



KHN.0042 Jld 2
7 January 2021

The Honourable Judges
Federal Court

The Honourable Judges
Court of Appeal

The Honourable Judges/Judicial Commissioners
High Courts
Throughout Malaysia

Sessions Court Judges
Sessions Courts
Throughout Malaysia

Magistrates
Magistrates' Courts
Throughout Malaysia

Special Officers/Research Officers/ Deputy Registrars / Senior Assistant
Registrars
Federal Court/ Court of Appeal/High Courts/ Subordinate Courts
Throughout Malaysia

**PRACTICE DIRECTION OF THE CHIEF JUSTICE
NO. 1 OF 2021
CONDUCT OF CIVIL CASE PROCEEDINGS THROUGH REMOTE
COMMUNICATION TECHNOLOGY FOR COURTS THROUGHOUT
MALAYSIA**

IN exercise of the powers conferred by section 17B of the Courts of
Judicature Act 1964 [Act 91] and section 107A of the Subordinate Courts
Act 1948 [Act 92], I, after consultation with the Right Honourable the

President of the Court of Appeal, the Right Honourable the Chief Judge of the High Court of Malaya and the Right Honourable the Chief Judge of the High Court of Sabah and Sarawak, issue this Practice Direction to prescribe the procedures in relation to the conduct of civil case proceedings through a remote communication technology for Courts throughout Malaysia as follows:

APPLICATION OF PRACTICE DIRECTION

2. This Practice Direction is applicable to civil case proceedings at all levels of Courts throughout Malaysia.

INTERPRETATION

3. In this Practice Direction, unless the context otherwise requires—

“e-Review” means a platform in the Court’s application system that is used between the Court and the parties to conduct case management through a remote communication technology;

“Judge” means the Chief Justice, President of the Court of Appeal, Chief Judge of the High Court of Malaya, Chief Judge of the High Court of Sabah and Sarawak, Judge of the Federal Court, Judge of the Court of Appeal, Judge of the High Court, Judicial Commissioner, Sessions Court Judge or Magistrate;

“Designated Location” means the location where the parties to a proceeding are required to be in order to use the digital platform

for the conduct of proceedings through a remote communication technology as may be directed by the Court;

“Court” means the Federal Court, the Court of Appeal, the High Court, the Sessions Court or the Magistrates’ Court;

“digital platform” means remote communication technology channels including e-mail, e-Review, video conferencing applications or video networks or other digital channels deemed appropriate by the Court;

“ remote communication technology” has the same meaning as provided in the Courts of Judicature Act 1964, the Subordinate Courts Act 1948 and the Subordinate Courts Rules Act 1955.

DIRECTIONS ON THE CONDUCT OF CIVIL CASE PROCEEDINGS THROUGH REMOTE COMMUNICATION TECHNOLOGY

4. Directions on the conduct of proceedings through a remote communication technology can be made at the Court’s discretion or based on a written application by the parties to the proceedings.

5. For the above purpose, the Court has an absolute discretion under section 15A of Act 91 and section 101B of Act 92 to order for proceedings to be conducted through a remote communication technology in the interest of justice. In making such an order, the Court may consider among others the following factors:

- (a) type of proceedings
 - (i) type of proceedings such as mention, case management, application hearing, trial, hearing, submission, clarification, decision, order or consent judgment;
 - (ii) the complexity of a case;
- (b) duration of the proceedings
 - (i) the urgency of the proceedings;
 - (ii) the period or time limit prescribed under any provision of law or Practice Direction applicable thereto for a proceeding to be concluded;
 - (iii) the expected time period in which a proceeding will be completed;
 - (iv) the expected time period for the conclusion of the case involving compliance by the parties with instructions to file bundle of documents, labels, indexes, cross-references of all documents and materials to facilitate reference during the conduct of proceedings;
 - (v) the expected time frame the proceedings need to be postponed to enable the attendance of all parties to the

Court and the possibility that the delay may cause prejudice to any party;

