



COUNCIL FOR ASEAN CHIEF JUSTICES (CACJ)  
WORKING GROUP ON CASE MANAGEMENT  
AND  
COURT TECHNOLOGY

**Background**

1. The Council of ASEAN Chief Justices (CACJ) (formerly known as ASEAN Chief Justices Meeting or ACJM) had its first meeting on 23<sup>rd</sup> August 2013 in Singapore.
  
2. During the Meeting, the following discussions have been conducted:
  - (i) To enhance the Rule of Law in order to promote greater economic cooperation among ASEAN Judiciaries by developing an internet portal to improve the accessibility of information among ASEAN Judiciaries;
  
  - (ii) To promote judicial education and training for the Judges and judicial officers within ASEAN;
  
  - (iii) To harness judicial cooperation among ASEAN judiciaries by collaborating and sharing best practices in the use of court

technology, case management techniques and facilitate the service of civil processes within ASEAN to promote economic growth and development of the ASEAN region.

It was agreed that the Malaysian Judiciary will lead the ASEAN Working Committee to look into a mechanism to develop a technology court that could be shared by ASEAN countries and to share best practices in the use of technology in court and case management within ASEAN members.

On 20<sup>th</sup> October 2014, the Rt. Hon. Tan Sri Datuk Panglima Richard Malanjum, Chief Judge Sabah and Sarawak, was appointed as Chairman of the ASEAN Working Committee and Chairman of Malaysian Working Group on the Use of Technology in Court. Sometime in 2017, Chief Judge Richard Malanjum was also tasked to helm the working group on case management.

### **Strategic Objective**

3. The ASEAN Chief Justices agreed on the following objectives of the Meeting:
  - (i) To promote close relations and mutual understanding amongst the ASEAN judiciaries;
  - (ii) To provide a regular forum for the ASEAN Chief Justices to discuss and exchange views on common issues facing the ASEAN judiciaries; and

(iii) To facilitate judicial cooperation and collaboration among ASEAN judiciaries with a view to accelerate the economic growth and development of the ASEAN region.

### **Scope of Collaboration**

4. The scope of collaboration through the CACJ will include:

- (i) Information sharing
- (ii) Sharing of best practices
- (iii) Technology Transfer
- (iv) Joint Research
- (v) Judicial Education

### **Programme / Actions**

5. As guided by the CACJ, the Working Group of Court Technology and Case Management (“WGCTCM”) is tasked to harness judicial cooperation within ASEAN by collaborating and sharing best practices in:

#### The use of court technology

- (i) Prepare a comprehensive report on the effectiveness of court technology used in ASEAN Member States;
- (ii) Utilise the ASEAN Judicial Portal as a hub of information exchange relating to court technology;
- (iii) Organise series of seminars and workshops to ensure Member States are equipped with the latest and relevant information of technology in relation to court;

- (iv) Promote the effective use of technology in certain ASEAN judiciaries to interested Member States;
- (v) Enhance regional coordination in the exchange of information, experience and expertise in the usage of court technology;
- (vi) Identify common features of court technology that could be used by all Members States to overcome geographical limitation in the administration of justice;
- (vii) Establish effective and fully functioning mechanism of court technology to be applied by Member States to address common regional issues and challenges, e.g. judiciaries' response to combat terrorism;
- (viii) Collaborate with relevant regional and international agencies, NGOs, private sectors and individuals in any event to promote the usage of court technology;

### Case Management techniques

- (i) Prepare a comprehensive report on the best practices of case management in all Member States;
- (ii) Utilise the ASEAN Judicial Portal as a hub of information exchange relating to case management;
- (iii) Organise series of seminars and workshops to provide a platform for Member States to share their case management techniques;
- (iv) Adopt best practices from Member States or other jurisdictions to improve and refine case management techniques of any Member State for effective justice delivery system;

- (v) Promote the best practices of case management in ASEAN judiciaries to interested institutions or organisations;
- (vi) Intensify the effectiveness of existing system used in case management to suit the needs of specific stakeholders;
- (vii) Offer assistance and expertise on case management techniques upon request by any Member State, institution or organisation to promote the ASEAN judiciaries;
- (viii) Collaborate with relevant regional and international agencies, NGOs, private sectors and individuals in any event to promote case management techniques.

