

Practice Note N° 4

Guide for virtual hearings, sessions, and meetings in international arbitration

This guide is carried out in accordance with Circulars 001 of 16 March 2020, 002 of 20 March 2020, 003 of 20 March 2020, and 004 of 23 March 2020, issued by the Center for Arbitration and Conciliation of the Bogota Chamber of Commerce (hereinafter the "Center" or "this arbitral institution").

This Guide aims to frame the parameters to conduct virtual hearings, meetings, sessions, or conferences ("virtual hearings"), within international arbitration proceedings administered by the Center.

I. General features of the platform for virtual hearings

All virtual hearings will be conducted through Cisco Webex ("Webex"), an encrypted platform, ensuring the confidentiality of communication, privacy, and data security. To facilitate the development of virtual hearings, the platform offers the following features:

- a. Complete or partial recording of the virtual hearing, as required by the tribunal.
- b. A "raise hand" option to ask for the floor.
- c. Allows up to 4 sub-sessions or sub-rooms for private meetings. These sessions/rooms may be created for the tribunal and/or the participants, as required, and, as in the main room or session, privacy and confidentiality are guaranteed.
- d. Real-time chat, which can also be disabled.
- e. Alternative telephone connection, within the platform.
- f. Participants can be placed in a waiting room if the tribunal requires space to deliberate.
- g. The platform sends individual citations to each participant and requires an access code to enter the virtual hearing.

II. General guidelines for conducting the hearings

A. Pre-hearing stage

1. The tribunal shall consult the parties, through the Secretariat and before the hearing takes place, on the schedule for the hearing. In accordance with the agenda of the tribunal and the parties, the hearing shall be scheduled, and a virtual room shall be reserved on the *Webex* platform, through the technical assistant. The Center has two assistants available permanently and during the entire virtual hearing.
  2. The tribunal's Secretariat shall send the technical assistant, a list of the participants authorized to access the virtual hearing, their e-mails, and the times at which they will join the hearing, with the purpose of controlling the access of unauthorized persons.
  3. To ensure the safety and confidentiality of the virtual hearing, the connection link generated through *Webex*, which is unique and exclusive, shall be sent to the participants summoned, one day prior to the date of the virtual hearing. The link shall be sent to each participant with a personalized message, identifying the case number and indicating the date and time of the hearing. Each participant will have an access code for the conference room.
  4. The Center does not provide the translation service within its administrative fee. However, when translation is required, the parties or the tribunal, following the latter's instructions, shall ensure that a simultaneous or consecutive translation service is available sufficiently in advance for the hearing. For the sake of clarity and quality of the hearing development, it is suggested that the translation be simultaneous. The costs of translation shall be subject to the decision of the tribunal or the agreement of the parties, in absence of a decision from the former.
- B. Logistical tests prior to the hearing
1. On the day of the hearing, a connection test shall be carried out 10 minutes before the hearing.
  2. It is recommended that all participants in the hearing use the latest updates or versions of the platform.
  3. It is recommended for the Parties to use a computer with a reasonably sized screen and, if possible, two computers or two screens, using one exclusively for the hearing and the other to view documents or take notes. It is also recommended to have an

alternative internet connection, in case the main one fails. Connections from mobile devices are discouraged.

4. If any technical issue is identified during the tests with any equipment or connection, the responsibility to resolve the issue before the hearing, rests solely with the participant and user of the affected equipment or connection. Notwithstanding the above, the technical assistant can provide support to the affected participant to address the issue. Only if strictly necessary, the information of the Center's technical assistant will be shared with participants to coordinate their support, within the same hearing.

C. Initiation and development of the hearing

5. Since the beginning and during the entire virtual hearing, participants shall identify themselves on the platform with their full name. Participants are also suggested to use headphones and have access to a stable internet network, preferably by cable, to ensure good connection during the hearing and better sound quality.
6. The technical assistant shall be careful in allowing access only to authorized participants on the list and at the specifically designated times. In the case of witnesses or experts, the technical assistant must consult the Secretary and/or the international arbitration official of the Center, before granting access.
7. The tribunal may request the activation of the recording option, and in that case, it shall inform the participants of the recording. The platform will also inform when the virtual hearing is being recorded. The platform allows for full or partial recording of the virtual hearing, as required by the tribunal. The recordings of the hearing shall be uploaded to the authentic file held by the Center.
8. The room must always remain locked. The technical assistant and the international arbitration official must carefully verify any entry attempt. In case of doubt, the Secretary must be consulted to authorize any entry into the room.
9. The technical assistant shall only assist the tribunal with the entry and withdrawal of participants, as well as with technical concerns. Considering the dynamics of the hearings, it will be up to the tribunal (and the Secretary or international arbitration official) to determine who can enter, stay, or be removed from the rooms.

10. In the event of any connection issues, the first alternative offered by the platform is the telephone connection service, which allows the participants to make telephone calls to the room of the platform and join the hearing only through audio channel. The second alternative, in default of the previous one, is to migrate the virtual hearing to the Microsoft Teams platform.
11. The virtual hearing shall follow the schedule set by the tribunal. In any event, the course of the hearing shall be subject to the instructions given by the tribunal as director of the proceedings.
12. During the hearing, all participants have the “sharing screen” and “raise hand” options to intervene.
13. The Center offers, on a supplementary basis (at no additional cost to the administration fee), the post-hearing transcription service. If required, the transcript is delivered within 5 business days, following the completion of the hearing.

### III. Specific guidelines for the evidentiary hearing: witness statements

14. For the witness and expert statements, as well as their examinations, the Center as supervisor and manager of the proceedings, shall require the witness or expert to give a 360° turn around with the camera on, to verify the environment and conditions for the statement delivery. The Secretariat must request the identification of the witness or expert (with exhibition of their identification card or passport) at that moment.
15. Unless otherwise expressly provided in the corresponding Procedural Order, only documents from the authentic file, submitted within the respective procedural opportunities, may be referenced, or projected during the virtual hearing.
16. The tribunal should request the withdrawal of participants from the room when they complete their intervention. In any case, the international arbitration official must verify that the participant leaves the room and inform the technical assistant. In absence of such statement from the tribunal, the Secretary or the international arbitration official may request the withdrawal of a participant and the technical assistant shall proceed accordingly.