

Exercising the Right to Litigate in Times of Serious Epidemics: Utilizing Technology as a Mechanism to Face Emergency Health Conditions

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Abstract. The advancements in scientific and technological fields within legal technology have led to the development of judicial work rules. Communication, message exchange, and various legal documents detailing the proceedings of cases and public lawsuits between qualified litigation parties now occur electronically, surpassing spatial and temporal boundaries. In light of this increasing technological advancement, it is essential to enhance the modern justice system in the face of challenges posed by health crises that exacerbate delays in litigation and negatively impact the handling of public lawsuits and disputes of all kinds. Conversely, due to international judicial cooperation, sharing expertise, and learning from the experiences of leading countries in digital transformation, it has become possible to address these issues and enable individuals to exercise their right to access justice and seek protection for their fundamental rights and freedoms. This is achieved by integrating traditional judicial work with modern technological tools, including audio-visual communication methods, allowing for remote investigations and trials without the need to physically attend the competent judicial authority, particularly during health crises. This was effectively demonstrated during the COVID-19 pandemic, showcasing the use of remote video communication in the judicial system.

1. INTRODUCTION

The right to access justice is one of the fundamental constitutional principles that must be respected, as it ensures security and stability within society, between the state and individuals, or among individuals themselves. However, at the end of 2019, the world faced a global health crisis that led to a judicial bottleneck, limiting everyone's ability to exercise this constitutional right.

This situation prompted authorities to reconsider ways to simplify and facilitate access to justice, allowing everyone to exercise their right to litigation without harm and without the risk of infection (COVID-19). This was achieved by utilizing modern technological techniques, particularly audio-visual communication, and integrating them with judicial procedures, especially at the criminal level during investigations and trials, within the framework of what is known as virtual trials or remote hearings.

The topic of utilizing technology as a solution for exercising the right to litigation during health crises is among the most important subjects requiring legal study and practical judicial application.

This is because it addresses the public order tripartite system in a situation characterized by a severe threat to public health, all without interrupting work and without recording any infections in this area, especially in the context of the COVID-19 pandemic. Moreover, it highlighted the benefits of modern technology in the justice sector and its modernization, taking into account various challenges, particularly the balance between maintaining health and respecting the rights granted to litigants under the right to access justice.

Remote hearings represent a judicial system that employs modern technological techniques by connecting computers via the internet and through email to the courtroom, aiming to enable citizens and the state to navigate health crises and exercise the right to litigation safely, avoiding exposure and preventing the spread of infection without violating constitutional rights. Additionally, it accelerates case resolutions and facilitates procedures for litigants while allowing for electronic execution of judgments as a solution to the overall judicial bottleneck.

This topic addresses various legal, judicial, and social questions relating to the assurance of public health, which can be summarized in a main issue revolving around how to optimally utilize modern technological techniques to enable citizens to exercise their right to access justice during health crises and the spread of serious epidemics, while emphasizing the importance of balancing the use of digital means in litigation with respecting the litigant's health condition and their physical and mental ability to exercise this right, as well as the effectiveness of achieving justice amidst the attempts to overcome health crises without violating this essential constitutional principle.

Studying the topic of access to justice in light of health crises through the utilization of digital technology is of great importance. Given its significance, the study requires the implementation of various scientific research methods based on description, analysis, comparison, and deduction.

This involves the conceptual framework of remote video communication in the judicial system, determining the characteristics and features of this mechanism during health crises, analyzing key international legal texts, especially international agreements in this regard to identify their legal provisions, as well as analyzing how to activate them.

A comparison will be drawn between different judicial systems as leading models in adopting remote video communication technology for exercising the right to litigate, such as the Algerian, American, Chinese, and French systems, allowing us to deduce the effectiveness of applying this technology and proposing practical recommendations to develop the exercise of the right to litigation during health crises.

Addressing this main issue and various subsidiary questions will be structured around a dual plan based on two main axes. The first is dedicated to studying the move towards a remote hearing system to manage litigation during health crises, covering the general framework of remote trials and the provisions that include it.

The second axis deals with a more important matter that reflects the reality of implementing this mechanism by examining the applications of modern technology in litigation during urgent health crises, defining the technological framework for activating remote hearings, and presenting the key pioneering international models that adopt this system.

First: The Shift Towards Remote Trials to Manage Litigation in Times of Health Crises

There has been an increasing reliance on modern technological techniques within a broad informational scope that has penetrated the justice system, especially in light of the escalating COVID-19 pandemic. However, it is worth noting that the concept of remote virtual trials was not born out of recent necessity; rather, it emerged in the early 21st century alongside the evolution of criminal thought due to ongoing technological advancements.

These developments enable the practice of the right to litigation during health crises on equal footing, without undue delays and disruptions, utilizing the most direct and rapid methods, including those extending beyond the national borders, thus overcoming the challenges of geographical distance and time differences between countries.

Based on this, the position of digital technology within the modern justice system has been strengthened, culminating in the move towards remote trial systems to manage litigation during health crises, as experienced by Algeria from 2019 to 2023, alongside various countries around the world, surpassing the paralysis experienced in the judicial sector due to the COVID-19 crisis.

Therefore, it is essential to initially establish the general framework for remote virtual trials before transitioning to the provisions for activating this technology in the face of serious epidemics.

1. Establishing the General Framework for Remote Virtual Trials

The status of remote virtual trials has been reinforced in the era of technological development, relying on the latest modern technologies.

It has become one of the advanced mechanisms for managing cases, including public lawsuits. However, questions arise regarding the essence and reality of this mechanism, which will be addressed through definitions of remote trials and the identification of their key characteristics in confronting serious epidemics.

A. Definition of Remote Trials

Legal scholars have made various attempts to define remote trial technology.¹ Among the most significant definitions is that it represents the authority of a specialized group of judges to hear cases and conduct judicial procedures using newly developed electronic means, within an integrated electronic judicial system that utilizes global networking techniques and electronic case management programs to view, adjudicate, and execute judgments, aiming for expedited case resolutions and facilitating access for litigants.²

Another definition describes it as obtaining judicial protection via technological advancement through the use of electronic means that assist human elements, and through technical procedures that ensure the realization of principles and guarantees of the right to litigation under legislative protection, in accordance with the general principles of the criminal procedural law, while considering the unique nature of electronic means³.

From another perspective, it can be defined as the electronic transmission of litigation documents to the court via email, where these documents are examined by a specialized clerk, who issues a decision regarding acceptance or rejection and sends a notification to the litigants regarding these documents.⁴

It is evident from these definitions that remote visual communication in the judiciary entails the incorporation of modern technologies to activate the right to litigation in the digital age, elaborating on the concept of remote trials and their procedures [but] lacking a clear definition. It would have been preferable to offer a more concise definition recognizing this as a legal matter, simplifying the phrases to provide a comprehensive understanding of remote trials, such as describing it as the use of electronic audio-visual communication technology to conduct legal proceedings and adjudicate disputes remotely until a judgment is issued.