- (c) for proceedings involving witnesses, the health factor and ability of the witnesses and any other circumstances will be considered by the Court;
- (d) any party in the proceedings is represented or not represented by a lawyer;
- (e) the availability and quality of the technology that will be used taking into account the hardware, software and internet access speed that needs to be provided;
- (f) mobility of the parties to attend a proceeding in the Court. For example, the parties cannot attend Court due to health factors, the location is too far away, the occurrence of a natural disaster or the spread of an epidemic or infectious disease either at the location of the parties or at the location of the Court where the proceedings will be conducted, etc.;
- (g) the rights of the parties to a fair trial is preserved notwithstanding the proceedings are conducted through a remote communication technology;
- (h) the rights of the parties to raise objections before a direction is given; and
- (i) such other considerations as the Court deems fit and proper.

6. The Court after considering the above factors shall direct that the proceedings be conducted through—

- (a) a remote communication technology;
- (b) physical means; or
- (c) hybrid method by incorporating the use of a remote communication technology and also through physical means (“hybrid method”).

7. When the parties are directed to conduct proceedings through a remote communication technology, the Court shall determine the digital platform and the Designated Location to conduct the proceedings. However, subject to the Court’s discretion, the parties may propose a digital platform or Designated Location that is suitable to conduct proceedings through a remote communication technology.

8. The Court may give any other directions relating to the conduct of proceedings through a remote communication technology to the parties.

9. Notwithstanding the Court’s direction in relation to the conduct of proceedings through a remote communication technology, the Court may order a proceeding that is being conducted through a remote communication technology to continue physically or through hybrid method.

PROCEDURE FOR THE CONDUCT OF PROCEEDINGS THROUGH REMOTE COMMUNICATION TECHNOLOGY BY E-MAIL, E-REVIEW AND VIDEO CONFERENCE

10. The procedures for the conduct of proceedings as mentioned in this Practice Direction according to the relevant platforms are as in **Annexure A1** for proceedings through the e-mail platform, **Annexure A2** for proceedings through the e-Review platform and **Annexure A3** for proceedings through the video conferencing platform.

DIRECTIONS FOR WITNESSES TO GIVE EVIDENCE THROUGH REMOTE COMMUNICATION TECHNOLOGY

11. For proceedings conducted through a video conferencing platform, the Court may direct witnesses to give evidence through a remote communication technology. For this purpose, the Court may consider among others the following factors:

- (a) the witness's ability to understand that the evidence is being given through a remote communication technology;
- (b) health condition of the witness;
- (c) the evidence given by the witness through a remote communication technology shall follow as closely as possible the normal rules for evidence given in open Court proceedings;
- (d) the availability, quality of technology and equipment that will be used taking into account the hardware, software and

internet access speed and the appropriate necessities at the place where the witness gives evidence;

- (e) whether any party will be prejudiced if evidence is given through a remote communication technology;
- (f) the level of control by the Court over the witness who is in a “remote location” is limited compared to the witness who is physically present in the Court;
- (g) whether the witness is in the country or abroad and if the witness is abroad, the reason or justification as to why the witness is unable to give evidence in the country;
- (h) the rights of the parties to a fair trial is preserved notwithstanding that the evidence is given by the witness through a remote communication technology; and
- (i) any other circumstances that will be considered by the Court.

12. The court may prescribe a place for witnesses to give evidence through a remote communication technology.

PROCEDURE FOR THE HANDLING OF WITNESSES WHO GIVE EVIDENCE THROUGH REMOTE COMMUNICATION TECHNOLOGY

13. Procedure for the handling of witnesses who give evidence through a remote communication technology is in **Annexure A4**.

TRANSITIONAL PROVISION

14. Subject to the factors stated in paragraph 5, the Court may direct for a proceeding that has been conducted physically or through a remote communication technology before the coming into operation of this Practice Direction to continue physically, through a remote communication technology or through hybrid method.

FEEDBACK AND SUGGESTIONS FOR IMPROVEMENT

15. In an effort to continue improving access to justice and the delivery system of the Judiciary, any feedback on the conduct of proceedings conducted through a remote communication technology or suggestions for the improvement of this Practice Direction can be channelled at the User Feedback Form .

DATE OF COMMENCEMENT

16. This Practice Direction comes into operation on **8 January 2021**.

Sgd.

