

# JUDICIAL ACTIVITY DURING THE CORONAVIRUS PANDEMIC<sup>1</sup>

## Report I

The extreme quarantine measures that were adopted by the Chinese government in Wuhan, the capital of Hubei province and then the epicenter of the coronavirus epidemic, raised alarm for world governments. In rapid escalation, the virus dispersed around the world and led the World Health Organization to declare the pandemic on March 11, 2020. The virus received the scientific name of SARS-CoV-2, while COVID-19 is the name assigned to the disease caused by the virus. Without specific vaccines or treatments, governments have been taking progressively stricter measures to contain the spread of the pandemic. Balancing the permanence of judicial activity with the necessary measures to protect its staff and prevent further spread, the judiciary around the world also must react.

As a member of the International Secretariat of the Association of Magistrates of Brazil, I have contact with representatives of the judiciary from different countries. Using an instant communication application that brings together several of these representatives, I informally decided to ask colleagues for information regarding possible measures to suspend judicial activities in their respective countries<sup>2</sup>. This information was asked the day after the pandemic declaration, that is, on March 12, 2020.

Based on the gently and spontaneous collaboration of colleagues, this was the general picture obtained at the end of the day:

March 12, 2020

Country	Suspension or restriction of judicial activity
AO Angola	No.
AR Argentina	No.
BR Brazil	Remote work for risky situations.

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<sup>1</sup> English review by Carley Deardorff (carleydeardorff@gmail.com).

<sup>2</sup> A small part of the information was collected directly on the internet.

CL Chile	No.
CO Colombia	No.
CR Costa Rica	Remote work in some cases.
HR Croatia	No.
DK Denmark	Courts closed for today.
DM Dominican Republic	No.
EC Ecuador	No. General restrictions on public concentrations.
FI Finland	No.
DE Germany	No.
GT Guatemala	No.
IT Italy	Only exceptional hearings. The country is under lockdown.
IL Israel	No.
MD Moldova	Partial restrictions in judiciary. Public manifestations prohibited.
PA Panamá	No.

py Paraguay	Activities suspended for 15 days. All public and private activities with crowds of people were suspended for 15 days. School activities, concerts, cinemas to prevent the spread of the epidemic.
pe Peru	No. Travel abroad and seminars suspended.
pt Portugal	Restrictions adopted and remote work.
pr Puerto Rico	Some measures taken and remote work when possible.
es Spain	Some measures taken. Remote work suggested when possible.

The table shows that one day after the pandemic declaration, several countries had not adopted measures to suspend or restrict judicial work. Only Italy, with a high number of infected, and Paraguay, with a small number of infected but a prudent attitude, adopted more intense measures to restrict judicial activity to contain the spread of the virus and protect the judicial staff.

Since this first informal report, this data has been updated on a daily basis, when possible, based on the information provided. After compilation, the information is presented to the group as a general report in English and Spanish.

The following report corresponds to March 13, 2020, the second day after the declaration of the pandemic. In addition to the information on the measures adopted in each country, a short introduction was adopted as well.

March, 13, 2020.

Dear colleagues,

As the outbreak advances, containment measures have also advanced. The number of Courts that have suspended hearings in Brazil is growing. Hearings have been suspended in Slovenia. Spain has suspended all hearings, except emergencies. Additional measures are adopted in some countries.

This is the updated data that we have so far.

Country	Suspension or restriction of judicial activity
AO Angola	No.
AR Argentina	No.
BR Brazil	Hearing suspended in some Courts. Remote work for risky situations. Many measures taken.
CL Chile	No.
CO Colombia	No.
CR Costa Rica	Remote work in some cases.
HR Croatia	No.
DK Denmark	Courts closed.
DM Dominican Republic	No.
EC Ecuador	No. General restrictions on public concentrations.
FI Finland	No.
DE Germany	No.
GT Guatemala	No.

IT Italy	Only exceptional hearings. The country is under lockdown.
IL Israel	No.
MD Moldova	Partial restrictions in judiciary. Public manifestations prohibited.
PA Panamá	No.
PY Paraguay	Activities suspended for 15 days. All public and private activities with crowds of people were suspended for 15 days. School activities, concerts, cinemas to prevent the spread of the epidemic.
PE Peru	No. Travel abroad and seminars suspended.
PT Portugal	Restrictions adopted and remote work.
PR Puerto Rico	Some measures taken and remote work when possible.
SI Slovenia	Courts handle only urgent cases from March 16 onwards.
ES Spain	Some measures taken. Remote work suggested when possible.

This picture reflects the speed of the virus's spread and the need for rapid adaptation by the countries. In just two days, complementary restrictive measures were fastly adopted and other countries began to suspend activities as well.