B. Characteristics of Remote Trials

The remote trial system, or litigation under the banner of remote visual communication technology, is distinguished by a set of features that differentiate it from the traditional trial system, keeping pace with the wave of digital transformation and the repercussions of the information technology revolution. The main features are summarized as follows:

- **Transition from Paper to Electronic Systems in Modernization and Distance Reduction:**

Given that electronic litigation systems are a manifestation of modernizing the justice sector, relying on technical and digital informational systems, most Western and Arab legislations have adopted this approach to facilitate and manage judicial procedures and bring justice closer to individuals.

This system aims to reduce traditional documentation and replace it with electronic documents via mechanisms that include electronic recording of testimonies, claims, and defenses, as well as minimizing the costs associated with judicial facilities, especially concerning the transportation of detainees.

¹ The first experience of settling disputes through electronic means dates back to 1996, when the Institute for Law and the Judiciary, the American Arbitration Association, the National Center for Information Technology Research, and the Information and Law Center, under the supervision of and with the support of the Virtual Judge program, were responsible for administering and overseeing the program. The principal objective was to provide rapid solutions for disputes relating to the Internet through a mediator consisting of a neutral judge who is an expert in arbitration and in the laws governing Internet activities, or in the law of electronic adjudication. This objective was achieved by enabling the Internet user to submit a complaint to that body by electronic mail; thereafter, the body selects a neutral judge to decide the dispute. The judge's decision is not binding, in terms of its legal effect, unless the parties accept it. This service is provided free of charge, without consideration. See: Salah Al-Menzelawi, *The Applicable Law to Electronic Commerce Contracts*, Dar Al-Jami'a Al-Jadida Publishing House, Alexandria, 2007, pp. 163–164.

² Hazem Muhammad Al-Shar'ah, *Remote Adjudication and Electronic Courts*, Dar Al-Thaqafa Publishing, Jordan, 2010, p. 57.

³ As'ad Fadel Mandil, *Remote Adjudication*, A Legal Study, Faculty of Law, Al-Qadisiyah University, Iraq, 2014, p. 4.

⁴ Khaled Mamdouh Ibrahim, *Remote Adjudication: The Electronic Claim and Its Procedures before Courts*, Dar Al-Fikr Al-Jami'i, Alexandria, 2008, p. 13.

Furthermore, it enhances the efficient management of the judiciary as an independent entity and optimizes judges' efforts, thereby improving procedures. This ensures that a larger number of cases can be reviewed in a shorter time frame, making modernization in the judicial system imperative to keep up with the advancements in modern technologies, thereby evolving the right to access justice.⁵

- **Speed in Receiving and Sending Judicial Documents:**

Unlike traditional judicial work, the activation of remote visual trial technology allows for the digital transmission of pleadings and documents without necessitating the physical presence of the parties involved in court, either in person or through their representatives.

This approach saves time and reduces congestion in courts and sessions, facilitating rapid adjudication by avoiding traffic problems that could delay any party's timely appearance at a scheduled hearing.

It also addresses natural circumstances that might disrupt internet connectivity, thus saving time and effort by negating the necessity to travel to the court handling the case. Additionally, it reduces financial costs by permitting individuals to remain at home or in a suitable setting to commence the judicial procedures at the pre-scheduled times communicated electronically, via email or messaging platforms like WhatsApp, for instance.⁶

Improving the Quality of Services Provided to Litigants and Creating Electronic Courts:

Remote trials have achieved numerous benefits, including reducing crowding issues in courts, enhancing the quality of services provided to litigants, increasing the effectiveness of workflow, and connecting case information between courts.

It is also considered a subsequent stage in establishing electronic judicial facilities, moving toward smart litigation, where cases cannot be filed electronically unless the judicial authority has an online presence or is connected to a specific computing system.⁷

Using Electronic Media in Trial Procedures:

This is manifested through the use of electronic media that carry out litigation procedures instead of the human judge. The computer connected to the internet acts as a mediator between the parties involved in litigation, serving as a judicial assistant by gathering, storing, and preserving electronic files, issuing notices, and involving the expertise required for listening to witnesses' statements, interrogating adversaries, and exchanging briefs between litigants or their legal representatives.

Thus, within the electronic litigation system, all documents related to the public lawsuit are sent via the adopted electronic mediator, through which proceedings are conducted using audio and video.

This ensures the identification of the parties involved in the public lawsuit, allowing them to be heard, interrogated, and investigated as if they were inside the courtroom, following the same litigation procedures.⁸

Electronic Characterization of Trial Procedures

Information technology has penetrated every country worldwide, imposing itself in many daily transactions and creating a world that resembles a small village without geographical boundaries despite the vast distances and different time zones due to the abundance and variety of modern communication means.

This has led contemporary law to recognize electronic transactions and their accompanying legal ramifications. Compared to traditional litigation, which relies on paper documentation to prove the physical existence of transactions and does not consider written evidence complete unless it is signed by hand, remote trials are substantiated through electronic documents and electronic signatures.

The electronic document consolidates the rights of the contracting parties, serving as a reference for determining their agreements and legal obligations. The electronic signature confers evidentiary power upon this document.⁹

In line with this electronic trend in contemporary life, it is essential to recognize the validity of procedures conducted electronically, which is a characteristic that distinguishes remote trials; conditions for their legality and nullity must be clarified alongside electronic authentication techniques to facilitate the validation of various documents through both electronic signature and verification.

02. Provisions for Activating Remote Virtual Trial Technology in Response to Serious Epidemics

The shift toward integrating modern technology into the judicial field is not limited to defining terms or achieving speed in processing cases. Instead, it aims to achieve judicial quality that reflects the fundamental rights and freedoms, most importantly the right to access justice.

Thus, utilizing remote visual communication technology to overcome health crises or serious epidemics necessitates the identification of legal and judicial landmarks, namely, the international conditions that apply to all member states, as well as the substantive and procedural laws according to each country's system while respecting its sovereignty. This will be explored by discussing the international legal framework for applying remote visual communication technology in the judicial system, followed by the conditions for its use during health crises.

A. The International Legal Framework for Remote Visual Communication Technology in the Judicial System:

It has become possible to transcend national borders and time differences, enabling citizens to access competent courts for the protection of their rights and freedoms anywhere in the world. This is naturally facilitated by international efforts in the context of the technological revolution, thus expanding access to justice and simplifying legal procedures.

⁵ Ashraf Joudet Muhammad Mahmoud, *Electronic Courts in Light of the Contemporary Procedural Reality*, *Journal of Shari'a and Law*, Part 3, Issue 35, 2020, pp. 37–37.

