



**OFFICE OF THE CHIEF REGISTRAR
FEDERAL COURT OF MALAYSIA
PALACE OF JUSTICE
PUTRAJAYA**

PRESS RELEASE

**THE JUDICIARY'S STANDARD OPERATING PROCEDURES (SOP)
DURING THE COVID-19 PANDEMIC**

The Government of Malaysia recently lifted the Movement Control Order ('**MCO**') and replaced it with the Conditional Movement Control Order ('**CMCO**') with effect from 4 May 2020 to 9 June 2020. Given the Covid-19 Pandemic, these and other restrictive measures are necessary to ensure the safety of the public. Our usual methods of providing legal services and managing our professional relationships have to adapt to entirely new norms and expectations. This does not mean that access to justice must come to a standstill. While the Judiciary remains committed to its constitutional obligation to ensure continuous access to justice to all members of the public, it must also ensure public health and safety.

To this effect, on 3 May 2020, the Judiciary announced that all Courts will resume operations on 13 May 2020 subject to strict safety measures. The Office of the Chief Registrar of the Federal Court of Malaysia issued and circulated the following documents (both dated 3 May 2020):

- (i) Case Conduct Guidelines during the CMCO and post-MCO; and
- (ii) Prevention of Covid-19 Standard Operating Procedures during the CMCO and post-MCO.

This media release is a non-exhaustive summary of the said safety measures for the benefit of the public's information to ensure that operations resume smoothly.

A. General Measures – Social Distancing and A New Order of Business

1. The new norm entails observing social distancing in every aspect of life be it in over-the-counter transactions, queuing up to enter the elevator or to purchase food at the Court canteens. To promote social distancing, all Courts have been marked with red borders which the public must comply with in view of the need to maintain social distancing.
2. Social distancing will also bring about a new order of business which entails institutional structural adjustments. To this end, the Government has put in place rotational working days for Government servants to ensure a continuous delivery of services while keeping safe.
3. Changes have also been made to the daily work culture in line with the social distancing rule. A fixed team of essential staff will be on duty at Court premises and only within fixed and limited durations. Duty rosters have been drawn up so that all Court staff will work rotationally, that is, sometimes from home and sometimes at their designated work-stations.
4. The following services will be fully operational subject to the new business order:
 - (i) Registration Counters;
 - (ii) One-Stop Centres;
 - (iii) Commissioners for Oaths Counters;
 - (iv) Powers of Attorney Counters;
 - (v) E-Filing Services Bureau Counters; and
 - (vi) Finance and Management Divisions, at all Cost and Responsibility Centres.

B. Remote Hearings

5. As far as possible, Courts may conduct online hearings using electronic means of communication to dispense with the need for movement and physical attendance

before the Court. Interlocutory applications, appeals and mediations may be heard via electronic means. The business of the Courts will be digitalised. Systematic applications such as e-Review will be fully utilised for case management and pre-trial conferences. Inspection and signing of documents will be done electronically. Online applications will be the new norm with minimal physical contact.

6. Parties are encouraged to apply to the Courts for online hearings in suitable cases to minimise physical interaction. It is at the discretion of the individual Judge or Registrar hearing the case to determine if the hearing should proceed remotely in the interest of justice.
7. Courts in Malaysia may also through their own motion pilot trial proceedings through video and teleconferencing for select matters, where appropriate, in the interest of justice after having regard to public health and safety.

C. Crowd Management Measures

i. Restricted Points of Entry and Crowd Control

8. Special arrangements are in place to regulate the entry of Court Users into and out of Court premises. There are fixed points of entry where all persons seeking to enter Court premises must queue up and undergo health checks before entering the said Court premises.
9. The capacity of locations in all areas of the Court such as courtrooms, lobbies, and registry areas will be limited to contain the flow of people entering within reasonable limits and having regard to the need for social distancing.
10. To contain the spread of Covid-19, we have implemented measures to minimise the number of visitors to the Courts. We are temporarily unavailable for social visits. All guided tours, internships and industrial trainings have also been suspended until further notice.

