

REPUBLIC OF VANUATU



CHIEF JUSTICE'S CHAMBERS

Court Arrangements due to Covid-19

Message from the Chief Justice

9 April 2020

Introduction

1. The events of Covid-19 continue to move at great speed. The President of the Republic of Vanuatu declared a State of Emergency on Thursday 26th March 2020. The Prime Minister has been keeping the people of Vanuatu informed regarding Covid-19's continued world-wide spread.
2. In my view, the likelihood is that Covid-19 will somehow get to Vanuatu. It is therefore critical that from now on everyone practices prevention of spreading. The clear message from around the world is that we should all take every precaution to guard against and avoid unnecessary contact.
3. Accordingly, a review of the arrangements in our Courts is called for. This short statement is aimed at Judges, Magistrates, lawyers and other court users, to provide some clarity for the immediate future.

Principles

4. The Courts of Vanuatu remain open for business. It is necessary for that to be my position due to considerations for:


- The liberty of individuals;
 - The protection of those at-risk or vulnerable, including children;
 - The national and community safety interest; and
 - Facilitating and promoting public order.
5. My unequivocal position however, is that no trials or physical hearings can take place unless it is **safe** for them to be dealt with. I refer to the universal advice that is summarised in the document entitled "What You Need To Know" appended hereto. I commend you to study this document closely.

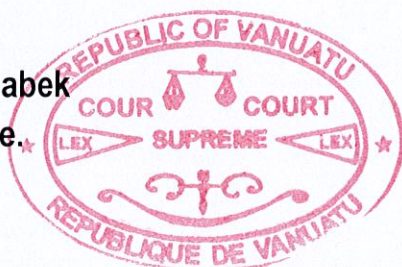
Arrangements

6. This document sets out what is required for matters in Court to be safely dealt with, and also what I intend to do to ensure that those requirements are met in full. Those requirements necessitate the deferral of all Supreme Court tours to outer islands of Vanuatu for the present.
7. Court hearings will only commence once these specific arrangements to ensure the safety of all involved have been put in place. In some cases, this may mean that presiding Judge or Magistrate will decide to defer commencing the hearing, while the necessary safety issues are resolved. Alternatively, the safer decision may be to adjourn the matter to a safer time. Resident Judges in Port Vila and resident Magistrates in Port Vila, Luganville, Santo, Malekula and Tanna, with the assistance of the Judicial Administration, will determine whether any particular hearing can be safely commenced and/or continued.
8. I can indicate that matters of particular public interest, such as cases involving land issues, will likely be deferred for a period. As well, cases involving a large number of litigants or likely to occupy a lengthy period of sitting time are likely to be given new

dates in the future. My utmost concern for the safety of everyone involved in such matters will dictate this.

9. The same conditions, in relation to safety, apply equally to Island Courts matters.
10. At this point in time, we are restricted to make best use of the present Court buildings and the equipment currently in place. The Judicial Administration, with the assistance of the Ministry of Justice through SRBJS, are doing their utmost to assist with the necessary sanitation requirements for the Court rooms, Judge's and Magistrate's Chambers, Court offices and Court staff desks.
11. I am investigating and will, as soon as possible, implement arrangements to use telephone and audio video technology so as to be able to hear as many matters as possible remotely.
12. All hearings in the Supreme Court that can lawfully take place remotely, by telephone or audio video link (if available) should be so dealt with. Guidance will be given about the use of remote hearing technology to those that require such assistance.
13. If any court user is uncomfortable, be they a member of the profession or the public, regarding their individual or collective safety in Court they should advise the Judicial Administration, in advance of the hearing if possible, with their concerns. Alternatively, they are at liberty to approach the presiding Judicial Officer, at or prior to the commencement of the hearing, to voice their concerns. All those concerns will be taken seriously and acted upon.
14. This guideline will be updated, as events develop.


Vincent Lunabek
Chief Justice



WHAT YOU NEED TO KNOW

WHAT DO WE NEED TO DO INDIVIDUALLY TO KEEP SAFE

- Wash hands for 20 secs and then dry hands thoroughly:
 - Sanitizing kills off the virus.
 - Soap and water washes the virus off.
- COVID-19 can spread from person to person, so:
 - Sneeze or cough into your elbow
 - Maintain physical distance of at least 1.5 - 2 metres
 - No shaking hands or kissing or other physical forms of greetings
 - Do not touch your face, especially eyes, nose or mouth
 - Absolutely no spitting or blowing noses other than into tissues

SURVIVAL TIPS

- Maintain physical distancing from others in public and in your community.
- Create a COVID -19 bubble for only you, your partner and children in order to limit the potential for infecting others.
- Only go out when essential items needed like food and medicine.
- Avoid crowds of any kind including funerals and weddings.
- Other than your COVID-19 bubble do not be in any grouping of more than 5 people at a time, while still maintaining 1.5-2 metre distance.
- Call the COVID -19 hotline if you or anyone in your bubble has any symptoms.
- Do not congregate in the kitchen or common areas in groups or in a space

than does not allow for the recommended physical distancing.

SYMPTOMS TO LOOK OUT FOR

- Dry cough, and
- High temperature

In addition to the above, you may also experience:

- Headache
- Difficulty breathing
- Loss of smell/taste

WHAT YOU MUST DO IF YOU HAVE SYMPTOMS

- Stay home and self-isolate (for up to 14 days). Self-isolate means keep to yourself at all times and do not mix with others – if you do you are putting them at risk.
- Call your direct supervisor and inform them.
- Call the COVID-19 helpline: **119** to get instructions on what you need to do to care for yourself and persons with whom you have been in contact and check the website (www.covid19.gov.vu) for more information.

NOTE: DO NOT GO TO THE HOSPITAL, DOCTOR OR CLINIC UNTIL AFTER YOU HAVE SPOKEN TO SOMEONE ON THE HELPLINE. They will advise whether you should go.

CODE OF PROCEDURE IN THE COURT ROOM AND CHAMBERS

- Secretaries to wipe down all flat surfaces with bleach cleaner or disinfectant after each case – gloves to be provided.
- During a trial or hearing, Secretaries to wipe down all flat surfaces during breaks.
- Secretaries to wipe down all computers, keyboards, printers, door handles to court room and robing room, before Court and during every break.

- Cleaner to be driven to court to clean before and after court.

CODE OF PROCEDURE FOR COMMON AREAS IN CHAMBERS

- Cleaner to thoroughly clean all the Judicial Officers' Chambers thoroughly at the start of every working day.
- Cleaner to wipe down all door handles (on both hands), basins and toilets in bathrooms, floors, kitchen counters every hour.
- Receptionist to clean the reception area and photocopier every half hour.
- Librarian to clean all commonly used surfaces in the library every hour.

CONTACT TRACING

- Receptionist to maintain a log book at the front counter in which all persons coming into the Registry for any reason are to enter their name, time and date of visit, telephone number, email address, National ID Card number (if they have one) and home address.
- Secretaries to create a record for each event for every file of all persons who appear before a Judicial Officer in respect of that file. The record is to be placed in the respective file in case those persons need to be later contacted and warned that they may have come into contact with an infected person.

CODE OF PROCEDURE FOR JUDGES IN COURTROOM

- Limiting of numbers in Court to the interested parties only, if possible. If not possible then Case to be adjourned to another day. The judicial process is open for public scrutiny, and that should prevail in most cases.