TUN TENGKU MAIMUN BINTI TUAN MAT
Chief Justice of Malaysia
Palace of Justice
Putrajaya

C.C:

The Rt. Hon. the President of the Court of Appeal
Federal Court
Palace of Justice
Putrajaya

The Rt. Hon. the Chief Judge of Malaya
Federal Court
Palace of Justice
Putrajaya

The Rt. Hon. the Chief Judge of Sabah and Sarawak
High Court of Sabah and Sarawak
Kuching
Sarawak

The Hon. Attorney General
Attorney General's Chambers
No. 45, Persiaran Perdana,
Presint 4, 62100 Putrajaya

All Managing Judges
Federal Court
Palace of Justice
Putrajaya

Chief Registrar
Federal Court
Palace of Justice
Putrajaya

Deputy Chief Registrar
Federal Court
Palace of Justice
Putrajaya

Senior Deputy Assistant Registrar
Federal Court
Palace of Justice
Putrajaya

Registrar
Court of Appeal
Palace of Justice
Putrajaya

Registrar
High Court of Malaya
Palace of Justice
Putrajaya

Registrar
High Court of Sabah & Sarawak
Kuching
Sarawak

Registrar
Subordinate Courts of Malaya
Palace of Justice
Putrajaya

Registrar
Subordinate Courts of Sabah & Sarawak
Kota Kinabalu
Sabah

Registrar
Subordinate Courts of Sabah & Sarawak
Kuching
Sarawak

Librarian
Federal Court
Palace of Justice
Putrajaya

President
Malaysian Bar
Kuala Lumpur

President
Sabah Law Society
Sabah

President
The Advocates' Association of Sarawak
Sarawak

**PROCEDURE FOR THE CONDUCT OF PROCEEDINGS THROUGH
REMOTE COMMUNICATION TECHNOLOGY USING THE EMAIL
PLATFORM**

1. The categories of cases for the conduct of proceedings through a remote communication technology using the email platform are as follows:
 - (a) the case is registered at a Court location that does not use the e-Kehakiman system;
 - (b) the case is registered at a Court location that uses the e-Kehakiman system;
 - (c) the case is registered at a Court location that uses the e-Kehakiman system but the e-Review system is not applicable to the case code of the said proceedings;
 - (d) any party in the proceedings is represented or not represented by a lawyer or is not a user of the e-Kehakiman system;
 - (e) the parties are not prepared with the equipment or technology to conduct the proceedings by e-Review or video conferencing; or

- (f) The Court decides that the type of proceeding is appropriate to be heard using the email platform subject to this Practice Direction.
2. Procedures on the conduct of proceedings through a remote communication technology using an email platform are as follows:
- (a) The Court shall send a notice to the parties to conduct the proceedings using the email platform. The notice shall contain, among others, the date and time the proceedings using the email platform will be conducted as well as any other related directions and shall be submitted to the parties at least one week before the date of the proceedings or a shorter period as the case may be;
 - (b) the parties shall acknowledge receipt of the notice within three days from the date of receipt of the notice or a shorter period as appropriate in the case and state the correct email details and mobile phone number;
 - (c) to avoid confusion and ensure smooth proceedings, the parties shall reply to the emails using the first email thread that contains the notice that has been sent to the parties by the Court and each email shall be copied to all parties;
 - (d) the parties shall always update their email addresses in the e-filing system to ensure that the parties' email addresses in the e-filing system and the actual records are accurate and that the notices issued by the Court can be received effectively;

- (e) any notice issued by the Court to the email address of the parties in the e-filing system shall be considered applicable and effective;
- (f) if one of the parties commences the proceedings earlier or later than the stipulated time period, it shall not be a ground for the Court to nullify the proceedings;
- (g) if the Court is ready to give a decision on the date of the proceedings, the decision will be immediately notified to the parties on that date via email;
- (h) for the purposes of record and the preparation of notes of proceedings, all communications via email shall be kept by the Court in one digital file and uploaded onto the Court's application system; and
- (i) for manually filed cases, all copies of email communications shall be kept in the relevant case file.