The following report is from 17 March 2020. The introduction has been expanded to add general information and highlight the progressiveness of the measures adopted. The comparison between the previous table and this one makes further comments unnecessary.

## Update

March 17, 2020.

Governments around the world continue to progressively apply stricter measures to contain the pandemic. Some countries are closing borders.

New measures to restrict judicial activity have been gradually adopted by several countries. In Brazil, many Courts have suspended hearings. In the United States, the Supreme Court decided to suspend activities, as did the New York Courts. In Argentina, the judicial activities in Buenos Aires Province were suspended for some days. Peru initially suspended congresses and seminars (12/03), but later also terms and judicial activity, with exceptions, for 15 days from 16/03/2020. The Court terms were suspended in Panamá for 2 weeks from 16/03/2020, but the offices still opened. Many strong measures are being adopted by Spain, whose judicial school activities were suspended until 14/04/2020. With intense activity of the Judges Association of Ecuador, measures were gradually adopted by the judiciary: suspending public attention for five days, suspending Court terms and, finally, suspending activities except for flagrancies since 16/03/2020. Puerto Rico suspended hearings, except for urgencies, from 16 until 30/03/2020 and remote work was adopted. Colombia suspended court terms and hearings from the 16th until 30/03/2020 (with some exceptions), and adopted remote work. The Supreme Court of Costa Rica is about to decide the measures that will be adopted in the country. Finland adopted remote work when possible and suspended education for the judiciary personnel. Guatemala totally suspended the activities until 1/04/2020, except for urgencies and judicial shifts.

The summary below is a general and not formal picture of the current situation, based on reports from this group. We are focusing on measures to suspend public hearings and sessions. Any inaccuracies can be reported through this channel and will be corrected as soon as possible. Updates will occur at the end of the day.

Thank you very much for your cooperation.

Paulo Dornelles, Brazil.

Country	Suspension or restriction of judicial activity
AO Angola	No.
AR Argentina	Activities suspended in the Buenos Aires Province (for 5 days)

BR Brazil	Hearing suspended in many Courts. Remote work for risky situations. Many measures taken.
CL Chile	No.
co Colombia	Suspended court terms and hearings from March 16 until March 30 (with some exceptions), and adopted remote work.
CR Costa Rica	Remote work in some cases. Waiting for a decision about other measures from the Supreme Court.
HR Croatia	No.
DK Denmark	Courts closed.
DM Dominican Republic	No.
EC Ecuador	No. Activities suspended except for flagrances since March 16.
FI Finland	Remote work when possible and suspended education for the judiciary personal.
DE Germany	No.
GT Guatemala	Totally suspended the activities until 1/04/2020, except urgencies and judicial shifts.
IT Italy	Only exceptional hearings. The country is under lockdown.

IL Israel	No.
MD Moldova	Partial restrictions in the judiciary. Public manifestations prohibited.
PA Panamá	Court terms suspended for 2 weeks from 16/03/2020, but the offices still opened.
PY Paraguay	Activities suspended for 15 days. All public and private activities with crowds of people were suspended for 15 days. School activities, concerts, cinemas to prevent the spread of the epidemic.
PE Peru	Terms and judicial activity suspended, with exceptions, for 15 days from March 16.
PT Portugal	Judicial terms suspended. Presential hearings only for urgent cases. Restrictions adopted and remote work.
PR Puerto Rico	Suspended hearings, except for urgencies, from March 16 until March 30. Remote work adopted.
SI Slovenia	Courts handle only urgent cases from March 16 onwards.
ES Spain	Only urgent hearings. Strong measures taken. Remote work suggested when possible. Judicial school activities suspended until April 14.
us United States	The Supreme Court postponed arguments. New York Courts postponed non-essential functions.



The latest informal report released is from March 20, 2020. The introduction of the report provides an overview of the actions taken in the world to contain the pandemic and to restrict judicial activity in the countries most affected to the minimum. Measures adopted by judicial associations are highlighted.

Update

March 20, 2020.

The world keeps fighting the coronavirus pandemic intensely. The number of infected people continues to grow and more countries close their borders. A report from a hospital in Italy shows the overload of the system and the severity of the disease. Several regions of Brazil have imposed stricter rules to control the pandemic. Paraguay adopts quarantine until April 12 and movement restriction until March 28 (purchase of food, medicine and transfer of patients).

The judicial powers around the world also adopt new measures. Panama suspends presential work in the Courts from March 23 to April 9. In a pronouncement of March 19, the Latin American Federation of Magistrates - FLAN urges the judicial powers to adopt measures against the spread of the coronavirus. In a statement of March 20, the Chilean National Association of Magistrates calls judges and officials to quarantine. The Chilean Court of Appeals radically restricts the number of people present in the courts. Images of disinfection personnel in the Court of Valencia, Kingdom of Spain, are released. Criminal judges in Colombia continue to work using protective uniforms, while the coronavirus infection of a detainee in Bogotá is confirmed.

