

2023 Questionnaire of the 1st Study Commission IAJ-UIM

“The Effects of Remote Work on Judicial Work and the administration of justice”

ANGOLA

Questions:

1) Remote work of judges in their country

The. Judges were allowed to work remotely in their country before and/or **during the COVID-19 pandemic? If so, give examples (e.g. example, study cases at home; discuss cases with colleagues through video conferencing or phone apps instead of face-to-face meetings; hold online hearings through video conferencing applications; etc.). technical equipment was made available to the judges so that they can work remotely?**

RESPONSE:

During the Covid 19 pandemic, several presidential decrees were created, which recommended the mandatory curfew at a certain time, and the reduction of the workforce, to avoid the crowding of people in the Courts and the risk of spreading the virus.

Judges, before the pandemic, in exceptional situations, and provided that they met the conditions for this purpose, in particular the existence of adequate computer equipment, were allowed to work remotely, whether participating in debates on various topics related to law, conferences, meetings, including holding hearings, when the parties or witnesses are unable to attend the Court, physically, due to illness or other justifiable reasons, or even when they are out of the country.

After the pandemic, what was an exception, became almost a rule, but not all Courts were able to keep up with this reality, largely due to the lack of means and computer equipment for this purpose.

Most Courts of First Instance do not have an internet network. Judicial magistrates to access the internet must bear the expenses on a personal basis.

The computers that magistrates have for work, most of them are old, without maintenance, and without technical assistance and with outdated windows. The judges work by registering in their respective books and the processes are all physical, on paper.

During the pandemic, technical equipment was not made available to judicial magistrates to be able to work remotely.

Despite being allowed, the exercise of remote work was practically not feasible either before or after the pandemic, due to the difficulties that the Courts experienced and continue to experience.

It is urgent that reforms be made in Angolan justice, that investment be made in the judiciary, that the administrative and financial autonomy of the Courts materialize so that the current situation improves, and it is possible to have digital processes and hold virtual hearings, in a future that we hope is close.

B. What is the status of remote work for judges in your country right now? Many judges still work remotely in your country and to what extent? (For example, all or just a certain percentage of judges? Only in certain fields of law or for certain types of cases? Only in lower or higher instances? Etc.)

RESPONSE

At the level of the first instance, now, it understands that there are no judges working remotely, however, in the higher instances, which have better working conditions, a certain percentage works remotely, and for different reasons, not only because of the pandemic (health, training abroad, etc.).

2) Effect on judicial work

The. Remote work has changed judicial work in general for better or worse. worst – or both – in your country? Please give examples.

RESPONSE

Remote work has changed judicial work in general for the better, because it has allowed us to see that the model we have adopted (physical process, direct contact with the parties, and with other justice operators) is outdated and that we need to evolve. Many Judges had to adapt to technologies individually and at their own expense, they had to acquire the means to be able to participate in debates, conferences and discuss matters about the rooms to which they are inserted from their homes. The only route available for collective dialogue was through the use of digital platforms, but most of the judges were harmed, as all investment was made individually and not all judges were able to follow this dynamic, due to lack of conditions. finances for this purpose. So much so that at this moment,

B. Judges' remote work impacts the judicial workplace. in your country? Negative, positive or both? Please give examples.

RESPONSE

Remote work in my country is still seen by some as “a beast with 7 heads”, that is, “a step too big for the leg” and an “unreachable reality”, until there is a real reform in the justice sector.

There is no positive impact on my workplace because remote work is practically non-existent and ineffective, in the first instance, especially at this time when the pandemic situation has considerably decreased, and due to the few means and archaic working conditions that we have, do not allow us to continue remote work on a regular or normal basis.

w. From your point of view, what future effects of remote work at the Judicial work – negative, positive or both – can be expectant?

RESPONSE

In my humble opinion, the future effects of remote work can be quite expectant because they will allow procedural speed, based on the ease of sending and carrying out notifications, citations, and hearings, with lower costs for the Court and the parties. On the other hand, they will provide greater protection for documents and security for the parties, as all information would be included in a database.

In the current situation in which we find ourselves, for example, with a fire or flood, or another reason of force majeure, documents can easily be damaged or even destroyed and their reconstitution, in some cases, becomes difficult or even practically impossible.