**PROCEDURE FOR THE CONDUCT OF PROCEEDINGS THROUGH
REMOTE COMMUNICATION TECHNOLOGY USING THE E-REVIEW
PLATFORM**

Application to Courts in Peninsular Malaysia

1. The categories of cases for the conduct of proceedings through remote communication technology using the e-Review platform are as follows:
 - (a) the case is registered at a Court location that uses the e-Kehakiman system;
 - (b) the parties are users of the e-Kehakiman system; or
 - (c) the Court decides that the type of proceedings is suitable to be conducted using the e-Review platform.

2. Procedures for the conduct of proceedings through a remote communication technology using the e-Review platform for the Federal Court, Court of Appeal, High Court of Malaya, Sessions Court and Magistrates' Court in Peninsular Malaysia are as provided in any Practice Directions, directives or guidelines issued regarding this matter from time to time.

Application to Courts in Sabah and Sarawak

3. Procedures for the conduct of proceedings through a remote communication technology using the e-Review platform for the High Court, Sessions Court and Magistrates' Court in Sabah and Sarawak are as provided in any Practice Direction, directives or guidelines issued from time to time.

**PROCEDURE FOR THE CONDUCT OF PROCEEDINGS THROUGH
REMOTE COMMUNICATION TECHNOLOGY USING VIDEO
CONFERENCING PLATFORM**

1. The category of cases for the conduct of proceedings through a remote communication technology using a video conferencing platform is subject to the considerations made by the Court, taking into account the factors stated in paragraph 5 of this Practice Direction.
2. The procedure for the conduct of proceedings through a remote communication technology using a video conferencing platform are as follows:
 - (a) the Court shall send a notice, by email or any other appropriate methods, to the parties to conduct proceedings using a video conferencing platform. The notice shall contain the date and time the proceedings through the video conferencing will be conducted, and shall be submitted to the parties at least one week before the date of the proceedings, or a shorter period according to the suitability of the case;
 - (b) the parties shall acknowledge receipt of the notice within three days from the date of receipt of the notice or a shorter period as appropriate in the case and state the correct email details and handphone number;

- (c) to avoid confusion and ensure smooth proceedings, the parties shall reply to the emails using the first email thread that contains the notice that has been sent to the parties by the Court and each email must be copied to all parties; and
 - (d) the Court shall fix the time of proceedings according to staggered times so that the parties do not have to wait long online and the parties shall comply with the time schedule that has been fixed.
3. The court shall fix a case management date prior to the fixed date of the proceedings to manage the preparations of the conduct of the proceedings using a video conferencing platform that involves the following matters:
- (a) document management
 - (i) direct that all digital copies of documents that will be referred to during the proceedings are filed and handed over to the parties before the date of the proceedings;
 - (ii) direct on the appropriate way for the parties to organize, prepare an index and make cross-references on documents or other materials that need to be referred to during the proceedings;
 - (iii) time period for the filing of documents;
 - (iv) for the purpose of reference to documents in the preparation of written submissions and also during

submissions by the parties on the date the proceedings are conducted, they must be made in accordance with the following rules:

- A. state the content number and name of the document;
 - B. state the page number on the digital copy in PDF format; and
 - C. state the paragraph referred to.
- (b) management of the parties' information for the purpose of access to the digital platform
- (i) obtain additional particulars relating to the email address, the user name (I.D.) for the digital platform that will be used and the phone numbers of the parties that will be involved in the proceedings; and
 - (ii) obtain information and additional particulars as above regarding senior counsel or co-counsel or other parties who are allowed to participate in the proceedings;
- (c) time management
- (i) obtain information about the estimated time that will be taken for the submission. This allows the Deputy Registrar or Senior Assistant Registrar to arrange the

attendance schedule of the parties during the proceedings to ensure that several proceedings can be fixed on the same day; and

(d) witness handling

- (i) obtain additional details regarding the email address, user name (I.D.) of the digital platform to be used and telephone numbers of witnesses and interpreters (if necessary), who will be involved in the proceedings; and
- (ii) directing the parties to obtain the services of an interpreter if the witness so requires when giving evidence.

