



GUIDELINES FOR VIDEO CONFERENCE PROCEEDINGS

These guidelines are issued to supplement the provisions of Rules 132 and 133 of the East African Court of Justice Rules of Procedure 2019 and parties are advised to note the following.

1. Proceedings through the video conference shall be like any other court proceedings and parties shall be expected to conduct themselves in the usual manner.
2. Keep the same degree of formality as you would in a physical courtroom.
3. Counsels appearing for video conference hearings shall appear robed in their judicial attires without exception but will be seated. Any counsel not so dressed shall not be afforded audience before the Court.
4. In as much as possible Counsel wishing to rely on any document shall ensure the same was shared by the other party as well as being filed in Court.
5. Please embrace the technology and test the software prior to the hearing, the Court will assist counsels to familiarize with the core features of the system.
6. The system allows sharing of the document you are looking at on the screen but that sharing on the screen shall be coordinated from only one point which will be done by the Court IT staff.
7. Place your microphone on mute when you are not speaking. Avoid shuffling papers and making other distracting background noises. In as much as possible, mute the mic unless you are speaking. This avoids feedback and extraneous noises. The sound of a keyboard can be quite disconcerting and devastate the audio quality for everyone.
8. Working from home and using different software may put great deal of pressure on networks and there may be problems with bandwidth. In those

circumstances you may have to turn off the video to save the connection and avoids the disruption of a party dropping out and having to reconnect. All that can be very disruptive. These issues shall be discussed with Court staff prior to commencing the hearing.

9. Counsels shall keep their video on for the duration of the hearing, even when not speaking (this is for the benefit of the other advocates and the judge, however, it also has the added benefit that others will notice immediately if your connection drops off).
10. The Court shall make contact with the Counsels well in advance of the hearing to discuss and confirm the arrangements.
11. In the event there is to be testimony from a witness, the Court shall ensure the witness protocol is settled in advance – where the witness is to link from, with what documents (electronic or paper) and free of distractions and any possibility of coaching by someone from the sidelines. Consideration shall be given on how the witness shall be sworn, and unless the witness is to affirm, whether there is access to an appropriate religious text.
12. Counsel may wish to supply draft skeleton arguments well in advance of the hearing.
13. Consider your working environment to ensure it is appropriate for a Court session.
14. Turn off email and other notifications which might be given on your computer and distract you or others during the proceedings.
15. During the hearing aim to connect to the video call at least 30 minutes before the designated start time.
16. Ensure you are in an environment that shuts out as much noise as possible, has decent lighting, keep a glass of water and any necessary device charger at hand.
17. Bandwidth will have a huge impact on the smooth-running of the hearing. It is important to minimize internet use in your home during the hearing in order to secure the best and most consistent connection.
18. The court will record the hearing. The parties and representatives must not do so unless specifically permitted by the judge.
19. As much as possible try not to interrupt. If there is a need to so, do not simply launch in with your point. Say something to get the judge's attention i.e. "Your honour/ My lord" and then wait for an invitation to speak. Simply speaking over the other person will not work well on video-link.

Common Challenges

Some of the current defects of remote hearings include:

- Variable sound quality
- Screens freezing and participants speaking soundlessly into the camera.
- Participants dropping out of the video call altogether. When judges notice such problems, the hearing will usually be stopped and the individual re-invited. Beyond the technological difficulties, however, are the issues which can be pre-empted, managed and in most cases circumvented with adequate preparation:
 - Witnesses speaking down into their documents and mumbling.
 - The loss of the ease of interactions of actual personal presence.
 - The draining nature of spending hours interacting with a screen compared to 'in-person hearings'.
 - The fact that the hearing will take longer as people navigate electronic bundles and switch between speakers. Practical tips and solutions of having good software and a stable internet connection will be key to ensuring the smooth progress of any hearing.

Despite the many negative aspects, however, it is hoped that the innovative modes of working and use of technology being utilized now will be for the betterment of the legal profession and administration of justice as a whole in the long run.

**REGISTRAR
EACJ**