The only negative aspect that I point out is the distance, that is, the lack of direct contact with the parties, and with the witnesses, mainly. Because the judicial magistrate, when he is producing the evidence, must be attentive to everything that happens in the courtroom, to the signs, reactions, feelings, facial expressions, behaviours, etc. All to guarantee the discovery of the material truth of the facts.

This distance, which remote work offers, to a certain extent, can jeopardize the discovery of the material truth of the facts, when it comes to a virtual trial hearing.

3) Effects on the administration of justice

The. What are the pros and cons of remote work in company administration? justice?

A: In the administration of justice, in the case of our country, Angola, where most institutions do not have a database or internet, the pros and cons are delays in the processing of files and delays in the execution of internal work.

B. Does remote work have a positive or negative impact on general administration of justice in your country? give examples that include, but are not limited to, the quality of administration of justice.

A: It has more negative impacts than positive ones, because of the reality that our country lives. The Courts do not have a database where you can work from a distance, everything is done in writing, through registration books, and physical processes, there are no digital processes, there is not an internet network available to everyone. Most Courts do not have enough computers for all justice operators. Most of the time, remote work is only possible when the judicial magistrate takes the physical processes to his own home to decide them in cases where there are no controversial facts and it is possible to know the merits, without the need to produce a report. proof. In these cases, the judge works in the physical process, without hearing parties and decides by sentence. In another way, it would not be possible to work remotely. But in this case, several risks are associated, such as the possibility of the process disappearing, in the middle of an armed robbery, or being damaged by carelessness. The magistrate who decides to take work home (physical processes) must be aware of all associated risks and be willing to be held accountable if the worst happens to the process he decided to remove from his workplace.

w. Are you aware of public perceptions of remote work by judges? Give examples of positive or negative perceptions.

A: The public's perception is, most of the time, good, as they understand it to be innovative and effective. However, they forget to associate the reality of each country. That is, it is only possible for remote work to work, with a reform in justice, and in the mechanisms and means that are used to carry out the internal and external work of the Courts and similar institutions.

d. What are the positive and/or negative effects of holding hearings/ remote conferences?

A: In the first instance, I have never witnessed work of this nature. However, it is known that the judge in remote conferences must be very attentive, and capable of seeking the material truth of the facts, even from a distance. This work is not easy, because the judge, being distant, is limited to what he hears and what he sees without having access to all the space and everything that goes on around the person who is

listening or taking his statement. The negative effects are the compromise of the pursuit of material truth and justice. The positive effects are procedural speed, convenience for parties and witnesses, and cost reduction.

4) Remote work and judicial independence

Do you see any positive or negative effects of remote work on judicial independence? If yes, give examples.

A: In judicial independence, the effects are positive. The Courts must be able to create material conditions for the implementation of new working techniques. Given the reality of each country, we can see that this type of work benefits all citizens. For the people, in general, it is good to know that institutions work and that they evolve over time. Slow and ineffective justice, nobody applauds. What is intended is procedural speed, justice in good time and the full functioning of the institutions. This is only possible with information technologies, with the acquisition of current work means and with the maintenance of the same means. It is not possible to do this without having its own budget, independent and destined to the Courts, thus allowing its development and the satisfaction of citizens and operators of justice.

5) Limits of remote work for judges

The. Does your country impose any limits on the remote work of judges (e.g. (e.g., limits on remote hearings in criminal cases)?

If yes, give examples.

A: No. In our country, Angola, there is no limit on remote audiences. If there are material conditions for this purpose, from the parties and the judge, the judge holds the remote hearings he sees fit. But that is not our reality, as remote hearings are an exception, due to the lack of material and technical conditions in most Courts in the country.

B. Are there proposals to change rules or statutes in your country to allow more or limit judges' remote work?

A: In my country there is a Presidential Decree that came to regulate remote work, in this case the legal regime of Telework, Decree n. ° 52/22 of February 17th.

w. There must be some rule or statute change in your country to allow more or limit remote work for judges?

A: No. The Decree we have already allows it, and it is sufficient. The problem is in the materialization or effectiveness at the level of the Courts, which do not have the means to carry out this remote work.

Theme Proposal for 2024: Submit your proposals for possible topics to be processed in 2024 along with responses to this questionnaire.

A: Proposals:

The working conditions in the Courts;

Procedural delay and its causes;

The social conditions of judicial magistrates.

The Angola Association of Judges Response
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