4. Before the proceedings are conducted using the video conferencing platform, the parties shall do the following:

- (a) provide digital copies of all documents and materials that will be referred to during the proceedings;
- (b) ensure that all written submissions have been filed and served as directed by the Court before the date of proceedings;
- (c) download all documents, bundles of documents, core bundles, bundles of pleadings, witness statements, and any relevant documents to be used during the proceedings from the court filing system for the purpose of screen sharing

during the proceedings conducted through the video conferencing platform; and

(d) ensure that all the software related to the digital platform that will be used during the proceedings through the video conferencing platform have been downloaded or updated, and that the parties are ready with entry access registered under the name of the parties who will be conducting the proceedings through the video conferencing platform.

5. To ensure that the proceedings run smoothly, a video conference trial session will be conducted between the Court and the parties not later than three days before the date of the proceedings, unless there is an urgency to facilitate the technical team to test the quality of audio and video and the efficiency of the parties' respective networks during the video conferencing session, as well as allowing the parties to familiarize themselves with the technical aspects that need to be followed. For the purpose of the trial session—

- (a) lawyers who have been given notice of the trial session must personally attend the trial session and may bring an additional representative during the trial session;
- (b) the location of the trial session shall be conducted in the same location where the parties will conduct the actual proceedings;
- (c) the trial session only refers to technical preparations and the presence of the parties can be recorded;

- (d) the trial sessions shall not be made mandatory in all cases conducted through the video conferencing platform. In this regard, the Court has the discretion to determine the need to hold the trial sessions; and
- (e) if during the trial session there is a technical problem on the part of the lawyer that causes the video conference unable to be conducted, the Court shall issue directions regarding the method of proceedings to be conducted.

6. Before the commencement of proceedings—

- (a) the parties must be ready to log in not later than thirty (30) minutes before the proceedings are conducted or according to any period deemed appropriate for the purpose of facilitating the technical team to test the audio and video quality and the efficiency of their respective networks during the said video conference session and also to enable the parties to familiarize themselves with the conduct of proceedings through video conference;
- (b) the parties may raise any technical or logistical issues to the Court;
- (c) the parties shall inform the Court on the list of documents that will be referred to during the examination of witnesses and shall conduct “screen sharing” to ensure that all digital copies of the relevant documents can be accessed by the Court;

- (d) the Court shall inform the parties to comply with legal ethics and Court decorum at all times;
 - (e) the Court shall provide appropriate communication channels between the Court, the parties and witnesses for the purposes of dealing with technical problems that may occur during the proceedings; and
 - (f) the Court must inform the parties to contact the Court through the said communication channel if there is any technical problem during the proceedings to enable the Court to obtain instructions from the Panel Chairman or the Judge.
7. During the proceedings, the parties shall ensure the following matters:
- (a) be in a room or work space free from any noise interference with bright lighting during the video conference;
 - (b) in order to avoid disturbances during the proceedings, the microphone shall always be muted except when submitting, raising objections or answering questions from the Panel of Judges or the Judge only;
 - (c) the lawyer on behalf of the Appellant/Plaintiff/Applicant shall begin his submission by introducing himself and introducing the lawyers of the other party who is present in the video conference;

- (d) legal ethics and Court decorum are observed at all times;
- (e) use of polite and respectful titles to the Court;
- (f) avoid making any impolite body and hand gestures;
- (g) avoid eating and drinking;
- (h) be in the video conferencing session at all times, and avoid leaving the proceedings before the conclusion of the proceedings, except with permission of the Panel of Judges or the Judge;
- (i) lawyers are not allowed to “screen share” any documents that is not downloaded from the Court’s filing system even if it is a copy of the same document, except with permission of the Court. This is to avoid difference of pagination that is confusing during the proceedings;
- (j) shall not disclose details of access to the video conferencing platform to parties not related to the proceedings except with permission of the Court;
- (k) may disclose details of access to the video conferencing platform to the client to enable the client to also witness the proceedings. For this purpose, the parties must inform the Court about this matter;
- (l) if it is found that details of the access to the video conferencing platform were disclosed to other parties without permission,

the Court may refuse the parties into the video conferencing platform;

- (m) the parties are prohibited from recording the proceedings using any device or tools during the proceedings; and
- (n) after the proceedings are concluded, all parties shall wait until the Panel of Judges or Judge leaves the video conference (logs out) before leaving

8. The parties may apply for a recording of the proceedings through the following means:

- (a) making an application to the Chairman of the Panel of Judges or the Judge before the proceedings commence; or
- (b) making an application in writing to the Court after the proceedings conclude.

