participation in civil proceedings across various legal systems demonstrates a multiplicity of approaches to regulating their duties, liabilities, and grounds for refusal to testify. The Azerbaijani model is characterized predominantly by an imperative method of legal regulation: the legislator places primary emphasis on the obligations of witnesses and the application of sanctions for their violation, while issues concerning the liability of other actors assisting the administration of justice remain insufficiently elaborated and require further normative clarification. Turkish legislation, by contrast, offers a more balanced mechanism that combines procedural coercive measures with a developed system of lawful grounds for refusing to testify, thereby ensuring both the protection of the witness and the effectiveness of judicial proceedings. The French model demonstrates the predominance of strict financial sanctions as a means of ensuring appearance and truthful testimony, whereas the German system provides an expanded list of circumstances that may objectively affect a witness's impartiality, including personal and financial ties to the parties.

A comparison of national regulatory approaches allows the conclusion that no universal model for governing the status of witnesses exists; however, each legal solution seeks to achieve an optimal balance between the interests of justice and the need to respect human rights. The effectiveness of regulation in this sphere is ensured through a combination of procedural safeguards, liability mechanisms, and consideration of individual circumstances that may influence the completeness and reliability of testimony. As a result, the institutional design of the witness's status in civil proceedings performs a key function: ensuring fair, objective, and comprehensive adjudication. This underscores the necessity of further improving national legislation in light of international trends and best comparative-legal practices.

The conducted analysis shows that the institution of witness testimony retains its fundamental purpose, ensuring the reliability and completeness of judicial fact-finding, across different legal systems, although the mechanisms for its implementation vary significantly depending on national procedural traditions. The Azerbaijani model is marked by detailed formalization of examination procedures and heightened emphasis on warnings regarding liability, aimed at strengthening witness discipline. The German approach, which provides for the oath to be administered after the testimony is given, imparts to it the character of an ex post confirmation of truthfulness. In contrast, in Turkey the oath serves a preventive function, shaping an orientation toward truthfulness before questioning begins. The American system demonstrates procedural flexibility and adaptability to practical circumstances while maintaining the key principles of immediacy, adversarial process, and publicity, including through the use of remote technologies.

A comparison of European and Anglo-Saxon approaches, as well as international mechanisms established by the 1970 Hague Convention, shows that no universal procedural standard for witness examination exists. Nevertheless, the requirement to ensure conditions minimizing the risk of distortion of testimony remains common to all systems. The effectiveness of the procedure increases when clear procedural guarantees are combined with ethical-legal mechanisms (such as the oath and formal warnings) and with the court's ability to actively oversee the completeness and coherence of the

examination. Taken together, these elements allow the institution of witness testimony to be regarded as a key component of the law of evidence, the development of which is directed toward enhancing the quality of judicial proceedings and ensuring fairness in law enforcement.

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