



AFRICAN UNION
الاتحاد الأفريقي

UNION AFRICAINE
UNIÃO AFRICANA

**AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES**

P.O Box 6274 Arusha, Tanzania, Tel: +255 732 979506/9; Fax: +255 732 979503

Website: www.african-court.org Email: registrar@african-court.org

**PRACTICE DIRECTIONS FOR VIRTUAL SESSIONS
IN THE AFRICAN COURT ON HUMAN AND
PEOPLES' RIGHTS**

Table of Contents

Table of Contents	i
PREAMBLE.....	1
ARTICLE 1: OBJECTIVES.....	1
ARTICLE 2: ELECTRONIC FILING OF PLEADINGS AND SERVICE OF PROCESS.....	2
ARTICLE 3: VIRTUAL COURT SESSIONS	2
ARTICLE 4: PREPARATION FOR VIRTUAL PUBLIC HEARINGS	2
ARTICLE 5: CONDUCT OF VIRTUAL PUBLIC HEARING	3
ARTICLE 6: DELIBERATIONS	4
ARTICLE 7: DELIVERY OF DECISIONS.....	4
ARTICLE 8: APPLICATION AND AMENDMENT	5
ARTICLE 9: EFFECTIVE DATE.....	5

PREAMBLE

COGNISANT of the unprecedented nature and consequences of the current global public health crisis, the novel coronavirus, also known as COVID-19, which has triggered a global and complete shutdown of major operational sectors;

FURTHER COGNISANT of other circumstances that may arise which may require the holding of virtual Court Sessions;

MINDFUL of the fact that, pursuant to Rule 27(2) of the Rules of Court (hereinafter referred to as "the Rules"), the default procedure of the Court is written and that the Court has the discretion of deciding if in addition to written pleadings, a matter can be heard orally;

NOW THEREFORE,

Pursuant to Rule 19 of the Rules and to ensure the proper administration of justice, the Court hereby issues the following Practice Directions to regulate virtual court sessions, electronic filing of pleadings and conduct of virtual public hearings.

ARTICLE 1: OBJECTIVES

The Objectives of these Practice Directions are to ensure, during exceptional circumstances:

- a) The safety of Judges, Staff and other Court users.
- b) Timely and efficient disposal of cases.
- c) Use of technology for case management, holding of court sessions and the conduct of public hearings.
- d) Efficient use of available judicial and administrative resources.

ARTICLE 2: ELECTRONIC FILING OF PLEADINGS AND SERVICE OF PROCESS

1. All pleadings shall, as far as possible, be submitted electronically in PDF or Word format via the following email: registry@african-court.org.
2. Parties and their representatives shall submit their respective email addresses or WhatsApp compliant telephone numbers, if possible.
3. The Registry of the Court shall acknowledge receipt of the pleadings filed and serve processes electronically, via the Parties' and their representatives' respective email addresses.
4. Parties or their representatives shall be required to acknowledge receipt of Court documents received through the above-mentioned communication channels.

ARTICLE 3: VIRTUAL COURT SESSIONS

1. The Court shall convene Virtual Sessions.
2. The decisions taken at such sessions shall be deemed to have been taken at the seat of the Court and shall have the same effect as if the Court were meeting at a physical Court Session.

ARTICLE 4: PREPARATION FOR VIRTUAL PUBLIC HEARINGS

1. Virtual hearings shall be through video conferencing using information and communication technologies.
2. The time and date for the hearing, shall as far as possible, be scheduled in consultations with the Parties and other relevant participants, such as witnesses, experts and *amici curiae*, and taking particular consideration of their different locations, time zones and availability.

3. The Registry shall thereafter, send to the Parties and their representatives, the programme for the hearing, indicating *inter alia*, how much time each participant is accorded to make their submissions as well as the access credentials for the information technology platform to be used.
4. To ensure an effective functioning of the chosen application, the Information and Technology (IT) Unit of the Court shall plan and run a pre-test of the system at least once before the actual date of the hearing. The IT Unit must ensure that every needed communication feature between the different participants works well. Headphones, hearing and speaking devices may be used. Participants shall ensure that they have access to stable and reliable internet connection, that is suitable for a prolonged video conference.
5. During the pre-hearing tests, the IT Unit shall work with the Language Unit to ensure that interpretation and verbatim recording services will be available during the public hearing.

ARTICLE 5: CONDUCT OF VIRTUAL PUBLIC HEARING

1. On the day of the hearing, all participants shall be connected to the system at least one (1) hour before the scheduled time. The IT Unit shall run a final test to ensure that all features work properly and to authenticate the participants. The IT Unit shall be on standby throughout the hearing so as to quickly address any technological issues that may arise.
2. Participants shall avail themselves of all facilities necessary to ensure their prolonged comfort and to avoid unnecessary distractions once the hearing starts.
3. To maintain the solemnity of the hearings, Judges, Registrars, Staff of the Court and Counsel may appear either in their robes or suitable professional attire.
4. Order and discipline shall be maintained during the hearing. No one shall speak unless given the floor to do so by the President of the Court or other Presiding

Judge. All microphones shall be muted until one is given the floor. Participants shall uphold the same courtesies as done in the physical court room.

5. To conserve the public nature of hearings, all hearings shall be live-streamed via the African Court's YouTube Channel: <https://www.youtube.com/AfricanCourtonHumanAndPeoplesRights>.
6. The Court shall record the hearing in verbatim and electronic formats and will be solely responsible for the production of the verbatim record of the hearing and its transmission to the Parties and their representatives in accordance with Rule 48 of the Rules.
7. When making submissions, participants must be precise and conscious of their speed to facilitate interpretation and verbatim recording.
8. When witnesses, experts and *amici curiae* are to be heard, the IT Unit shall ensure that they have a secure link to the hearing and can only join the hearing when called upon to do so. Standard rules for the admissibility of their testimonies apply. If there is any document(s) on which a witness or party is to rely, such shall be signalled upfront and the Court shall advice on how best to adduce it.

ARTICLE 6: DELIBERATIONS

1. After the hearing, the Judges shall plan and hold their deliberations *in camera*, in accordance with Rule 60 of the Rules.
2. The IT Unit shall take all necessary measures to ensure the required confidentiality and privacy of the deliberations.

ARTICLE 7: DELIVERY OF DECISIONS

1. The Decisions adopted for delivery shall be signed electronically.
2. Dissenting or Separate Opinions may be signed physically or electronically.

3. The Parties and their representatives shall be notified of the date of delivery of decisions.
4. Decisions shall be delivered at a public sitting which shall be live-streamed via the above cited Court's YouTube Channel.
5. The Decisions will, as far as possible, be delivered by the Bench for each case. Where this is not possible, they will be delivered by the Judges available to do so, or by the President of the Court on behalf of the respective Bench.
6. The Registrar shall notify the Decision to the Parties electronically.

ARTICLE 8: APPLICATION AND AMENDMENT

These Practice Directions shall apply in conformity with the Rules. They do not invalidate the Practice Directions of the Court adopted at the Fifth Extraordinary Session of the Court (5-12 October 2012) but suspends their operation in as far as they deal with the matters covered under the present Practice Directions. They are subject to review and amendment by the Court whenever necessary.

ARTICLE 9: EFFECTIVE DATE

These Practice Directions shall be effective from 1 June 2020 and shall remain in force until decided otherwise by the Court.

Done at Arusha, this 2nd Day of June, 2020.

Signed:

President: Sylvain ORÉ

Registrar: Robert ENO

