

# Newsletter

## THAILAND: ELECTRONIC HEARINGS THROUGH ONLINE SYSTEMS DUE TO THE COVID-19 PANDEMIC

The COVID-19 pandemic has not only been causing dramatic damage globally affecting every aspect of business, but it has also impacted on the ability of a party to a court case to travel to court. Postponement of a hearing may cause damage to the party concerned so is not a good option. To facilitate the parties while ensuring the safety of court officials, parties and other people visiting the court, the Court of Justice (the "COJ") has therefore adjusted its protocol for providing services to the public. E-hearings through video conference applications e.g., Cisco Webex, Microsoft Teams, Google Meet, Line, and Zoom are now acceptable for some types of civil case.

### E-hearings permitted for some types of Civil Cases

Pursuant to the COJ's Notification No. 1 dated 9 April 2021 and Notification No. 2 dated 16 April 2021 re: Coronavirus Disease: COVID-19 (the "Notifications"), the types of civil case which can proceed with e-hearings are as follows:

- i) a petition requesting the appointment of an administrator of an estate,
- ii) a petition requesting declaration of a person as disappeared, appointment of a guardian and a curator, and
- iii) a petition for the permission of the court to exercise parental power of a minor without any objection having been raised by any party.

However, this is subject to there having been no objection to those petitions and the Notifications do not apply to the cases where a party or witness has domicile outside Thailand.

### Procedures for E-hearings

In order to verify the identity of parties and witnesses who attend the hearing via an online system, such parties and witnesses are required to present their citizen ID card through the monitor so that a court official can verify and record their portrait and the presented ID card. The record would be kept in the case file and court docket.

Before the hearing commences, a court official would inform the parties involved and witnesses of the process and steps for the hearing. The witness would be sworn in before the court prior to the giving of his/her testimony.

During the witness examination, the parties may present their original evidence through the monitor to examine the true copy which will have already been submitted to the court earlier. If the court considers that submission of the original evidence is necessary, the court may require the parties to submit the original evidence afterwards.

Once the witness testimony has finished, the judge would read the witness statement in the presence of the parties who attend the hearing in the courtroom and require those parties to sign the witness statement. The parties and witnesses who attend via online system shall be deemed to have signed and acknowledged the witness statement.

If you require advice on any of the issues raised in this briefing, please contact the authors listed in the right-hand column.

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