

Judiciary Covid-19 Protocol

1. The Courts provide an essential service to the people of the Republic of Vanuatu. The Courts will remain open at all 4 levels of the Ministry of Health's Covid-19 Response Levels to ensure access to justice. This protocol sets out a framework for ensuring that everyone who needs to participate in proceedings is able to do so. The principal considerations that underpin this protocol, and decisions under it, are the interests of justice and the protection of the health and safety of everyone accessing court.
2. It should be noted that information about the response levels can be found at website: covid-19.gov.vu. Updates can be heard on Radio Vanuatu at AM 1125 or FM 100, and the latest information can be accessed by telephoning 119).
3. Level 0 of the Ministry of Health's Covid-19 Response Levels applies when there is no Covid-19 in the Republic of Vanuatu. Level 1 applies when there is a Covid-19 case or cases at the border, or in quarantine. Level 2 applies when there is a confirmed local case or cases. Level 3 applies when there is a high risk of transmission of Covid-19 within the community, involving more than one local area/region or being country-wide. We have adopted a traffic-light approach, with Level 1 being green, level 2 being orange and level 3 being red.

Level One: Green. Case at the Border

We see no change to normal work being undertaken at this level, and anticipate a full complement of support staff on duty.

The measures to be taken in response to this level are:

- Hand washing, sanitizing;
- Social distancing;
- Anyone feeling unwell is to go home and stay there until recovered;
- Daily cleaning of Court and Chambers facilities.

We see no change to normal work being undertaken at this level, and anticipate a full complement of staff on duty. Payment of court fees by cheque, direct banking or other non-cash payment is encouraged. Accounts numbers could be obtained from Registry upon request.

The measures to be taken in response to this level, including those for Level One, are:

- The wearing of masks is mandatory;
- Temperatures are to be checked by non-contact infra-red forehead thermometers, and those recording a temperature higher than 38 degrees will not be admitted but advised to self-isolate;
- A list of all participating in or observing a proceeding will be compiled and retained for 21 days to assist in contact tracing;
- Everyone attending is to provide evidence of vaccination. At least one vaccination is required. Those unable to supply such evidence are able to participate, but will need to do so remotely – for example in Court 3 at Dumbea, or Hearing Rooms 1 and 2 at the Supreme Court Registry when those Courts are equipped to deal with AVL. Alternatively, an in-person appearance may be scheduled at a time which allows for additional health and safety measures;
- Supreme Court plea days on the first Tuesday of every month will continue. Court tours to other regions will continue.
- Witnesses required to attend Court, should not enter the courtroom until immediately prior to their scheduled appearance;
- A defendant's entitlement to be physically present in the courtroom for their trial remains unchanged. Additional health and safety measures will be implemented;
- The Courts remain open to the public. For public health reasons, there will be limits on the number who are able to be admitted, and those admitted must adhere to this protocol. In the Supreme Court, in Courtrooms 1 and 2, the maximum number of persons (including judicial officer, court staff and counsel) who may be present is 10. For Courtroom 3 the maximum number is 7. For Hearing Rooms 1 and 2 the maximum number is 4. In the Magistrate's and Island Courts the maximum number is 7;
- Counsel should, as far as possible, take instructions and brief witnesses outside the courthouse;
- Cleaning of facilities will be enhanced. Short adjournments will occur to enable cleaning between individual cases;
- There will be increased use of AVL, utilising the AVL Protocols.

Level Three: Red Community Transmission

We anticipate a reduced complement of support staff will be required. The Registrar will arrange a weekly roster throughout this level.

The measures to be taken in response to this level, including those for Levels One and Two, are:

- A reduced number of in-person hearings. Only matters the Court considers urgent may involve participants appearing in-person. All other matters will be dealt with remotely as far as possible, by AVL or telephone. We envisage the following matters as possibly being urgent:
 - Island Court: enforcement of child maintenance payments;
 - Magistrate's Court: first or subsequent remands, bail hearings, some sentencings where liberty is at stake, domestic violence applications, and civil interlocutory applications; and
 - Supreme Court: bail hearings, some sentencings where liberty is at stake, some Magistrate's Courts appeals where liberty is at stake, matrimonial disputes such as custody and/or access including mediations, and civil interlocutory applications.
- Court tours are unlikely to take place;
- Judicial Officers will be encouraged to work from home where possible;
- Contested trials will occur only by special arrangements with the Registrar;
- Electronic filings will be accepted, by e-mail. A physical drop-box will be made available to accept filings at the Supreme Court Registry. The required fee to accompany filings is to be paid by cheque, direct banking or other non-cash payment.
- The Supreme Court Registry will remain open.

4. This Protocol will commence on the date it is signed.



Chief Justice V. Lunabek
Dated at Port Vila this 9th day of March 2022.