## **Membership**

1. The WGCTCM shall be composed of each representative from Member States appointed by the Chief Justice / President of the Supreme Court.
2. The WGCTCM may appoint additional members from any institution or bodies as resource persons or experts to provide technical expertise to the WGCTCM in implementing its programme.

In the light of the agreed terms of reference of the CACJ Meeting, the following representatives have been nominated by their respective CJs (in alphabetical order):

Item No.	Country member	Name of the Representative
1.	BRUNEI	<b>the Hon. Dato' Paduka Haji HairolArni bin Haji Abdul Majid</b>

2.	CAMBODIA	<b>YethRithya (Mr.) &amp; NouRithea (Mr)</b>
3.	INDONESIA	<b>Justice I.G Agung Sumantha</b>
4.	MALAYSIA	<b>the Rt. Hon. Tan Sri Richard Malanjum (CHAIRMAN)</b>
5.	MYANMAR	<b>ThaungHtwe (Mr.)</b> <b>[he was transferred to another district and Myanmar might name another representative]</b>
6.	LAOS PDR	<b>No. Representative named as to date</b>
7.	PHILIPPINES	<b>Justice Apolinario D. Bruselas, Jr.</b>
8.	SINGAPORE	<b>Justice Lee Seiu Kin</b>
9.	THAILAND	<b>SarawutBenjakul (Mr.) &amp; Judge RungraveeSokhuma</b>
10.	VIETNAM	<b>Bui Van Thanh</b>

### **Data collection**

As guided by the Council of ASEAN Chief Justices (CACJ), the Secretariat for the Working Group Committee had prepared a set of questionnaire in order to identify the status on the use of technology in courts in different member states, thus enabling the working group to set the parameter of the best practice for ASEAN courts. The questionnaire was distributed to all member states vide a letter dated 13.07.2015. The questionnaire is attached as '**Appendix A**'. As to date, all members (except Lao PDR) have

responded to the questionnaire. Their responses are extracted in a table format marked as '**Appendix B**' to this Report.

### **Summary Analysis of Appendix B**

Based on the response to the questionnaire from some of the member states, it is concluded that all ASEAN member states agree that the use of technology is helpful in the administration of justice to simplify the procedural aspects in litigation. None of the member states believe that the use of technology in their court system could diminish or impede the procedural proceedings of a fair hearing or that it could have any impact in the independence and impartiality of a judge or judicial officer. Though they agree that the use of technology in the courts does not compromise the privacy and confidentiality of data, such as personal, financial data security, and/or case files, they require the highest security measures. As such every Member States ought to have taken note that security protocols never be violated.

From the responses gathered by the Secretariat, it can be concluded that to a certain extent, all the courts in ASEAN countries have implemented the use the technology of varying standards and advancement.

However, the ASEAN member states have **different preferences when it comes to the choice of hardware**. For instance, Brunei, Malaysia, Myanmar, Singapore, Thailand and Vietnam, prefer to have **customized hardware** to suit their local needs while countries like Cambodia, Indonesia

and Philippines choose any hardware available in the market at a lower cost.

The ASEAN member states have three main concerns in the use of technology in their courts, namely:

- i- **limited mobility and access** in the remote areas of the country;
- ii- **technical breakdown** at the worst possible time; and
- iii- **security issue and leakage of information** to any third party.

The **computer skills** of those involved (judges, judicial officer, legal practitioners and court supporting system) in the courts business also vary. Their variation ranges from **basic to advance**.

The top management of the ASEAN Judiciary are **all committed** to cooperate with each other for betterment of the use of technology in courts in their respective countries.

## **Progress**

During the 5<sup>th</sup> ACJ Meeting in Bandar Seri Begawan held on 24.03.2017, a roadmap on the use of technology in court was presented. During the same meeting, a suggested roadmap was presented and agreed upon by the Council to be used as a guide for the benefit of all interested ASEAN members. For ease of reference, the Suggested Roadmap is attached as **Appendix C** to this Report.



During the same Meeting, Chief Justices also agreed to present a comprehensive report on case management and the use of technology in their respective judicial system for the benefit of other Member States.

As at **25.06.2018**, state members like Brunei, Cambodia, Malaysia, Singapore, and Viet Nam have shared their respective reports on case management and the use of technology with the Secretariat.

### **Recommendation(s)**

Based on the respective reports of some Member States on the use of technology in court and case management, it is suggested that we adopt the best practices therein so as to be in tandem with the suggested Roadmap.