PROCEDURE FOR THE HANDLING OF WITNESSES WHO GIVE EVIDENCE THROUGH REMOTE COMMUNICATION TECHNOLOGY

Procedure before Giving Evidence

1. The lawyer's responsibility to the witness before the witness gives evidence is as follows:
 - (a) the lawyer shall inform the witness that the testimony will be given through a remote communication technology;
 - (b) the lawyer must identify the witness's capability in operating the video conferencing platform;
 - (c) where assistance is required by the witness, the lawyer shall take necessary steps to ensure that the witness can give evidence as scheduled, and shall refer to the Court for any directions, if necessary, for that purpose;
 - (d) the lawyer must ensure the availability of technology and facilities provided at the location where the witness gives evidence including having video conferencing software, technological facilities capable of providing efficient, clear, stable and secure internet access for the conduct of proceedings through video conference;

- (e) the lawyer must scan the identity card of the witness and submit it to the Court via e-mail before the fixed date of the proceedings for the purpose of verifying the identity of the witness and also for the purpose of the sworn statement by the witness;
- (f) the lawyer must submit the witness statement to the Court via email before the fixed date of the proceedings to enable the Court to confirm the contents of the witness statement if the witness uses the witness statement;
- (g) the lawyer must supply copies of documents or digital copies of documents that will be referred to by witnesses during the proceedings;
- (h) the lawyer shall ensure that the document/bundle of documents/core bundle referred to the witness by “screen sharing ” including the physical copy, if any, is exactly similar to the copy used by all parties including the same page arrangement (pagination);
- (i) the lawyer is not allowed to “ screen share” any documents that is not downloaded from the Court’s filing system notwithstanding that it is a copy of the same document. This is to avoid confusing pagination during proceedings;
- (j) the lawyer must ensure that technological facilities and equipment that can show evidence and display documents during the video conference to be seen simultaneously by the

Court, lawyers and witnesses are available during the proceedings;

- (k) the lawyer must prepare a List of Documents To Be Used During Trial containing the document title and document content number;
- (l) where the witness has hearing impairment, etc., the lawyer shall inform the Court if the witness requires translation assistance or sign language assistance, etc. For this purpose, the costs are borne by the parties; and
- (m) the lawyer must ensure that no other applications or programs are running in the witness' computer during the video conference.

Procedure When Giving Evidence

2. The witness shall first introduce himself and confirm his identity through the following steps:
 - (a) mentioning his name and his identification number; and
 - (b) showing his identity card to the Court through the camera for the purpose of confirming that the witness is the holder of the identity card, and showing a copy of the identity card through the "screen share" function.
3. Where the witness uses a witness statement—

- (a) the witness statement needs to be submitted to the Court earlier to enable the Judge to verify the contents of the witness statement whether it is the same as what was read by the witness. The judge will make a note in the minutes of the proceedings on the matter;
 - (b) the witness shall sign the witness statement read by him after making the sworn statement. After the witness statement is admitted as evidence during the examination-in-chief, the witness shall sign the witness statement in a way that can be seen by the Judge and all relevant parties in the proceedings and must show his signature to the Judge on the screen to enable the Judge to confirm and be satisfied that the witness statement has been signed by the said witness; and
 - (c) the signed witness statement shall be filed in the Court's filing system after the conclusion of the proceedings.
4. Witnesses are allowed to give a description evidence to a tangible object (such as cloth, etc.) by holding, touching the object, or in any other manner, for the purpose of explaining the texture of the object's surface, thickness, weight, smell, difference in colour and, etc., in the same way as the description evidence is given by the witness in open Court. For this purpose, the Court may order that the evidence be sent to the Court to be examined by the Judge and for safekeeping by the Court as an exhibit. The Court may also fix another date for the parties to appear in Court for the sole purpose to confirm the

identity of the evidence/exhibit, and not for the examination of witnesses.