⁶ 'Uqbah Bouamra, Nacer Zerouora, *Adjudication in the Digital Environment between Ensuring Speed in Procedures and Overstepping the Guarantees of a Fair Trial*, *Critical Journal of Law and Political Science*, Faculty of Law and Political Science – University of Tizi Ouzou, Volume 19, Issue 02, 2024, p. 497.

⁷ Khaled Mamdouh Ibrahim, *op. cit.*, p. 41.

⁸ 'Uqbah Bouamra, Nacer Zerouora, *op. cit.*, p. 497.

⁹ Khaled Mamdouh Ibrahim, *op. cit.*, p. 40.

This necessitates a clear and precise international legal framework governing the use and activation of remote visual communication technology in the judicial system.

Therefore, studying the international legal framework for this technology will involve discussing the key provisions of the European Convention on Mutual Assistance in Criminal Matters 2000 and the United Nations Convention against Transnational Organized Crime 2003, respectively.

The European Convention on Mutual Assistance in Criminal Matters 2000:

The legal framework for remote litigation can be defined by analyzing various texts and laws that address its regulation. The legal basis for this system, particularly in the field of justice, is grounded at the international rather than the regional or national level in the European Convention on Mutual Assistance in Criminal Matters, ratified by the European Union on November 30, 2000, amending the 1959 European Convention on Mutual Assistance.

This convention approved the use of this technology for remote investigation, limited to hearing witnesses and exchanging expert reports among EU member states in urgent circumstances.¹⁰

This protocol aims to enhance the mechanisms and means of judicial cooperation among European countries through the use of modern technological capabilities, ensuring speed, flexibility, and effectiveness in this cooperation without conflicting with human rights and the rule of law.

According to the first paragraph of Article 9, the protocol allows for hearings to be held via remote visual communication, as illustrated in paragraphs 2 to 7, to listen to individuals present in the territory of one party who are unable to attend in person before the other party.¹¹

- **The United Nations Convention against Transnational Organized Crime 2003:**

This convention was adopted by UN General Assembly Resolution 25 during its fifty-fifth session on November 15, 2000. Article 18, paragraph 18, states that hearings may be conducted using remote visual communication if the individual in question cannot attend in person in the territory of the requesting state, subject to the conditions specified in that same article. These conditions include:

- The use of this technology must not conflict with the laws in force in the requesting state.
- The means and capabilities that assist the executing state must be available; the executing state should have the necessary technical capabilities and resources, and it may refuse to use the technology if the required capabilities are lacking.
- The use of remote litigation technology is limited to hearing witnesses and experts from different jurisdictions, allowing judicial authorities in one contracting country to request testimony or consult an expert located in another contracting country when they cannot physically appear before them.¹²

B. Conditions for Operating the Remote Trial System in Times of Health Crises

The use of the remote trial mechanism requires any state to adhere to a set of conditions, particularly concerning judicial assistance between countries, in addition to a series of conditions that must be met within the national system, which can be summarized as follows:¹³

- **Common International General Conditions Among All States**

International law generally rests on the respect for state sovereignty and non-interference in domestic affairs. However, the implementation of remote visual communication technology is based on a series of international agreements from which we derive key international conditions on this matter, summarized as follows:

- **No Conflict Between the Use of Remote Trial Technology and the Law of the Requesting State:** According to the second paragraph of Article 09 of the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, it is required that the use of this technology does not conflict with the fundamental principles of the law of the executing state. Thus, the executing state may refuse this use if it determines that it leads to a violation of its internal legal principles, considering that judicial jurisdiction does not pertain to that state.¹⁴
- **Availability of Means and Resources to Assist the Executing State in Using the Remote Trial Mechanism:** In addition to the condition of non-conflict with legal principles, the second condition concerns the mandatory availability of means and resources enabling the executing state to perform remote trials. This condition is explicitly addressed in the second paragraph of Article 09 of the aforementioned Additional Protocol, which states that the necessary technical means and resources must be available in the executing state. It also allows for the option to refuse the use of this technology if such equipment is lacking, taking into account the financial aspect for that state.¹⁵ Furthermore, the requesting state may offer assistance in providing necessary equipment or expertise for using this technology through loans or donations.¹⁶

¹⁰ The European Convention on Mutual Assistance in Criminal Matters of 2000, and the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, signed in Strasbourg on 08/11/2001, and entered into force on 01/02/2004.

¹¹ Shahira Eissaoui, Khalifa Khalfaoui, *Video Conversation Remotely between the Requirements of Operation and the Requirements of a Fair Trial*, Comparative Study, *Journal of Comparative Legal Studies*, Volume 09, Issue 02, 2024, p. 118.

¹² The United Nations, *United Nations Convention against Transnational Organized Crime* and the Protocols thereto, issued by the United Nations Regional Office for the Middle East and North Africa on Drugs and Crime; adopted and opened for signature, ratification and accession pursuant to United Nations General Assembly Resolution 55/25 of 15 November 2000.

¹³ () We shall include certain conditions set out in the provisions of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, signed in Strasbourg on 08/11/2001, on the basis that this technique was developed as part of combating corruption and crimes at the international level, and that States adopted it in order to facilitate the process of investigation and adjudication at the international level.

¹⁴ () "The Requested Party consents to the hearing by videoconference, provided that the use of this method is not contrary to the fundamental principles of its law and provided that it has the technical means enabling the hearing to take place." See: the contents of the "Draft Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters" online: <https://rm.coe.int/09000016804f87db>

¹⁵ () "If the Requested Party does not have the technical means enabling videoconferencing, the Requesting Party may make them available to the Requested Party, with the latter's agreement."

¹⁶ () Salim 'Umar, *International Letters Rogatory in Criminal Matters*, Comparative Study, Dar Al-Nahda Al-'Arabiyya, Egypt, 2001, p. 197.

- **Limiting the Use of Remote Trial Mechanism to Hearing Witnesses and Experts from Different Jurisdictions:**
The common understanding of remote trial technology is that the entire litigation process is based on modern technology using the internet. In reality, however, it is limited to the hearing of witnesses and expert testimonies. Judicial authorities of one contracting state may request to hear a person located in another contracting state — as a witness or expert — through this technology when actual attendance is impossible or unsuitable for that person, according to the provisions of the first paragraph of Article 09 of the same protocol.¹⁷ It is noted that the drafters of the protocol limited this technology to hearing witnesses and experts to avoid legal complications at the international level and issues of jurisdiction.¹⁸

- **Substantive Conditions Required to Activate Remote Visual Communication Technology in Litigation¹⁹**

This is based on several conditions that respect the legal and judicial system in place within the state. Among the most important are:

- **Ensuring the Proper Functioning of Justice:**

Justice is the sole remedy for the wronged and the victims of crime. However, the COVID-19 pandemic has paralyzed the judicial sector, thereby restricting the right to access justice, with exceptional circumstances hindering the holding of in-person trials. These negative impacts have particularly affected the rights of litigants, especially detained defendants, who have lost their opportunity to defend themselves effectively. As a result, it has become necessary to implement a series of legal measures to ensure the smooth operation of the justice sector and to protect all individuals who seek the judicial facility.

