



IMPRESSIVE USE OF TECHNOLOGY BY COURTS DURING COVID IN TANZANIA

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The handling of cases by courts during the coronavirus outbreak is not uniform. Cases are handled differently depending on each jurisdiction and the nature of the dispute involved. In areas that are in total lockdown, people are locked in-house thus documentation may be submitted electronically and the hearing is conducted virtually. This is not very similar to areas with partial lockdown or areas that exercise curfews; in these areas business may commence during the day and lockdown is takes effect at night.

Subsequently, Courts may be able to hear cases with some social restrictions. In Tanzania on the other hand, there is no lockdown, therefore business continues as usual. However, there are a number of measures the judiciary have put in place so as to preserve health and reduce the risk of spread of the virus.

Cases are still instituted and hearings are still conducted. Save for the courts that accept electronic institution of suits the rest of the courts still receive fresh cases physically. People visiting courts are required to wear a face masks and wash hands before entering courts. The judiciary further discourages crowds in the court thus requires for the cases that do not necessarily require the presence of both the party to a case and his advocate for the advocate to appear instead. Courts also are more concentrated on the cases that are urgent rather than the ones which are not. This is in an effort to eliminate any possibility that would cause the spread of the virus and reducing social contact.

In areas where there is swift technological advancement cases are instituted electronically and submissions may be made electronically as well. Hearings are conducted virtually. Virtual hearings are conducted while each party and the judicial officers are in their respective virtual offices. Video conferencing platforms such as zoom has been an essential tool by courts during these dire times. The filling of cases is also done online via a system that has been impressive and well received by practitioners. These have been very helpful during these times, for they serve delays that might have been caused by the effects of the pandemic. Virtual hearing however are very challenging. The first challenge being technology itself, not all may have access to the technology that is needed in order to attend the virtual hearings or to institute cases. Another bigger challenge is the “virtuality” of the process itself. Parties to the hearing fail or are unable to assess one another’s demeanor which is very crucial to the judgment or ruling of the case.

These challenges associated with the coronavirus on courts are not facing a specific jurisdiction, they are facing everyone involved in the litigation process and are unprecedented; as to how different jurisdictions react, and new rules are set on a daily basis. The judiciary is not to be discouraged by adapting by a way which would work best



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for them for smooth and effective administration of justice.

Despite all the challenges the Tanzanian judiciary has been able to adapt and make good of the technology. It is quite an impressive use of technology by the court during COVID in Tanzania.