ii. Reduction in number of Cases Fixed for Hearing

11. If cases are to be heard in a physical courtroom, the number of cases in a given courtroom in any one session will be reduced. This is to avoid a large gathering of lawyers, litigants and the public. Those in the public gallery will have to comply with seating arrangements suitable to social distancing.
12. As mentioned earlier, Judges and Judicial Officers will operate on a shifts-basis. Locations that only have one courtroom will not adopt the shifts system but to compensate, the number of cases in those Courts will be reduced.
13. All in-Chambers matters will be conducted in Open Court.
14. Further, the following points should be noted on case management and trials before the Subordinate Courts:
 - (i) to prevent overcrowding in Court buildings, Sessions Court Judges and Magistrates are encouraged to reduce their cases for the day by 50% and trials need not be rushed;
 - (ii) priority will be given to part-heard cases and top-priority cases such as those involving civil servants, ageing cases and cases which involve persons in remand; and
 - (iii) all trials that have not yet begun are postponed during the period between 13 May 2020 and 31 July 2020.

iii. Staggered Hearings

15. The fixing of case hearings will be done on a staggered basis. This means that only counsel and parties related to the case will be allowed into the courtroom.

This measure serves to reduce the number of people in a courtroom at any given time.

16. Additional holding spaces or waiting areas in other courtrooms or at Court lobbies will be provided so that fewer people will need to gather in a courtroom. The Courts will rely on the Queue Management System (QMS) or any other suitable measures to call parties in for the next case.

iv. Alternative Hearing Protocols

17. The Court or parties may adopt any other appropriate measures to reduce the number of people in a hearing or trial. Where the accused person is represented by counsel, his/her attendance at such hearings may be dispensed with unless otherwise directed by the Court.
18. Mediation in cases where the parties are represented by lawyers can be conducted via video conferencing.
19. Applications for adjournment will be managed online without the need for parties to attend court. In cases where the Court does not require the attendance of parties, directions for the conduct of the case will be given through electronic means such as e-Review or email.
20. Additionally, in civil and criminal cases, the Court may choose to expedite trials while reducing the number of people involved by relying on witness statements.

D. Enhanced Cleanliness and Hygiene Control

21. Preventive measures will be taken to enhance hygiene in Court buildings. We endeavour to clean and disinfect public areas (such as building entrances, lobbies, lifts, courtrooms and registries) and often touched surfaces (such as door handles and handrails) at least once every three hours.

E. Emphasis on the Well-being of Court Staff and the Public

22. All measures taken are to ensure the well-being of Court Users and Court staff within Court premises consonant with best public health practices. These include:
- a. Court Staff are required to have their body temperature taken every day at the point of entry before they report for work;
 - b. Court Users are required to have their body temperature taken at the point of entry to ensure normal body temperature and only those with a body temperature of 38 degrees Celsius and below will be allowed to enter.
 - c. Court Users are required to complete a form for social tracing purposes before they enter the Court building;
 - d. Court Users may not attend Court proceedings or conduct business at Court registry/offices if they are under quarantine or medical surveillance by the Government;
 - e. Court Users should not attend the Court premises if he/she is generally unwell or has a fever and/or flu-like symptoms;
 - f. Court Users are to wear a face mask when entering Court premises, in particular when interacting with other people within the premises (the Court will not provide face masks);
 - g. Court Users are to disinfect their hands after entering and/or touching any handles or pressing any buttons etc., as far as practicable;
 - h. The well-being of Court staff is to be monitored constantly. If there are any reports of Covid-19 infections, the Head of Department must inform the Health Department for further action. Any further directives from the Health authorities must be adhered to.

23. The above measures are issued in furtherance of the Judiciary's commitment to the efficient delivery of justice. The Judiciary stresses that public health and safety, including that of Court Users, Judges, Judicial Officers and Court staff continues to be the paramount consideration. The Malaysian Judiciary will keep vigilant and continue to review its SOP. The Judiciary will also continue to engage with stakeholders and keep Court Users informed of further developments.
24. To ensure everyone's health and safety we seek everyone's cooperation to read, understand, and comply with all safety protocols issued by the Government of Malaysia and the Judiciary as well as to keep themselves updated with all health and safety protocols issued from time to time.
25. We face a myriad of challenges and we want all of you to know that we stand in solidarity with you to face this unprecedented situation together.

Thank you

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