

# LEGAL FRAMEWORK FOR THE ELECTRONIC PROCESSING OF JUDICIAL PROCEEDINGS

Law n.º 8/2024, of 07 June

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Taking into account the challenges imposed by information and communication technologies, Law n.º 8/2024 of 07 June was approved, which establishes the legal framework for the electronic processing of judicial proceedings and creates the Centre for Management of Technologies in the Justice Sector (CGTSJ) in order to ensure greater procedural efficiency, facilitating access to justice, security and the protection of citizen's fundamental rights and giving impetus to the process of modernising and simplifying procedures in the Justice Sector.

The law applies to all proceedings before the courts of ordinary, special or specialised jurisdiction, at any level, the Constitutional Council, the Public Prosecutor's Office and the investigative and investigative bodies, including their auxiliaries, with the necessary adaptations, and is expected to come into force on September 6, 2024.

The electronic processing of judicial proceedings is guided, among others, by the following principles: legality, equality and non-discrimination, orality, procedural instrumentality, confidentiality, economy, publicity, transparency, authenticity and integrity.

With the approval of this Law, procedural acts can be carried out electronically, and are also given the same value and legal effects as those defined in procedural laws.<sup>1</sup>

Under this regime, the practice of procedural acts by electronic means can be carried out on any day, within the legal time limit, regardless of the opening and closing time of the judicial services, unlike the practice of acts whose presentation is in the physical format of the process, which is dependent on the opening and closing time of the judicial services. In fact, procedural acts are valid on the date and time on which they are carried out on the respective computer processing platform.

The time limit in the electronic processing of judicial proceedings begins on the day immediately following the receipt of the notice of service of the document and ends at twenty-three hours and fifty-nine minutes on the last day of the time limit established by law.

The electronic processing of judicial proceedings begins with the insertion into the electronic platform of procedural documents and legally admissible evidence in formats that cannot be edited by the procedural parties and accredited interested third parties.

Summonses and notifications are also made via the electronic platform, accompanied by automatic alerts to the electronic means of the party to be summoned or notified, and are considered to have been made when the system alerts them, except for non-registered persons whose summonses are made by other means that are valid under procedural law.

<sup>1</sup> Judicial proceedings are processed simultaneously in physical and electronic format, with both maintaining the same legal value.

Cases in progress, at first instance and on appeal must be entered on the platform and processed electronically, as well as closed cases for archiving purposes.

Audiences, hearings and conferences are usually held in person, but may take place virtually or semi-presential, whenever necessary by videoconference and if the technical conditions are right.

Audiences, hearings and conferences that take place virtually by videoconference are public under the terms established in procedural laws, are subject to full recording and have the same legal effects as minutes.

Judicial proceedings are processed electronically using the System for the Electronic Processing of Judicial Proceedings - STEPJ or through interoperability between the systems of the justice sector bodies.

Access to the system for the electronic

processing of judicial proceedings for procedural interveners and interested third parties is subject to prior registration for the purposes of accreditation and the assignment of profiles and corresponding levels.

The registration of members of the bodies of the Justice Sector is the responsibility of the respective holders or whoever they delegate, of lawyers by the Mozambican Bar Association, of legal technicians by the Institute of Legal Sponsorship and Assistance – IPAJ, and of other procedural actors by the bodies of the Justice Sector.

The Law guarantees data protection and security during the processing of judicial proceedings regarding the use of STEPJ and the penalties for misuse of STEPJ and for the insertion of false information.

The law also establishes that, in cases of justifiable impediment, if the system is unavailable, procedural acts can be carried out at the secretariat or registry office of the Justice Sector

body and/or within 24 hours following the availability of the system.

As well as establishing the legal framework for the electronic processing of court proceedings, the law also created the Justice Sector Technology Management Centre – CGTSJ, responsible for managing STEPJ.

The government is responsible to create the material and financial conditions for the CGTSJ and STEPJ to become operational. In the meantime, until the CGTSJ becomes operational, its competences are exercised by an Installation Commission, made up of representatives appointed by the institutions of the Justice Sector, whose coordination is appointed by the President of the Supreme Court.

The government is also responsible for regulating matters relating to the legal framework for the electronic processing of judicial proceedings established under this law.

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