Consequently, this minimizes the spread of the virus without disrupting judicial work and related procedures, where the solution in this context is to adopt remote visual communication as a trial mechanism that guarantees the attainment of justice during health crises.

- **Maintaining Public Health and Safety:**

Protecting society is a vital obligation, especially during health crises, such as during the COVID-19 pandemic, which necessitates taking a series of strict measures to prevent the spread of the virus, such as enforcing social distancing and raising health awareness. This has been applied in judicial environments, as remote trials reduce gatherings within courtrooms, thus contributing to preserving public health while ensuring the continuity of the judicial system.

- **In Cases of Natural Disasters:**

Natural disasters and health crises are instances of force majeure that require exceptional measures to ensure the continuity of judicial work and protect individual rights, as these crises impede free access for litigants to courts, thereby affecting the progression of cases.

- **Adhering to the Principle of Respecting Reasonable Timelines:**

This principle demands expediting legal procedures to resolve cases within reasonable timeframes. Unjustified delays and excessive haste in handling public lawsuits that lead to a violation of fair trial guarantees are not permissible. This ensures justice is achieved without affecting the guarantees for litigants before the courts, thus balancing prompt adjudication with the necessity to protect and respect the rights of the involved parties.

If judicial authorities see a reason among the aforementioned, they may utilize remote visual communication technology, respecting the principles and rules laid out in the Criminal Procedure Code generally.

The technological means used must be adequately secured to ensure confidentiality and reliability.

Additionally, statements made by defendants, victims, witnesses, or experts must be recorded on an electronic medium that guarantees their integrity.

The use of remote visual communication technology is not limited to the trial phase alone, but also includes the investigative phase, including hearings, interrogations, confrontations, and notifications, whether before an investigative judge or in the indictment chamber.

The court clerk must draft a report on the proceedings of the remote trial session, sign it, and send it through the public prosecutor to the competent judicial authority to be added to the case file.

This allows for the use of this technology by the trial or investigative authority, either sua sponte or at the request of the public prosecution or one of the parties or their defense.

If one party desires to use the technology, the trial authority must consult the public prosecutor and inform the other parties if they wish to do so.

If the request is made by a party, the judicial authority has the right to accept or reject the request after consultation with the other parties and the public prosecution.

This technology continues to be utilized in the judgment pronouncement phase.²⁰

- **Procedural Conditions Governing Remote Visual Trials:**

It is not sufficient to merely comply with and respect a set of substantive conditions; it is also essential to adhere to specific formalities and procedures to activate remote visual communication technology. These include:²¹

- **Ensuring the Confidentiality and Integrity of Communication:**

¹⁷ () "If a person who is located in the territory of one Party is to be heard as a witness or expert by the judicial authorities of another Party, the latter may request, if it is inappropriate or impossible for the person to be heard to appear in person in its territory, that the hearing take place by videoconference, in accordance with paragraphs 2 to 7."

¹⁸ () Salim 'Umar, *op. cit.*, p. 193.

¹⁹ Amir Bouasiah, Wifaa Shanatli, *The Future of Remote Visual Trial Technology in Light of Order 20-04: Between the Temporary Alignment of the COVID-19 Pandemic and the Difficulty of Continuing Thereafter*, *Al-Journal Algerian for Legal and Political Sciences*, Volume 58, Issue 2, 2021, p. 871.

²⁰ Jabari Al-'Id, *Remote Visual Communication Technology in the Code of Criminal Procedure between Accepting the Use of Technology and Rejecting Any Breach of Trial Guarantees*, *Afaq Journal for Research and Studies*, Volume 08, Issue 01, 2025, p. 637.

²¹ Belhassan Noura Gelali Al-Hussain, *Remote Visual Communication between the COVID-19 Pandemic and the Principle of Publicity of Criminal Trials*, *Journal of Rights and Freedoms*, Volume 10, Issue 01, 2022, p. 1136.

This requires the exclusion of social media or unprotected networks for conducting discussions; it must be conducted over a secure communication network developed in the justice sector, known as the sectoral network of the Ministry of Justice, as practiced in the Algerian system.

- **Capturing and Displaying the Proceedings of the Trial Clearly:**
All phases of the trial must be clear and smooth to ensure that sound and image reach all parties involved in the criminal trial.
- **Recording Statements on an Electronic Medium:**
The integrity of these recordings must be ensured and attached to the case file. Statements should also be fully and accurately recorded in a report signed by the presiding judge and the court clerk, reflecting the Algerian legislator's concern, for example, to avoid overlooking documentation in case the electronic medium becomes compromised over time, thus ensuring the statements are documented in written reports that allow for future reference.

Second: Applications of Modern Technology in Litigation During Emergency Health Crises

The notion of remote trials, adopted by most countries worldwide as a mechanism to overcome the phenomenon of delays in litigation during health crises and natural disasters that prevent access to the judicial facility, did not come about randomly or from nowhere.

It is the result of numerous attempts using digital means characterized by legal usage speed, whether international or regional.

These are technical means that reflect the integration of the right to litigation with the modern technological world in the form of remote visual trials aimed at expediting the application of electronic litigation procedures.

This illustrates the current reality of applying modern technology in litigation during emergency health crises by examining both the technological framework for activating remote visual trial technology and broadening this by selecting international samples as leading experiences and applied models in adopting the remote trial system.

01. The Technological Framework for Activating Remote Visual Trial Technology:

Remote visual communication technology is based on a set of digital techniques that transcend spatial boundaries and time differences, starting from electronic mediums and mobile technical tools, alongside various means that represent a blend of the human element and the technological role in the form of enabling tools. This will be examined in this section.

A. Technical Means in Remote Trials:

Remote trials using visual communication technology offer several advantages that reduce procedural time. This relies on a set of technical means that facilitate this process, including video conferencing programs that enable effective communication between the parties in legal disputes or public lawsuits, such as the Zoom platform, alongside electronic session management systems to record sessions, break the routine of traditional work, and organize interactions digitally using modern communication devices like cameras and microphones to ensure clear audio and video. The most important of these means are as follows:²²

- **Internet Infrastructure Supporting Remote Trial Procedures:**
The scientific and technological revolution has made the world a small village by breaking various geographical and political boundaries. Challenges arise as information can now be transmitted instantaneously without any controls or limits. This increases the risk of preserving confidentiality and fairness when using modern scientific technologies. These electronic infrastructures significantly contribute to activating remote trials, summarized as follows:²³
*Email World Wide Web Wi-Fi service*²⁴
- **Electronic Court Infrastructure as an Expression of Digital Technologies:**
This is a relatively new term that arose only a few years ago, following the widespread concept of e-government. An electronic court is one that specializes in cases with a digital nature, including crimes related to networks and information technology, as well as intellectual property and e-commerce issues. It adjudicates electronic digital cases, whether criminal, civil, or commercial, which means effectively utilizing information technology to enhance the quality and speed of judicial services.