A light of hope emerges with promising results from the use of drugs to treat malaria in the coronavirus fight. Magistrate Mohamed Alaoui Mrani of Morocco is responsible for bringing the news to the group. According to President Trump, the drug may or may not be the cure for COVID-19, but he is optimistic.

The summary below is a general and non-formal picture of the current situation, based on the reports presented in this group. We are focusing on measures to suspend trials and public sessions, but also on other measures to suspend judicial activities. Any inaccuracies can be reported through this channel and will be corrected as soon as possible. Updates will occur at the end of the day.

Thank you very much for your cooperation.

Paulo Dornelles, Brazil BR.

Country	Suspension or restriction of judicial activity
AO Angola	No.
AR Argentina	Non-working days until March 31st; judges, magistrates and officials are dealing only with emergencies and working remotely when possible; provinces suspended judicial activity, as for example Buenos Aires (for 15 days).
BR Brazil	General rules were adopted. The National Justice Council issued a resolution on March 19, valid for the entire country, suspending presential work, with rare exceptions; adopting remote work as a rule; and suspending the judicial terms. These rules are valid until April 30 and can be extended.
CL Chile	Courts are operating with minimum allocations to deal only with urgent cases. The Chilean Court of Appeals radically restricts the number of people present in the Courts.
co Colombia	Suspended court terms and hearings from March 16 until March 30 (with some exceptions), and adopted remote work. Images of colombian warranty judges working with masks and full protection uniforms. Coronavirus infection of a detainee in Bogotá is confirmed.
CR Costa Rica	Remote work in some cases. Waiting decision about other measures from the Supreme Court.
HR Croatia	No.

DK Denmark	Courts has been closed from March 12 until March 30; only few employees are present in the Court buildings to deal with critical cases; judges and secretaries are working from home; all hearings were postponed, but still have telephone meetings and digital communication with lawyers.
DM Dominican Republic	No.
EC Ecuador	No. Activities suspended except for flagrances since March 16.
FI Finland	Remote work when possible and suspended education for the judiciary personal.
DE Germany	Courts keep working, but hearings in March and April were suspended; judges and Court officials in many states are encouraged to work directly from home; urgent matters are still dealt with.
GT Guatemala	Totally suspended the activities until April 1st, except urgencies and judicial shifts.
IT Italy	Only exceptional hearings. The country is under lockdown.
IL Israel	No.
MD Moldova	Partial restrictions in judiciary. Public manifestations prohibited.

PA Panamá	Court terms suspended for 2 weeks from March 16, but the offices still opened.
PY Paraguay	Activities suspended for 15 days. All public and private activities with crowds of people were suspended for 15 days. School activities, concerts, cinemas to prevent the spread of the epidemic.
PE Peru	Terms and judicial activity suspended, with exceptions, for 15 days from March 16.
PT Portugal	Judicial terms suspended. Presential hearings only for urgent cases. Restrictions adopted and remote work.
PR Puerto Rico	Suspended hearings, except for urgencies, from March 16 until March 30. Remote work adopted.
SI Slovenia	Courts handle only urgent cases from March 16 onwards.
ES Spain	Only urgent hearings. Strong measures taken. Remote work suggested when possible. Judicial school activities suspended until April 14.
us United States	Supreme Court postponed arguments. New York Courts postponed non-essential functions.

Not long after the publication of this report, we received information that Croatia has only been dealing with urgent cases since March 16, 2020, with Judges working remotely when possible. In a scenario of constant change, the measures adopted by the judiciary are also changing rapidly.

The world faces an invisible army that carries death and disease wherever it goes. Scientists struggle against time in search of a vaccine against the virus or a cure for the disease. Governments adopt extreme contact restriction measures, with unpredictable economic consequences. These

extremes, however, seem the only alternatives to reduce the number of infected and not to collapse health systems.

In this extreme scenario, the Judiciary in the world is forced to adapt. Presential activities are severely restricted in the most affected countries, but not only there. Remote work is widely adopted. Virtual audiences are encouraged. The Judiciary adapts, but does not stop.

The preliminary conclusions of this first report are quite objective:

1) Magistrates' associations play an essential role during the crisis. They act to safeguard the lives of their members and prevent the expansion of the pandemic.

2) Fast systems of communication between members of the world's judiciary are essential during crises of fast dispersion. The examples of measures adopted abroad can serve as a model for internal measures. The fast communication of these measures allows for almost immediate use.

3) Remote work systems, via the Internet, are essential in quarantines. Remote activity allows the judiciary to remain active and resolve conflicts resulting or not from the pandemic, without interruption.

Santa Maria, Brazil, March 22, 2020.

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Association