



## U.S. Embassy Tegucigalpa, Honduras

### **DEPOSITIONS**

Revised January 27, 2016

Honduras is **not** a party to any international convention or treaty on service of documents or obtaining evidence to which the United States is also a party. Judicial assistance is governed generally by the Vienna Convention on Consular Relations to which the United States and Honduras are parties.

**Only** voluntary depositions of **U.S. citizens** can be taken by the U.S. Embassy on notice or pursuant to a commission and need not be taken on U.S. consular premises.

Depositions of **non-U.S. citizens** or depositions of unwilling witnesses must be taken pursuant to **Letters Rogatory** requesting the assistance of local judicial authorities.

For additional information you may wish to visit the Department of State website at <http://travel.state.gov/content/travel/en/legal-considerations/judicial.html>.

#### **How to request a Deposition:**

The request shall be made in writing either by mail addressed to:

American Citizen Services  
U.S. Embassy Tegucigalpa  
Avenida La Paz  
Tegucigalpa, Honduras  
Tel. (504) (504) 2238-5114 ext. 4400  
Fax (504) 2238-4357  
Email: [usahonduras@state.gov](mailto:usahonduras@state.gov)

#### **The request should provide the following information:**

1. Desired date, time, and place.
2. Name(s) of deponent(s)
3. Names of all parties that will be present at the time of the deposition.
4. Are you looking to hold an oral, written, or phone deposition?
5. Will an interpreter/translator be required?

6. Will the services of a stenographer be needed or will the recording be done by non-stenographic means? Please note that there is no stenographer available in Honduras.

7. Will a consular officer be needed to administer oaths to witnesses and others?

8. Will the officer's presence be required throughout the proceeding or can the officer withdraw after administering the oaths, subject to recall?

Please note that consular officers have other statutory duties that must take precedence, in addition, consular officers are responsible for emergency services. Consequently, arrangements for the logistics of a deposition may take the consular officer more time than they would for the requesting counsel.

### **Types of Depositions:**

#### **Written Depositions**

Written depositions are those where counsel are not present, but have provided questions in writing which are posed by the consular officer and answered orally by the deponent. Given that there are no stenographers available in Honduras, the witnesses may write out their own responses. The scheduling fee plus the attending fee apply, and the seal and certification if applicable.

#### **Oral Depositions**

Oral depositions are those where counsel are present and pose the questions themselves. They are preferred because counsel can adjust questions in light of the deponent's answers. If attorneys agree, the consular officer may withdraw after the necessary oaths are taken. Counsel is responsible for providing the tape recording and videotape equipment. Embassy equipment, when available, may be used to make a duplicate recording of the deposition but advise counsel that the consular officer will assume no responsibility for the quality of the recording.

#### **Depositions or Live Testimony by Phone**

Consular officers may be called upon to administer oaths to witnesses, generally on consular premises, who will then be deposed by telephone from the United States. The deponent will be scheduled at a specific date and time agreed upon by the requester and Consular Officers. A fee will be charged accordingly (see fee chart below).

#### **Depositions by Videoconferencing**

Consular officers may be called upon to administer oaths to witnesses, who will then be deposed by video from the United States. The deponent will be scheduled at a specific date and time agreed upon by the requester and Consular Officers. A fee will be charged accordingly (see fee chart below). In addition to the fees outlined below, the requester will have to pay for all costs related to the videoconferencing location and use of equipment.

## **Consular Role in Depositions**

Resource constraints generally require that requesting counsel arrange for the presence or appearance of the witness, stenographer, interpreter and location for the taking of the deposition. Consular officers assist only as necessary.

When translators or interpreters are required, the consular officer must be assured that a qualified interpreter is engaged. Counsel must agree about the fees appropriate for such private persons and pay for the services. Consular Officers may not serve as interpreters or translators.

A deposition should be scheduled for a date and time mutually agreeable to the consular officer, counsel, and witness (es).

A minimum deposit (see schedule of fees below) must be paid to the Embassy or Consulate before a deposition can be scheduled. The fee should be in the form of a certified check or money order payable to the post concerned. It is used to cover consular officer and staff time in scheduling the deposition, and is not refundable if the deposition is canceled. If rescheduled, another deposit will be collected.

If depositions are taken outside consular premises at some distance, appropriate fees for consular time and transportation costs will be charged.

## **Fees for Depositions**

A minimum deposit (see schedule of fees below) must be paid to the Embassy or Consulate before a deposition can be scheduled. The fee should be in the form of a certified check or money order payable to the post concerned. It is used to cover consular officer and staff time in scheduling the deposition, and is not refundable if the deposition is canceled. If rescheduled, another deposit will be collected.

If depositions are taken outside consular premises at some distance, appropriate fees for consular time and transportation costs will be charged.

**Schedule of Fees for Consular Services**  
**22 CFR 22.1**

<b>Judicial Assistance Services</b>	
51. Processing letters rogatory and Foreign Sovereign Immunities Act (FSIA) judicial assistance cases, including providing seal and certificate for return of letters rogatory executed by foreign officials	\$2,275.
52. Taking depositions or executing commissions to take testimony:	
(a) Scheduling/arranging appointments for depositions, including depositions by video teleconference (per daily appointment)	\$1,283.
(b) Attending or taking depositions, or executing commissions to take testimony (per hour or part thereof)	\$309 per hour plus expenses.
(c) Swearing in witnesses for telephone depositions	Consular time (Item 75) plus expenses.
(d) Supervising telephone depositions (per hour or part thereof over the first hour)	Consular time (Item 75) plus expenses.
(e) Providing seal and certification of depositions	\$415.
53. Exemptions: Deposition or executing commissions to take testimony. Fees (Item 52) will not be charged when the service is performed:	
(a) At the direct request of any Federal Government agency, any state or local government, the District of Columbia, or any of the territories or possessions of the United States (unless significant time required and/or expenses would be incurred)	NO FEE.
(b) Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party	NO FEE.
(Items 54 through 60 vacant.)	