

ANSWERS SUBMITTED BY BERMUDA

QUESTIONNAIRE

ON THE IMPACT OF COVID-19 ON RULE OF LAW AND JUDICIAL ACTIVITY

1. What are the main problems the Judiciary experienced at a general level in your country as a consequence of the legal reforms approved in order to cope with the COVID-19 pandemic? **With the enactment of curfew and shelter-in-place regulations the Courts' operations reduced significantly with many matters having to be administratively adjourned to a later date. This obviously will create a backlog of cases and will undoubtedly place added stress on an already under resourced system.**
2. Did the legal reforms approved in your country in order to cope with the COVID-19 pandemic affect Rule of Law and Human Rights principles? If any, pls. enumerate them. **No. Urgent matters, other than trials, are still being heard (albeit electronically) and parties are still able to have fair hearings in accordance with the law and procedure.**
3. As to the judicial organisation of your country, what impact had the legal reforms approved in order to cope with the COVID-19 pandemic? More specifically, what were their effects on the powers of the Minister of Justice, Council for Judiciary, Heads of Courts, Heads of Prosecution Services, Judges, Prosecutors, Court Administrators, Court Managers? **No effect or impact.**
4. As far as Court activity, Court proceedings and trials are concerned, what was the impact of legal measures adopted? Pls. provide relevant information distinguishing between civil, criminal and administrative cases. **In respect all categories of cases, the overall activities of the Courts reduced significantly. Initially, only urgent matters were heard in Court and non-urgent matters and trials were adjourned to later dates. Filings of all proceedings were and still are suspended.**

Once Shelter-in-Place Regulation were imposed the Courts dispensed with all in-court appearances, non-urgent matters were administratively adjourned to a later date, and now only urgent matters are heard electronically (no trials are heard electronically). Shelter-in-Place Regulations are due to be lifted on 2nd May 2020 and after which the Courts will increase the types of matters that can be heard electronically and in-Court (no trials will be heard electronically) and proceedings can be filed (there will be various social distancing and other precautionary measures put in place).

It is anticipated that between June and July 2020 the Courts will resume normal operations. Of course this depends on what legal reforms are in place.

5. Did “urgent” cases receive a different treatment and in this framework was a special legal definition or specification of “urgency” introduced for Court proceedings and trials? **Yes, urgent cases are prioritized and heard electronically. The Courts determine what case is deemed to be of an urgent nature.**
6. Did the amount of money and, more generally, the value at stake in the case play a role in the treatment of it? **No, only the urgency of the legal issues.**
7. As far as criminal cases are concerned, did cases concerning arrested defendants receive a different treatment? **New serious criminal matters and matters whereby the Defendant is in police or prison custody, or awaiting sentencing, are given priority and heard electronically if the Defendant consents.**
8. What was the impact of such legal reforms on legal deadlines and procedural timeframes? **The rendering of Judgments/Rulings, compliance with case management directions, filing of proceedings, and the payment of fines and judgment debts have been extended to dates after the legal reforms are lifted.**
9. What is the role played in your country by IT, e-filing, smart and remote working in the management of cases as an effect of legal measures approved in order to cope with the COVID-19 pandemic? To what extent these measures are applicable also to the activity of Public Prosecutors? **Although not ideal for the hearing of submissions and dealing with lawyers and parties, matters have been heard electronically. Fortunately, breaks in internet connectivity have not drastically effected the quality of the audio and video but hearings have taken on average 30% longer to be resolved. Of course, there is always a concern about the security risks to data and the potential for interruptions by hackers.**
10. What is the role played by your Association in the drafting of such legal reforms? Was your Association consulted by the Government before adoption of the aforesaid measures? **The Judiciary has played no role in the drafting of legal reforms. There has been some, albeit little, consultation with the Judiciary before the adoption of any measures.**
11. Did the Government consult the High Council for the Judiciary and/or other judicial institutional instances or representatives before adoption of the aforesaid measures? **See answer to No. 10.**
12. What is the attitude of Bar Associations and Lawyers vis-à-vis such legal reform? **Initially the Bar Association and Lawyers were in favour of the legal reform, however as time has elapsed attorneys now want their matters to be processed and heard expeditiously. It is anticipated that their calls will become louder and more frequent as the days progress.**

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