

**Second Study Commission
Civil Law and Procedure
65th Annual Reunion of the IAJ – Tel Aviv, Israel
Questionnaire 2022
VIRTUAL TRIALS IN CIVIL PROCEEDINGS**

The Second Study Commission will focus on how our jurisdictions used, and will use, virtual trials and hearings before, during and after the Pandemic. We have limited the questionnaire to six questions, and we expect to receive short and concise answers. The questions are as follows:

1. Did your jurisdiction offer complete or partial virtual civil trials or hearings before the Pandemic? If yes, please describe what was offered and how often the offer was exercised.

Answer: Yes. The pilot project "Virtual Court" according to which offices were opened in remote areas, allowing people living in remote areas to participate in court sessions online. Before the pandemic, if one of the participants was located in another state or in places of deprivation of liberty, court sessions were held using the VCS and the mobile application "TrueConf" and "Judicial Cabinet".

2. Did your jurisdiction offer civil virtual trials or hearings during the Pandemic? If yes, was there a change in how, what and when it was offered? Were protocols published? Also, if yes, when were the virtual trials/hearings offered and what was the uptake?

Answer: Yes. From the beginning of the pandemic to the present, the work of the courts has been transferred to the online mode. Court sessions are held via the Video Conference Connection mainly using the mobile application "WhatsApp", as well as "Skype", "Zoom", "Google Meet", "TrueConf".

At the same time, court sessions held in virtual mode are simultaneously recorded in the audio-video recording system with reflection in the electronic protocol. The minutes are published in the judicial database "Torelik".

Since the beginning of the pandemic, it has been explained that court sessions are held online for the safety of citizens. Today, this has become a common occurrence.

Advantages – effective legal proceedings, efficiency, there is no need to appear in court, rational use of working hours allows you to save on travel and accommodation expenses, it is enough to have a stable connection. If it's necessary you can immediately invite additional third parties, witnesses and it gives the parties the possibility to submit necessary documents to the court during the virtual process.

Disadvantages – low Internet speed, fast charging of a tablet, gadgets, etc., lack of respect for the judicial system, despite the warning of the secretary of the court session the participants in the process do not always get up when the judge

enters the courtroom and when the judicial act is announced, some of the participants attend the process in home clothes, someone just got up or connected from the vehicle on the way, etc.

3. Presuming that civil virtual trials were offered, was there any improvements made in the technology/software that the government provided? How were documents and exhibits managed?

Answer: There were no improvements.

Telephone devices of court staff and judges were used to conduct meetings online, including for Internet connection.

Subsequently, administrators of the courts installed modems for faster Internet in the courtrooms and provided tablets.

Documents are received through the platform "Judicial Office", the "Unified Electronic Document Management System" with an electronic digital signature (EDS), as well as via e-mail and WhatsApp applications. The documents were also processed on the "Torelik" system.

4. What does the future hold in your jurisdiction with respect to the continuation of virtual trials? What are the issues and or benefits that have arisen?

Answer: Virtual trials have an excellent prospect in the future to continue. This innovation has a number of indisputable advantages mentioned above. We believe that online trials will remain in judicial practice. After the pandemic, it is possible to switch to a combined mode: offline and online.

If the dispute is resolved by reconciliation of the parties, by concluding a mediation agreement through the WhatsApp application, the parties who are outside the court session and in different places from each other cannot sign an electronic document (many people do not have a computer with a printer and scanner at home, not all citizens have an EDS).

5. Has or is research being done in your jurisdiction to help ameliorate some of the concerns that have arisen with virtual trials?

Answer: To eliminate the problems that have arisen, the Supreme Court of the Republic of Kazakhstan is constantly conducting research, including by sending requests.

6. How did the digitally excluded people in your jurisdictions have access to justice and specifically to virtual trials during the Pandemic?

Answer: This mainly concerned rural areas, as well as citizens who do not own digital technologies. In such cases, offices were equipped in district akimats (council) and police departments for citizens to participate in online processes.

Bailiffs also travel with their communication equipment to the plaintiff or the defendant.