To apply remote trial procedures, there must be a court operating with electronic means, through which a group of judges examines cases and adjudicates them legally.

This is embodied in the electronic or digital court under legislation that allows them to perform this via advanced techniques in managing case files.

The electronic court functions as a pillar of remote trials, serving as a technical information organization that enables litigants to file their claims, present their evidence, and attend trial sessions virtually, paving the way for a judgment to be issued and executed through electronic communication means that are part of an informational system allowing judges to contact the parties without their physical presence, especially across international jurisdictions.

In general, electronic courts also require a set of means to conduct litigation effectively. These means are represented as follows:

- Website
- Computer
- Electronic records in both "PDF, Word" formats
- Sound transmission devices, cameras, microphones

²² Zian Mohamed Amine, Okba Bouamra, *Digital Justice and the Implementation of the Electronic Court: Between Legal Aspirations and the Demands of Reality*, *Journal of Legal and Economic Research*, Volume 9, Issue 1, 2026, p. 402.

²³ 'Abd Al-Sabour 'Abd Al-Qawi 'Ali Misri, *The Digital Court and Information Crime*, Maktabat Al-Qanoun wa Al-Iqtisad Publishing and Distribution Library, Riyadh, Kingdom of Saudi Arabia, 2012, p. 24.

²⁴ () Among the most important recommendations of the international conference held in Cairo during the period 2–4 June, the State was urged to establish an international entity to assist in coordinating between governmental authorities and civil society institutions in order to pursue criminals wherever they are, and to ensure the dissemination of secure dealings with international networks, through the establishment of an independent electronic court to adjudicate on violations and electronic crimes.

B. Models of Remote Visual Communication Technology:

Remote visual communication technology includes four different systems, as follows:

- **Point-to-Point Communication System:**

This system allows direct visual and audio communication between the courtroom and another location where the defendant or a witness is present.

It is one of the simplest audio-visual communication systems and the least prone to technical problems. Italy was one of the pioneering countries in using this method between 1992 and 1998, before the issuance of the law on January 7, 1998, which permitted criminal procedures via visual communication technology to protect collaborators with justice and their families from criminal group attacks.

Through this system, witnesses can give their testimonies in a separate room from the public courtroom, with this secret location chosen by the judicial authority or central administration for witness protection.²⁵

- **Active Speaker System:**

This system connects multiple locations via remote visual communication technology, such as linking a courtroom to several courtrooms or holding cells in different countries. The system requires good technical setup, including a display screen at each location and audio devices that enable participants to hear each other clearly. The screen shows only the person speaking, and if multiple people talk simultaneously, it automatically switches to the speaker with the loudest voice.²⁶

- **Fixed Continuous Attendance System:**

In this system, communication occurs between five different geographical locations, including the courtroom and four other sites where witnesses and collaborators with justice are present. Each site contains a display screen for transmitting images and audio devices to clearly hear the participants in the session.²⁷

- **Advanced Continuous Attendance System:**

This system allows connection between the main room where the investigative procedures occur and a large number of other remote locations. It is one of the latest systems in applying remote visual communication technology, with these locations equipped with display screens and audio devices, dividing the display screen into four main sections. The first section is used for a panoramic view of the courtroom, while the other two sections display images from two connected locations. The fourth section is automatically assigned to show the person speaking with the loudest voice among the participants.²⁸

C. Supportive Means in Remote Trials:

To implement remote trial procedures through the virtual judiciary, three essential supportive means are needed to enhance, support, and monitor digital work. These include specialized judges, electronic court clerks, and site management as well as various programmers in the form of a virtual court. This will be studied with a focus on the idea of site management and programmers, as well as the role of information lawyers.²⁹

- **Specialized Judges in E-Judiciary**

- **Electronic Court Clerks**

- **Site Administration and Programmers:**

Remote trials require the presence of site management and programming, tasked to individuals scientifically qualified in information technology and electronic programming. These are usually a group of technicians specialized in the electronic field who work on technical devices and use necessary electronic programs and are typically located outside the courtroom or in adjacent departments. Their primary duties include monitoring the progress of trial procedures, troubleshooting technical issues that may occur during the proceedings, addressing technical errors before they happen, protecting the system from viruses, thwarting attempts by intruders to access the court's site, and assisting clerks in executing their technical duties. This facilitates the achievement of data and procedural protection for remote trials.³⁰

- **Information**

Lawyers:

The term "information lawyer" refers to a lawyer authorized to file claims and advocate in electronic courts. This represents a modern type of legal practice, requiring knowledge of computer science and communication systems, as well as designing programs and websites. There is also a necessity for computers and equipment connected to the international communication network via service providers in the private offices of lawyers to enable them to perform their duties transparently and professionally. Thus, the lawyer must be fully prepared for this role on both personal and office levels.

02. Leading International Practical Models in Adopting the Remote Trial System:

Numerous international experiences have accelerated the adoption of the remote trial system by leveraging modern technological means of audio and visual communication, striving to develop the justice sector and enhance judicial work while improving access to justice, thus avoiding delays in litigation and various obstacles individuals face in exercising their right to legal recourse amid the challenges posed by global circumstances and health crises like the COVID-19 pandemic.

²⁵ Safyan Brahimi, *The Status of the Remote Visual Communication Mechanism in International Cooperation for Criminal Follow-Up*, *Academic Journal of Legal Research*, Volume 12, Issue 01, 2021, p. 514.

²⁶ Safwan Muhammad Shdeifat, *Investigation and Remote Criminal Adjudication via Videoconference Technology*, *Journal of Studies in Shari'a and Law Sciences*, Volume 42, Issue 1, University of Islamic Sciences, Jordan, 2015, p. 354.

²⁷ Safyan Brahimi, *op. cit.*, p. 515.

²⁸ Safwan Muhammad Shdeifat, *op. cit.*, p. 355.

²⁹ () Soreya Gherbi, *The System of Electronic Litigation in Algerian Law*, *Critical Journal of Law and Political Science*, Volume 18, Issue 01, 2023, p. 168–169.

³⁰ Safaa Autani, "The Electronic Court—Concept and Application," *Damascus University Journal for Economic and Legal Sciences*, Volume 28, Issue One, 2012, p. 176 et seq.

Various countries have contributed global digital experiences in the remote visual trial system, with key examples being Algeria, the United States, China, and France.³¹

A. The Algerian Experience in Adopting Remote Trials as a Legal Response to Enable the Right to Litigation During the COVID-19 Crisis:

The Algerian justice sector has recently moved towards modernizing public institutions in general and its judicial bodies in particular. This is part of a broader effort to keep pace with contemporary criminal policy developments by establishing new legal rules of an electronic nature that balance between not disrupting the functioning of the judicial facility and providing legal protection for all litigants amid health crises, addressing the issues arising from advancements in communication technology.

