

**Notification of the Office of the Judiciary
on Criteria, Methods and Conditions Relating to the Electronic Court Procedures
in the Pandemic of Coronavirus Disease (COVID-19)
(No. 4)**

According to the Notification of the Office of the Judiciary on Criteria, Methods and Conditions Relating to the Electronic Court Procedures in the Pandemic of Coronavirus Disease (COVID-19) (No. 1) dated 9th April B.E. 2564 (2021) together with the aforementioned Notification (No. 2) dated 16th April B.E. 2564 (2021) prescribing criteria, methods and conditions relating to the electronic court procedures in the hearing of a petition without any objecting party, and the aforementioned Notification (No. 3) dated 26th April B.E. 2564 (2021) prescribing criteria, methods and conditions relating to the electronic court procedures in the hearing of consumer cases, petty and uncomplicated cases, and the hearing of motion in civil cases,

Since the pandemic of Coronavirus Disease (COVID-19) obstructs the travel to court of parties, and the adjournment of cases may impair interests of the parties, it is apt to apply the electronic court procedure to the Court Sittings in civil cases for the convenience of parties.

By virtue of Article 12, Article 13 and Article 27 of the Regulation of the President of the Supreme Court on the Electronic Court Procedure B.E. 2563 (2020), the Office of the Judiciary issues Notification of the Office of the Judiciary on Criteria, Methods and Conditions Relating to the Electronic Court Procedures in the Pandemic of Coronavirus Disease (COVID-19) (No. 4) as follows;

Rule 1 In this Notification,

“Court Sittings” means a session whereby Court conducts a proceeding in a case, such as settlement of issues, taking of evidence, examining, hearing of requests and oral statements;

“Case” means a civil case;

“Electronics” means the application of an electrical method, an electromagnetic method or any other methods of a similar nature and shall include the

application of an optical method, a magnetic method or a device involving the application of the aforesaid method;

“Electronic System” means the conference controlling system via electronic means.

“Electronic Filing System” means the court system supporting the services of complaints, pleadings, court’s orders, summons, other warrants as well as case documents in the form of electronic data as prescribed in the Notification of the Office of the Judiciary.

“Officer” means the Court of Justice’s personnel assigned to perform the duty.

Rule 2 This Notification shall come into force from the date of announcement.

Rule 3 This Notification shall not apply to the Court Sitting in which parties or witnesses have their domiciles in foreign countries and the closed trial under section 36 of the Civil Procedure Code.

Rule 4 When a court is ready to carry out proceeding in accordance with this Notification, the court shall issue a notification to the general public and may set practices of the court to the extent that is not against or contradictory with this Notification.

Chapter 1 General Provisions

Rule 5 Upon a request by a party, whether either of the parties is in default or not, when the Court deems appropriate, the Court may order that Court Sitting in the case be conducted by electronic means pursuant to this Notification with respect to the requesting party.

Rule 6 In requesting for Court Sitting by using electronic means pursuant to this Notification, the party may file a motion together with the pleadings or during the proceedings. Such request shall specify the Electronic System, communication devices and a venue where the parties or witnesses will be present while using the system.

Rule 7 The Court Sitting in which a party or a witness participate in a proceeding via an electronic method from a venue out of the courthouse under this Notification shall be conducted through the Electronic System with capacity to display

motion pictures and sounds clearly and continuously, as prescribed in the annex of this Notification. It is deemed that the persons participate in the proceedings in court.

Rule 8 A venue where a party or witness participates in a proceeding via the Electronic System from outside the courthouse shall be a suitable place without interfering noise, not a public place, and be a closed venue where no other persons have access to the venue without court's authorization.

Rule 9 The transmission of visual and audio signals of a party or a witness, from a venue using the Electronic System to the courtroom, shall be operated clearly and continuously throughout the sittings.

Rule 10 The presence of parties or witnesses in an electronic trial shall be verified by the Officer. The Officer shall examine whether the person using the Electronic System is the party or witness in the case. Such person is required to display his or her identification card on the system screen. Thereafter, the Officer shall record an image of such person's face along with their identification card that clearly shows information thereon, for submission to the Court as the evidence to be collected in the case file.

Rule 11 In the Court Sitting via the Electronic System, the Court may order the use of video and audio recording system to, fully or partially, record the proceedings in an electronic format. The record shall be stored in the Electronic Filing System of the Office of the Judiciary.

The parties or any person are prohibited from recording, disseminating, or transmitting pictures or sounds of the proceedings without the permission of the court.

Checking the recorded motion pictures and sounds of the proceedings under paragraph one shall be conducted in court and under the supervision of the Officer. It is impermissible to record any video or sound or to duplicate such electronic data, unless the Court deems appropriate to order otherwise.

Rule 12 A memorandum of proceedings and documents prepared by the Court in the course of Court Sitting via the Electronic System may be in an electronic format, and signed electronically by the relevant persons.