5. Where the witness' examination session lasts for a long period, the level of comfort, well-being, and fitness of the witness must be monitored from time to time and the witness may be allowed to take a short break or intermittent breaks without leaving the recording session or disabling the camera and microphone functions.
6. The location or place for the witness to give evidence through a remote communication technology must be at the location or place designated by the Court or proposed by the parties and agreed to by the Court.
7. A lawyer representing one of the parties may be assigned as a supervising solicitor and be at the same location as the witness to observe and supervise the process of the witness giving evidence. For this purpose, the responsibilities of the supervising solicitor are as follows:
 - (a) when proceedings commence—
 - (i) the supervising solicitor shall introduce himself and confirms that he will be supervising the witness throughout the proceedings;
 - (ii) the supervising solicitor shall confirm that the witness does not have any document or material that could prejudice the fair trial for the case; and

- (iii) the supervising solicitor must confirm that the witness does not make or receive any communication from any person until the witness is discharged; and
 - (b) the supervising solicitor shall immediately inform the Court through the provided telecommunication channels should the supervising solicitor have reason to believe that the witness has been influenced or has been meddled with in any way whatsoever.
- 8. When the witness gives evidence at the designated location or place, the witness and his lawyer shall be situated in separate rooms and shall use separate devices.
- 9. The location or place for the witness to give evidence has facilities or equipment that allows the Court and the parties to have a full view of the position of the witness and his surrounding environment at all times when the witness is giving evidence. For this purpose, the supervising solicitor will assist in making a “360° room or desk scan” to ensure that the position of the witness and his surrounding environment is free from any unauthorized document, material, device or person.
- 10. The camera must be positioned in a manner that allows the face, body, and hands of the witness to be seen clearly.
- 11. The witness must always leave the camera and microphone in “switch-on mode” unless the Judge directs otherwise.

12. The witnesses are not allowed to communicate with any other person while giving evidence. However, the witness is allowed to communicate with the lawyer or other person during the break or before the start of the cross-examination provided that any communication is in accordance with the professional obligations of the lawyer and the applicable laws.
13. Documents can be shown to witnesses using the screen sharing function. The court has the discretion to determine the form of documents that will be presented to witnesses through screen sharing or other electronic means.
14. During the examination-in-chief, cross-examination and re-examination, the witness must be able to see the lawyer who asks questions and any other person that makes any statement.
15. When giving evidence and the witness makes a request to the Court to correct his answer, the Court shall limit the time for the witness to do so.
16. If a lawyer objects to a question put to the witness, the lawyer shall state the objection by raising his hand and wait for the Court's permission before verbally stating the objection. In the event of an interruption to the internet network and the lawyer is prevented from making an objection to the question asked to the witness before the witness answers the question, the lawyer must make the objection as soon as possible after the disruption ends.

17. A virtual background, filter, or any modification to the video image shall not be used by the witness when giving evidence through a video conference.
18. The use of “voice modulation” software is strictly prohibited to avoid falsification or swapping of witness identity.
19. At all times and during proceedings through video conferencing, the witnesses must comply with all Court directions.

Witnesses Who Are Abroad and Giving Evidence through Remote Communication Technology

20. If the witness is abroad and intends to give evidence through a remote communication technology, an application must be made by the lawyer to the Court within a reasonable period before the start of the proceedings.
21. The court in considering this application may take into account the factors stated in paragraph 11 of this Practice Direction.

Cancellation of Evidence-taking through Remote Communication Technology

22. The court may cancel the evidence-taking session through a remote communication technology if—
 - (a) there are technical disruptions throughout when the witness is giving evidence through a remote communication technology

such as “lagging” which causes “speak over” to the witness’s voice;

- (b) the witness is found to be abusing the Court’s process or deceiving the Court by giving the excuse of technical disruption or intentionally disconnecting the line to enable him to be given more time to answer questions or testify; or
- (c) circumstances justify them and are necessary in the interest of justice or for other reasons.