

COVID -19: East African Court of Justice considers use of On-Line Hearings

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Introduction

On the 11th of March, 2020 the World Health Organisation declared COVID-19 a world Pandemic. Following the said declaration, Partner States of the East African Community (EAC) started implementing various measures to protect their citizens from acquiring the virus associated with COVID-19. Some of the significant measures included, the need for people to observe social distancing and avoid close contacts. Furthermore, some Partner States like Uganda, Kenya and Rwanda imposed different levels of border closures. The effect of these measures disrupted the way in which the East African Court of Justice (EACJ) in Arusha Tanzania heard its cases. This is because parties with cases at the EACJ needed to travel from their respective Partner States to Arusha Tanzania in order to have their cases heard. Sessions at the First Instance Division had to be suspended and other planned sessions for the Appellate Division were put in limbo because of uncertainty resulting from the COVID-19 Pandemic. Even though there are moves within Partner States to ease on the measures put in place to curb the spread of COVID-19, there is little doubt that business at the EACJ will not completely revert to the pre-COVID period as the COVID-19 virus will still remain in the community.

Actions by Courts around the World to maintain business continuity.

During the COVID-19 Pandemic many businesses and services around the World are resorting to on-line platforms to allow for business continuity. Courts in different jurisdictions are also resorting to remote hearings to allow for Court hearings to continue. Court business is moving from the court room into

cyberspace in order to ensure that court services do not grind to a halt. It is difficult to image how quickly Court services around the world have changed in just two months of COVID-19 lockdowns.

Actions taken by the EACJ during COVID-19.

The EACJ has an Electronic Case Management and Recording System (CMRS) which provides only for Cases Management. It is an internal system of the Court that before the COVID-19 Pandemic, was already undergoing enhancement. The CMRS is capable of recording live Court sessions. The EACJ has decided to fast track and is currently testing an additional module for “e-filing”. This module will be added onto the CMRS and shared with EACJ stakeholders to be able to file cases from their chambers/homes. The EACJ is also fast tracking the acquisition of a video conferencing tool which when added to the enhanced CMRS will allow for remote hearings. These are significant developments because for the first time, parties will be able to fully file and participate in hearings on-line at the EACJ without having to come to Arusha, Tanzania. Already meetings of Judges at the EACJ in their six different Partner States has resumed using Microsoft Teams. This is the first time that EACJ Judges have been able to meet remotely without having to be in the same place.

Conclusion.

The COVID-19 Pandemic is set to change the business model at the EACJ and indeed all other Courts around the World for the present and the foreseeable future. The use of on-line solutions is now a priority for business continuity. This

means that parties and their lawyers who have cases at the EACJ should ready themselves to use on-line remote hearings to conduct their cases at the EACJ.