Rule 13 An electronic signature of a party or any person in a memorandum of proceedings and documents prepared by the Court in the course of the Court Sitting via the Electronic System may be done by having such party or person type their names to acknowledge or certify in the document in electronic format, as sent by the Officer via the system. The process for affixing signature via electronic means shall be continuously recorded by video recording system for an evidentiary purpose.

Chapter 2 Court Sittings

Rule 14 The Court Sittings via the Electronic System shall be conducted in the courtroom. The visual and audio signals of parties or witnesses participating in the proceeding from an out-of-court venue shall be transmitted and displayed openly in the courtroom.

Rule 15 If, during the Court Sitting via the Electronic System, there is reasonable doubt that parties or witnesses using the system are unsafe or the proceedings are not carried out with good faith, the Court may order to inspect the surroundings where the parties or the witnesses use the system, or render any other order, as deemed appropriate.

Rule 16 For the hearing of witness testifying from an out-of-court venue via the Electronic System, the Officer shall check the identification card of the witness and an interpreter (if any) and take the witness and the interpreter to swear or make an oath before the Court who is sitting in the courtroom.

In case where the Court Sitting to hear witness via the Electronic System is interrupted and cannot be continuously carried out, the Court may prescribe methods, so far as it is not contradictory with this Notification, to enable the completion of the hearing of witnesses. The interruption and the prescribed methods shall be recorded in the memorandum of proceedings

Rule 17 Documents or photographs submitted in corroboration with the witness testimony in the hearing of witness via the Electronic System shall be in the electronic format sent into the Electronic Filing System by the party.

The documents in the electronic format under paragraph one shall be regarded as original documents or equivalent documents in accordance with Article 18 of the Regulation of the President of the Supreme Court on the Electronic Court Procedure B.E. 2563 (2020). In case where such document needs to be printed out for collecting in the case file, the party producing the document shall be responsible for the cost of the print-out. If the original documents are necessary, the party producing such document may be required to bring it to the Court within the time, as the Court deems appropriate.

For the interest of taking of evidence, the court may hold a Court Sitting via electronic means prior to the date of taking of evidence to verify the availability of documents the parties will use in the examination of witnesses.

Rule 18 In the taking of evidence, the party referring to any document or photo is required to open the files of such document or photo in the Electronic Filing System to be displayed on the screen of the Electronic System (share screen) for a review of the Court, witnesses, and all parties.

The parties who bring documents or photos for the cross examination of the witness shall convert the documents or photos into the electronic format and display such document images in the electronic format on the screen of the Electronic System (share screen) for a review of the Court, witnesses, and all parties. Such documents or photos shall be sent in the electronic format to the Court via the Electronic Filing System within the time as the Court deems appropriate in order to collect in the case file.

Rule 19 After the witness finishes testifying and the panel of judges has read the record of witness testimony, the Officer shall arrange such record of witness testimony to be signed by the parties in the courtroom and convert such record of witness testimony into the electronic format and upload it into the Electronic System. The parties and the relevant persons participating from an out of court venue shall review it on the screen and affix their electronic signatures for acknowledgement and affirmation of such document. If the electronic signature cannot be affixed, it shall be considered as a case that such person cannot sign the document.

The provision in the previous paragraph shall apply to the signature of parties signed on a memorandum of proceedings *mutatis mutandis*.

Chapter 3 Execution of Officer

Rule 20 The Officer shall notify the relevant persons of the Electronic System required by the Court to be used in the Court Sitting, and inspect the readiness of the Electronic System, Electronic Filing System, the venue where the system is used and communication devices of the relevant parties to ensure that the Court Sitting via the Electronic System is duly carried out. Thereupon, the Officer shall report the readiness to the court prior to the date of appointment.

Rule 21 The Officer shall prepare a report with the details of Electronic System used in the Court Sittings, name of the internet service provider, names of the users, venue, date, starting and ending time of system used of all parties and any technical difficulty during the proceedings (if any), which is to be presented for the Court to issue an order, as deemed appropriate.

Rule 22 Prior to the Court Sitting, the Officer shall link signals of the Electronic Systems between the Court and those who are authorized to use the system, check the suitability of communication devices and the venue where the system is used, and inform the relevant persons of the process as well as practice guidelines for electronic court procedures.

Rule 23 During the Court Sitting, the Officer shall control the use of Electronic System and the Electronic Filing Systems in accordance with Court orders, such as opening files of document images from the Electronic Filing System to display on the screen of the Electronic System (share screen) together with recording video and audio of the proceedings.

Rule 24 If, during the trial, any problems, defects, or matters affecting security of the Electronic System occur, the Officer shall promptly report the Court of the aforementioned incidents.

Announced on the 5th Day of May B.E. 2564 (2021)

(Pongdej Wanichkittikul)

Secretary-General of the Office of the Judiciary

The Electronic Systems applied in the Court Sitings by the electronic means are the applications as follows:

1. Google Meet;
2. Cisco Webex.