This is achieved through the use of the remote trial mechanism utilizing visual communication technology, which Algerian legislators often refer to as "Vidéo-conférence" in the context of investigations and hearing witnesses.

The signs of adopting the idea of remote trials in Algeria emerged as early as 2007. This was marked by a statement from the President during the opening of the judicial year 2007-2008 on October 29, 2007, wherein he stated: "Judicial reform is not an end in itself, but a transitional means to elevate the judiciary to challenges imposed by internal and external transformations."

This statement underscores the importance of transitioning towards digital criminal procedures in handling public lawsuits, comprehensively adopting audio and visual communication means in litigation according to a plan that includes:³²

- **Defining Goals for Using Remote Visual Communication Technology in the Judicial Field:**
The modernization of the Algerian justice facility continued with discussions in Parliament regarding a draft law related to this area, which encompasses remote trials. This project received implicit approval from parliamentary members, as demonstrated by their statements recorded in the minutes of the nineteenth public session held on Monday, November 24, 2014, to continue discussing the draft law concerning the modernization of justice, which is a purely technical and procedural project dictated by the rapid technological evolution, reflecting the government's adaptation to the world of information technology and modern communications. Its primary goals include:
 - Achieving transparency in work and improving performance while reducing costs
 - Providing information at any time and addressing bureaucracy
 - Overcoming geographical distance issues between the various provinces of Algeria
 - Keeping pace with daily developments
 - Lightening the burden on citizens
 - Preserving the dignity and credibility of justice while enhancing and strengthening the judicial system
 - Bringing judicial administration closer to the citizen.
- **Establishing the Legal Foundation to Ensure the Legitimacy of Remote Visual Communication Technology in Managing Cases :**
Subsequently, steps were taken to establish the legal foundation for electronic litigation in Algeria based on international legislation through treaties or international agreements, the most prominent of which is the United Nations Convention against Transnational Organized Crime, which is the first international law regulating this issue. On the national legislative side, there are several laws that have addressed the idea of modernizing the justice sector, the most important being:
 - **Law No. 15-03, concerning the modernization of justice:**
The issuance of Law No. 15-03 regarding the modernization of justice is a positive step for Algeria compared to other Arab countries that remain dependent on traditional means in litigation. It addresses the idea of remote trials through: ³³
 - Establishing a centralized information system for the Ministry of Justice
 - Sending judicial documents and filings electronically
 - Using remote visual communication technology in judicial procedures.

According to the provisions of Article 15, the investigating judge may use remote visual communication to interrogate or hear a person and to conduct confrontations between several individuals.

The trial court may also utilize remote visual communication to hear witnesses, civil parties, and experts.

The trial authority may consider cases of misdemeanors and resort to the same mechanism to receive statements from a detained defendant if the individual and the public prosecution agree to it, ensuring that the interrogation, hearing, or confrontation occurs at the nearest courthouse to the residence of the person whose statements are being sought, with the presence of the public prosecutor responsible for that region and the court clerk.

If the person being heard is incarcerated, the remote visual communication will take place from the correctional facility where they are detained, in accordance with the provisions of Article 16 of this law.³⁴

Law No. 25-14 Regarding the New Criminal Procedure Law:

The remote trial technology is mentioned in the Algerian Code of Criminal Procedure, where Article 639 states that judicial authorities, for the sake of ensuring the proper functioning of justice, protecting the accused, maintaining public security and order,

³¹ () Muhammad Muhammad Al-Alfi, "The Electronic Court: Between Reality and the Aspiration," Sixth E-Government Conference "New Public Administration and E-Government," Dubai, United Arab Emirates, 9–12 December 2007, p. 19.

³² Layla 'Usmani, *The System of Electronic Adjudication: A Mechanism to Achieve Development Plans*, *Al-Mufakkir Journal*, Volume 11, Issue 01, 2016, p. 222.

³³ Minutes of the Nineteenth Public Hearing held on Monday, 24 November 2014, continuation of the discussion of the draft law concerning the modernization of justice, the Seventh Legislative Term, the Fifth Session, People's National Assembly, *Official Gazette of Debates of the People's Democratic Republic of Algeria*, issued on 24 December 2014, Third Year, No. 140.

³⁴ Law No. 15-03 relating to the modernization of justice, dated 1 November 2015, *Official Gazette of the People's Democratic Republic of Algeria*, issued on 10 February 2015, No. 06, p. 4.

safeguarding public health, or during natural disasters, or for the sake of respecting the principle of reasonable timelines, may utilize remote visual communication in judicial procedures while respecting the rights and rules outlined in this law.³⁵

It is worth mentioning that Algeria ratified, with reservations, the United Nations Convention against Transnational Organized Crime under Presidential Decree No. 02-55, which stipulates in Articles 18, paragraph 18, and 24 the possibility of using remote visual communication in the framework of combating and fighting crime, thus enhancing international judicial cooperation. The discussion of the theoretical and legal framework for the electronic litigation system seeks to understand its nature and purpose, determine whether it is new or has been revived, enabling us to define the legal status of the accused and how this system interacts with remote visual trials, and the impact of the latter on the guarantees afforded to him within the provisions of the Code of Criminal Procedure during both the investigation and trial phases. This means understanding the reciprocal influence between the Algerian legislator's modernization of the justice sector through the adoption of the electronic litigation system and the litigant's mindset in responding to modern technology when seeking access to the judiciary.³⁶

- **Relative Assessment of the Use of Remote Visual Trial Technology in the Algerian System:**
It is observed that the Algerian legislator has made a significant leap by adopting the idea of remote trials in its legal framework, as the number of remote trials during the first year of their implementation reached 153. This visual communication technology was utilized in linking litigation from the Supreme Court and the State Council to other judicial councils and courts, as well as in periodic meetings between council presidents, chambers, attorneys general, court heads, and public prosecutors in remote areas, especially in the south. The first instances of electronic litigation in Algeria occurred on October 7, 2015, at the El Kalia court in the misdemeanors section, while the first international remote trial took place on July 11, 2016, between the Court of Justice of M'sila and the Nanterre court in France, as well as a trial between the Court of Justice of Setif and the Loire court in France.

