



THE JUDICIARY

Office Instruction Number2... of 2020

ISSUANCE OF GUIDELINES FOR ON-LINE HEARINGS IN THE JUDICIARY OF UGANDA

(a) Preamble

By the powers conferred upon the Chief Justice under Article 133 of the Constitution, I hereby issue Guidelines for On-line Hearings in the Judiciary of Uganda.

(b) Purpose

The purpose of the Guidelines is to enable On-line hearings of cases.

(c) Guidelines

In a bid to allow for business continuity in the Uganda Judiciary during and after the Covid -19 lockdown and in furtherance of the Government of Uganda advice to use on-line services in our work processes, the following guidelines are issued on the use of on-line hearings. These guidelines are applicable for court hearings. The guidelines will have similar application no matter what On-Line Tool is being Used.

APPLICATION IN ADJUDICATION OF COURT MATTERS

1. Applicable legal framework:

These guidelines shall be applied along side the following Laws and Court Rules and Directions :

a) LAWS.

- (i) The Constitution of the Republic of Uganda, 1995 (as amended).
- (ii) The Data Protection and Privacy Act, 2019
- (iii) The Computer Misuse Act, 2011
- (iv) The Electronic Transactions Act, 2011
- (v) The Electronic Signatures Act, 2011

b) COURT RULES AND DIRECTIONS.

- (i) The Judicature (Visual – Audio Link) Rules, 2016 (S.I. 26 of 2016).
- (ii) The Constitution (Integration of ICT into Adjudication Processes for Courts of Judicature) (Practice) Directions, 2019 (Legal Notice No. 6 of 2019).

2. Areas of on-line hearings Usage

- a) An On-line hearing tool may be used for any of, but not limited to, the following :
 - i. Delivering of Judgments;
 - ii. Delivering of Rulings
 - iii. Hearing of Applications:
 - a) Bail.
 - b) Mentions.
 - c) Interlocutories.
- b) In the case of rendering judgments, time shall begin to run as soon as the judgement is delivered by any court of law and transmitted using any of the modes notified to the parties.
- c) In the case of prison and correctional facilities, the Chief Justice shall issue directions from time to time as to which facilities are deemed fit for the conduct of on-line hearings.

3. Participants in on-line Hearings.

The following will be invited to attend or participate in the On-Line hearings:

- i. The Judicial officer(s) handling the Case;
- ii. Clerks assigned to the case
- iii. Advocates of the Parties;
- iv. The Parties to the Case;
- v. The Media/ The Press/interested persons for whom provisions and links will provided via the Judiciary website and
- vi. Any other Person/Institution interested in the matter of the Court being handled via the On-Line hearing tool.

4. Role of the Court Registrar/Magistrate/Court Clerk

The Court Registrar/Magistrate/Court Clerk in liaison with the ICT Department will organize the on-line hearings. In Particular, the Court Registrar/Magistrate/Court Clerk will provide information required for the efficient and effective preparation of the on-line hearing. This information Includes:

- i. The Case Particulars e.g Case Number, Parties and Advocates;
- ii. The Judicial officer (s) Handling the case;
- iii. The details of the Parties to the Case e.g Names, telephone (mobile, fixed and WhatsApp) numbers;
- iv. Time of the on-line Meeting (based on Nairobi GMT + 3);
- v. Parties to Invite for the on-line hearing; and
- vi. Approximate time of the on-line hearing;

5. Recording of Hearings.

- i) All hearings **must only be recorded** by the ICT Department of the Judiciary as the host of the on line hearing to create an official court transcript which shall be available to the parties in the usual way.
- ii) An audio-visual transcript may also be made available on application by any of the parties to the proceedings strictly for court purposes only.

6. Transmission of Judgments.

Further to paragraph 3 (b) above, Judgments rendered on line shall be e-mailed or any other e-mode (i.e WhatsApp) as advised by the ICT and Law Reporting Committee of the Judiciary, to:

- a) The Parties and
- b) ULII for uploading on to the ULII website.

HOW TO BOOK AND PARTICIPATE IN AN ON-LINE HEARING.

7. Invitation to attend Court hearing/ Meeting

The following will be the modes for Inviting participants to attend the On-line hearings which invitations shall have attached to them a formal hearing/judgment notice of the court:-

EITHER

i. Invitation through Email Addresses;

The ICT Department of the Judiciary will create an invitation email (prior to the start of the meeting) which shall include all information participants need to access the hearing, including phone numbers in case they need assistance.

OR

ii. Invitation through the On-Line Hearing Tool.

The ICT Department of the Judiciary can also create and access a directory which includes details of all members registered or signed. It is from this directory where they can invite people to join the hearing using their on-line hearing tool Contact Names.

OR

iii. Invitation through WhatsApp Contact

The ICT Department of the Judiciary will send the Meeting ID and Password via the WhatsApp Phone contacts of all the Participants to the hearing.

iv. Non Sharing of supplied credentials for hearing.

The sharing of supplied credentials (i.e. ID and or password) for an invitation for an On-line hearing by parties or participants with other persons is strictly prohibited.

8. Scheduling of an On-line hearing.

The Judiciary through the ICT Department will host and schedule the On line hearing. The ICT Department will perform the following roles:-

- i. Liaise with the Court to identify the Parties to the case that should be invited to the on-line hearing;
- ii. Ensure an efficient participation of all the invited Parties;
- iii. Ensure all parties have accounts registered in their name as known by the Judiciary. No pseudo names shall be permitted.
- iv. Send out on-line hearing Invitations to the Parties;
- v. Send out simplified guide to users.
- vi. Make a recording (Video and Audio) of the on-line hearing; and
- vii. Host the on-line hearing.

9. Joining of an On-line hearing.

- i. All parties and participants will be required to click on the Link provided in the Invitation to the hearings and follow the instructions until prompted to enter the Meeting ID and other credentials.
- ii. All parties and participants will need to be **authenticated** before being admitted/ permitted to Join an on-line hearing by the Host (Member of the ICT Department)

10. Testing of the On-Line hearing tool.

The Judiciary ICT Department may organize a mock-up or Pre-test session 20 minutes before the actual court hearing session to ensure that all participants are able to test their equipment as well as their video and audio functionality.

11. Abuse of the system may attract;

Any abuse or misuse of an on-line hearing tool may attract sanctions by way of:

- i) caution, reprimand and suspension for a period of time from using an on-line hearing tool or
- ii) barring any party from ever using the tool and
- iii) any penalty under the Computer Misuse Act, 2011 or any other law as may be applicable.

12. These guidelines may be modified and extended from time to time.

Dated this ^{29th}----- day of April 2020.

ISSUED BY:



Bart M. Katureebe
CHIEF JUSTICE

Copy:

- The Hon. The Deputy Chief Justice
- The Hon. The Principal Judge
- The Permanent Secretary/Secretary to the Judiciary
- The Ag. Chief Registrar