

CENTRAL & EASTERN EUROPEAN
JUDICIAL EXCHANGE NETWORK

WEBINAR DISCUSSION
SERIES #2

ACCESS TO JUSTICE
DURING AND AFTER
THE PANDEMIC

June/July 2020

OVERVIEW

This Second Webinar Series is part of CEELI Institute's program with the Central and East European Judicial Exchange Network. The Network, which has been going since 2012, is comprised of some of the best and brightest young judges from eighteen countries who gather regularly to share best practices on issues of judicial independence, integrity, accountability, and court management. As international in-person meetings are likely to be limited for some time to come, the Webinar Series ensures that the Network can continue to meet its mandate to improve judicial integrity and court efficiency in Central and Eastern Europe, despite the global lockdowns resulting from the coronavirus pandemic. The topic – Access

to Justice During and After the Pandemic – is particularly relevant to the judiciary in the current climate, but also touches on numerous access to justice issues that have on-going relevance beyond the current extraordinary circumstances. The first series, which explored Videoconferencing in support of Remote Access to Courts, took place bi-weekly between April 7 and May 19 2020, and is available on-demand to all Network members through the CEELI Online platform. To request a logon for CEELI Online to access content please email freda.grealy@ceeli.eu. This second series aims to build on the first by looking beyond videoconferencing to broader justice issues raised by the pandemic.

WEBINAR #1

TUESDAY 2 JUNE 2020
(75 MINUTES)

TOPIC:

REMOTE JUDGING AND
VIDEOCONFERENCING IN THE
COURTS – THE EXPERIENCE OF
JUDGE'S IN MOLDOVA, NORTH
MACEDONIA AND GEORGIA

In this first session, a number of judges from the Judicial Network shared firsthand experience of running hearings by videoconference. In the Western Balkan region, there are several developments in the field of remote trials, and the presentation from North Macedonia featured the endeavors of the small courts which set the regional precedent by organizing and adopting the first remote trials. Speakers examined the protection of procedural rights of the defendants during these remote trials and the role of the Judicial Media Council of North Macedonia in safeguarding judicial transparency. Judge Bichia from Georgia outlined the types of cases that he deals with, the practical issues, and how he has adapted his approach as his experience of working remotely has progressed. Judge Victoria Sanduta from Moldova provided an overview of how Moldova has used videoconferencing in their court proceedings.

SPEAKERS:



JUDGE VICTORIA SANDUTA,
Chisinau Court,
Republic of Moldova



JUDGE LAZAR NANEV,
President of the Basic Court
in Kavadarci, North Macedonia



JUDGE GJORGJI ANDONOV,
President of the Basic Court in Stip,
North Macedonia



ANDREJ BOZHINOVSKI,
LLM, Legal Adviser at the
Macedonian Judges Association,
North Macedonia



JUDGE SHOTA BICHIA,
Zugdidi District Court,
Georgia

WEBINAR #2

TUESDAY 16 JUNE 2020
(75 MINUTES)

TOPIC:

EXIT STRATEGIES
& COURT MANAGEMENT
POST COVID-19

This session, in partnership with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), explored how the courts are preparing to function after pandemic conditions. ODIHR presented current research on the consequences of adopted emergency measures and invited judges to further share their experience. What will be the effect of the unprecedented rate of suspended and delayed cases? What new cases can the courts expect to emerge as a result of the pandemic and the measures taken to control it? Many courts were already struggling with delivering justice in a timely fashion – how should they be preparing for an even worse backlog? Can some of the measures that have been taken during the pandemic, such as the use of remote trials, be continued as a tool to expedite proceedings? What is the exit strategy? What lessons have we learned?

SPEAKERS:



ANDREA HUBER,
Deputy Chief, Rule of Law Unit,
OSCE Office for Democratic
Institutions and Human Rights



PROF. RACHEL MURRAY,
Director, Human Rights
Implementation Centre School
of Law, University of Bristol -
ODIHR consultant

WEBINAR #3

TUESDAY 30 JUNE 2020
(75 MINUTES)

TOPIC:

ELECTRONIC EVIDENCE AND
DEALING WITH WITNESSES
IN VIDEOCONFERENCE
HEARINGS

This week's session began with a summary from Mr. Stephen Mason about the development of electronic evidence, the available methods and tools, and a need for a conceptual change regarding judiciaries' views and interpretations of e-evidence. Do the established rules for paper evidence still apply? What are the benefits and complications of electronic evidence? Magistrate Santiago Altamirano Escalante addressed the topic of criminal justice for adolescents and juveniles and his first-hand experiences with online justice during the COVID-19 crisis in the State of Yucatan Mexico. Judge Bichia closed out the conversation with his experience and tips on utilizing remote tools for witness questioning.

SPEAKERS:



MR. STEPHEN MASON,
Barrister,
United Kingdom



**MAGISTRATE SANTIAGO
ALTAMIRANO ESCALANTE,**
Yucatan, Mexico



JUDGE SHOTA BICHIA,
Zugdidi District Court,
Georgia

WEBINAR #4

TUESDAY 14 JULY 2020
(75 MINUTES)

TOPIC:

AFTER THE CRISIS, WHAT
WILL COURT OPERATIONS
LOOK LIKE?

This session takes a look at some of the very practical considerations that will come into play at the courts re-open. How will court spaces need to be reoriented to keep staff and users safe? What special considerations come play with into individuals in custody? How will courts manage an increased backlog of cases? In addition, what elements of remote judging will remain in play and what are the potential challenges and risks associated with the use of technology for certain hearings in terms of safeguarding rights and adhering to international standards.

SPEAKERS:



JUDGE KATICA ARTUKOVIC,
Vice President Judges
Association Federation
of Bosnia and Herzegovina



JACKIE BRYANT,
Clerk of Court and Court
Administrator for the Second
Judicial District Court,
Washoe County, Nevada



TIM MOLONEY QC,
Doughty Street Chambers,
London

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This project has been made possible through the generous support of the Bureau of International Narcotics and Law Enforcement (INL) at the U.S. Department of State.



These sessions take place in the English language. Following each session, there is a summary of outcomes and recommendations. In addition, the Webinar series is hosted on our learning platform, CEELI Online, together with other supporting material or slides referred to by the speakers, as well as an archive containing many other resources and relevant links. Access to this closed, password protected group is provided for members of the CEE Judicial Network. Those that wish to secure access can email freda.grealy@ceeli.eu. A discussion forum within the learning platform will also support conversation and peer-to-peer engagement beyond the limit of the actual webinars. You might also be interested to listen to our podcast series – 'CEELI talks' - which touches on many of these subjects and is available to all at www.ceeliinstitute.org