B. Selected International Experiences from American, Asian, and European Countries:

Alongside the Algerian experience as an African model for developing the justice system through the incorporation of remote visual communication in judicial investigations and trials, bringing together qualified litigation entities and various parties involved in public lawsuits, this section will examine global international experiences from American, Asian, and European countries, for example:³⁷

- **The United States as a Leading American Model in Adopting Remote Trials:**

The use of electronic litigation in American courts began in the courts of Ohio and California, and this system expanded to include other courts after the court administration implemented a project for electronic courts. In 2003, a law was issued by the California Judicial Council's Advisory Committee on Court Technology,³⁸ outlining how to electronically pay fees. Subsequently, courts began registering and handling civil lawsuits electronically. With the increasing use of electronic filing and processing of cases through digital platforms, it became necessary to establish clear guidelines for accessing electronic records by American courts, court staff, and the public. In Florida, for example, the court clerk is responsible for ensuring access for everyone in accordance with applicable laws. Additionally, security and efficiency in remote electronic case management systems are fundamental considerations requiring judicial approval for any system to ensure the safety of information delivery. Public access to electronic files should be available as extensively as for paper files, with exceptions for certain procedures that require records to be provided electronically only in the courthouse.³⁹

Some key aspects of modernizing justice include:⁴⁰

- **Introduction of Remote Electronic Court Orders:**
The use of electronic signatures by judges and investigators on various judicial documents, including orders, judgments, notifications, and opinions, has been approved in many jurisdictions. This authority is generally granted under applicable laws or legal rules, considering local execution and constraints. The use of electronic signatures often requires compliance with secured methods and oversight by court managers. For example, the standards of the Wisconsin Supreme Court allow judges to use electronic signatures on all judicial documents, while in Milwaukee County, the method used must be secure and overseen by the court manager. Louisiana law allows judges to use electronic signatures for all documents, including final judgments, permitting various courts to establish appropriate regulations.
- **Use of Video Conferencing for Judicial Sessions:**
The use of video conferencing and electronic communication techniques is permitted under certain conditions for some procedures in criminal and civil cases. Employing this technology necessitates consideration of constitutional issues, such as the accused's right to confront witnesses against them, and ensuring the integrity and reliability of the technology according to the specified guidelines set by court rules, even in cases governed by general rules pertaining to video

³⁵ Law No. 25-14 dated 8 Safar 1447, corresponding to 3 August 2025, containing the *Code of Criminal Procedure*, J.R.O. No. 54.

³⁶ With the note that it was issued pursuant to Order No. 15-02, containing the amended and supplemented Code of Criminal Procedure, Order No. 66-155, dated 08 June 1966, published on 23 July 2015, *Official Gazette of the People's Democratic Republic of Algeria*, issued on 23 July 2015, No. 40, and repealed by Law No. 25-14 containing the new Code of Criminal Procedure.

³⁷ Presidential Decree No. 02-55 dated 22 Dhul Q'idah 1422, corresponding to 5 February 2002, containing the ratification, with reservation, of the United Nations Convention against Transnational Organized Crime, which was adopted and opened for signature, ratification and accession pursuant to United Nations General Assembly Resolution of its 25th session, dated 15 November 2000, and entered into force on 23 December 2003.

³⁸ Nawal Qahmous, Amal Ben Brih, *The Effectiveness of Digital Justice as a Technology Adoption during the Pandemic (The Case of the Corona Pandemic)*, *Journal of Humanities*, Volume 33, Issue 2, June 2022, p. 107.

³⁹ Darar Husayn Al-Daboobi, Majid Salih Al-Shawabkah, *Electronic Legal Applications*, Dar Al-Thaqafa Publishing and Distribution, Amman, Jordan, 2022, pp. 19–21.

⁴⁰ Mike L. Bridenback, Consultant, *Study of State Trial Courts Use of Remote Technology*, State Justice Institute, National Association for Presiding Judges and Court Executive Officers, Final Report, April 2016, p. 02.

conferencing. Constitutional issues and justice standards, such as the right to a fair trial, the right to counsel, the right to presence, and the right to confront witnesses must be significantly considered. Notably, accused individuals may agree to use video conferencing; for instance, Indiana law has general rules for the appearance of defendants via video conferencing, conditioned upon providing necessary facilities and an order from the judge and the individual's consent. Conversely, Vermont issued an administrative order prohibiting video conferencing in criminal trials or violations of conditions of parole where the defendant has a right to cross-examine.

- **China as a Leading Asian International Model for Developing Justice Systems through Electronic and Smart Means:**

Reforming the smart judicial system is part of broader judicial reforms aimed at restoring public confidence in the Chinese legal and judicial system, especially after the system faced a credibility crisis due to its weaknesses within the political and legal framework since Xi Jinping took office in 2012. There was an urgent need to rebuild trust in the judicial system. Thus, authoritarian regimes such as the People's Republic of China use courts as tools for governance, making an effective judicial system necessary to ensure legitimacy. In 2014, the Chinese judiciary launched a series of reforms, primarily focused on improving judicial efficiency and holding judges accountable for their decisions. The judiciary invested significantly in digitization and automation, which materialized in the introduction of smart courts first mentioned by Chief Justice Zhou Qiang in his annual report in 2016. The idea of these smart courts aims to use smart applications to leave digital traces throughout the trial process, enhancing transparency and security while acknowledging that the Chinese judicial system does not follow a uniform model.⁴¹

Concrete experiences in these reforms have yielded varying levels of digitization, including electronic courts in Beijing, Hangzhou, and Guangzhou that handle online commercial disputes. These courts utilize advanced technologies such as facial recognition and blockchain technology for storing evidence. Furthermore, some courts, like the Shanghai Supreme Court, have developed artificial intelligence systems to improve criminal evidence procedures, potentially validating evidence and assessing the social impact of criminal cases, thereby enhancing justice efficiency and contributing to more accurate judgments.

- **France as a Leading International European Model in Adopting Remote Trials:**

The origins of video conferencing in criminal justice are marked by their somewhat ad hoc introduction due to various motivations in the late 1990s in Saint Pierre and Miquelon to combat the shortage of judges, representing a phase often regarded as marginal.⁴² Conversely, experiences related to this technology increased and were considered preliminary steps for broader applications after amending Article 706-71 of the Criminal Procedure Code in 2001, which permitted the use of video conferencing in all criminal courts for the interrogation of witnesses and parties. Between 2005 and 2006, its use was expanded to encompass other areas. A general secretariat was established in the Ministry of Justice incorporating a new technology division. On February 5, 2009, the Ministry of Justice issued a circular mandating courts to achieve a 5% reduction in the number of physical appearances, making video conferencing integral to judicial administration, thus advancing litigation in the French system by adopting remote visual trial technology.⁴³

The Necessity to Develop Procedures under the Use of Video Conferencing in Criminal Justice:

The extensive use of video conferencing in criminal justice requires the development of new procedures, especially after this technology became comprehensive for all parties involved in legal proceedings, such as witnesses, experts, and defendants according to Article 706-71 of the Criminal Procedure Code. This article enables comparisons via video conferences, necessitating the approval of the defendant, the public prosecutor, and the concerned parties. Additionally, Article 63 allows for video conferencing to be used in cases extending detention, where a defendant may be presented to the prosecution remotely. Legislative amendments, including Article 706-22-1, underscore the importance of this technology in terrorism cases, increasing its use at all stages of the case. However, new arrangements formalizing the use of video conferencing have yet to be established, leaving it to local parties to develop new practices that meet the needs of virtual sessions.⁴⁴

Generalizing Video Conferencing in the French Judiciary:

The reliance on video conferencing in the Saint Pierre and Miquelon region has increased public interest and the attention of officials within the French judiciary toward the significance of this technology, leading to a move towards generalizing its use under specific conditions. This shift is reflected in the continuous increase in video conferencing utilization, especially after the amendment of the French Criminal Procedure Code in 2001, including Article 71.706, which eliminated any hesitation regarding the legality of this technology. The need for this technology recurred, as seen in the case of Saint-Denis, where the court faced challenges related to the costs of summoning witnesses. Therefore, the public prosecutor resorted to video conferencing to hear testimonies, enhancing justice without incurring exorbitant expenses. These two experiences are exemplary models in modernizing justice, demonstrating that the collaborative activities between judicial authorities and the Ministry of Justice have positively impacted the establishment of information and communication technology use within the French judicial system.⁴⁵

2. CONCLUSION

In conclusion, we can state that the right to access justice is one of the most important rights enshrined constitutionally. However, this right has been directly affected by the health crisis and the pandemic situation the world has witnessed, which has paralyzed the justice sector in general. Conversely, countries have taken a series of measures based on modern technological

⁴¹ Straton Papagiannes, Nino Junius, *Fairness and Justice through Automation in China's Smart Courts*, *Computer Law & Security Review*, Volume 51, November 2023, 105897.

⁴² *ibid*, p. 3–4.

⁴³ VANESSA PERROCHEAU, DJOHEUR ZEROUKI COTTIN, "Videoconferencing in the French Criminal Trial, from One Ritual to Another?," *Oñati Socio-Legal Series*, Otani International Institute for the Sociology of Law, Volume 8, Issue 3, 2018, p. 349–350.

⁴⁴ *Ibid*, p. 357–358.

⁴⁵ Hamza Benazza, *Using Remote Video Chat Technology during Criminal Trial Procedures: A Reading in the Experience of the French and Algerian Judges*, *Journal of Legal and Economic Research*, Volume 06, Issue 02, 2023, p. 149–150.

techniques under the name of remote visual communication technology, investing in judicial investigations and remote trials to bridge distances and break temporal barriers, allowing citizens to exercise their right to access the judiciary via audio and visual communication means. This comes with a commitment to ensuring the guarantees of a fair trial while achieving a balance between the judiciary's need for modern digital technology amid serious epidemics and health crises. Despite the aforementioned advancements within the justice sector and the maintenance of ongoing litigation despite the exacerbated health crisis, the practical reality within the Algerian judiciary still shows that judges rely on traditional writing methods for recording litigation procedures and issuing judicial rulings while archiving case files alongside digital operations, gradually moving towards actual electronic application.

3. STUDY RESULTS

- It is evident from the topic that emergency health situations, such as the coronavirus and various serious epidemics that impede the exercise of the right to litigation, necessitate innovative solutions based on modern technological techniques to enable individuals to exercise this right in a modern manner.
- The term remote trial is a modern term in the legal and judicial field, having appeared only a few years ago following the spread of the e-government concept and the global health crisis caused by COVID-19. It pertains to services offered by judicial bodies, focusing on the continuity of exercising the right to access the judiciary according to a dual technological information organization existing between international networking and the concerned judicial authority.
- Operating a remote trial system requires a range of legal, security, and supportive means to confirm its effectiveness, whether from international or domestic systems, emphasizing the need for human elements represented in a virtual team of judges, lawyers, court clerks, and skilled personnel in the field of information technology, engineers, and technicians.
- Many judicial systems from various countries around the world, including Algeria as an African model and China as an Asian model, are moving towards adopting remote visual communication technology to enable citizens to exercise their right to litigation, thereby facilitating access to justice amid the constraints of health crises and the adverse effects of serious epidemics.
- The integration of digital technology with traditional judicial work has proven effective as a modern solution for activating the right to access justice amid health crises through the system of remote visual trials, thus ensuring the continuity of legal and judicial procedures without interruption, contributing to alleviating the phenomenon of delays in litigation without the need for physical presence before qualified and competent judicial authorities, thereby mitigating the exacerbation of health crises and reducing health risks while ensuring the right to litigation.

4. STUDY PROPOSALS

- It is necessary to develop and innovate an effective information system for the digital database of the judicial authority aligned with modern advancements and internationally accepted programming systems for remote visual trials, ensuring that this program is secure and protected through digital encryption technology to safeguard the digital information exchanged between litigants and the judicial authority.
- Efforts should be made to improve digital judicial efficiency and the practical quality of applications and modern technologies in monitoring, managing, and operating remote trials by connecting the websites of the Ministry of Justice with various qualified judicial entities across the national territory to overcome the consequences of health crises and the risks posed by serious epidemics, thus further enhancing the justice system.
- It is advisable to support and enhance the digital platform dedicated to the electronic litigation process in general by adding a window containing PDF files with simplified and clear guiding diagrams, supported by audio and visual videos for the various stages of remote judicial processes to facilitate the remote trial process for citizens and enhance the transparency of judicial procedures amid health crises.
- It is crucial to pay attention to the technological judicial and legal infrastructure of various countries by providing all necessary devices, technologies, and software to activate remote trial technology, thus facilitating the Ministry of Justice in announcing training courses and workshops for judges, lawyers, and various workers in the justice sector on how to effectively use and employ these technologies in litigation during times of crises and difficult situations, especially in criminal matters, which helps simplify legal and judicial procedures and ensure the continuity of judicial work even during health crises.
- It is essential to emphasize the right to privacy and the security of digital information, especially in light of the shift toward adopting remote visual communication technology in the judicial system, through strict measures based on international standards to protect data concerning litigants and their various documents from potential cyberattacks, especially breaches and fraudulent access attempts.
- Raising legal awareness and promoting the culture of digitization in the judicial system through seminars and study days on legal education regarding "litigation and litigants and methods of exercising the right to access the judiciary during serious epidemics and health crises," clarifying how to exercise this right through remote visual communication technology and providing various instructions on required documents, necessary steps, and the importance of adhering to legal timelines, as if they were exercising their right to judicial claims in person before the competent litigation authorities.
- The establishment of a new multilateral international agreement should address the theme of remote visual communication technology in the legal and judicial domain, encompassing detailed and precise provisions in both substantive and procedural terms that focus on achieving a balance between the interest of justice amid health crises and serious epidemics and the rights of litigants, ensuring fair trial guarantees safely and without any unjustified delays, while encouraging the continuity of development by allocating a section to monitoring and reviewing mechanisms and their impacts on the principles of the Code of Criminal Procedure.

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