

LEGAL FRAMEWORK ON THE ELECTRONIC PROCESSING OF LEGAL PROCEEDINGS

LAW NO. 8/2024, OF 7 JUNE



VdA EXPERTISE

August 2024

Law No. 8/2024 of 7 June was approved, establishing the Legal Framework for the Electronic Processing of Legal Proceedings and creating the Justice Sector Technology Management Centre.

Law No. 8/2024 of 7 June (hereinafter referred to as the "Law on the Electronic Processing of Legal Proceedings" or the "Law") applies to all proceedings before the courts of ordinary, special or specialised jurisdiction, at any level of jurisdiction, the Constitutional Council, the Public Prosecutor's Office and the investigative and investigatory bodies, including their auxiliaries.

The Law is aimed at guaranteeing greater procedural speed, easier access to justice, security and protection of citizens' fundamental rights, as well as to give impetus to the process of modernising and simplifying procedures in the justice sector.

Among the novelties brought by the Law, the following are worth highlighting:

Access to the electronic processing system

Procedural interveners and interested third parties wishing to access to the system for the electronic processing of legal proceedings shall be registered, for the purposes of accreditation, assignment of profiles and corresponding levels.

Procedural acts

With regard to procedural acts, the Law on the Electronic Processing of Legal Proceedings establishes that:

- The electronic processing of cases begins with the submission of the initial petition/application or the report of the crime, directly on the electronic platform by the duly registered procedural actor, not excluding the possibility of submission in physical format, in which case it will be the responsibility of the justice sector official to insert it into the electronic system;
- The pleadings and supporting documents must be submitted in *portable document format (PDF)* or in any other non-editable format, and multimedia files can be submitted in the format that suits the computerised system for processing court proceedings, namely *PNG, MP3 or MP4*;
- Summonses and notifications to people registered in the system are made via the electronic platform, and those not registered are summoned or notified by other valid means, under the terms regulated by procedural laws;
- The time limit for the electronic processing of legal proceedings begins on the day immediately following receipt of the notification of the document and ends at twenty-three hours and fifty-nine minutes on the last day;
- Proceedings are processed simultaneously in physical and electronic format, so cases at first instance and on appeal must be entered for electronic processing, and closed cases are entered electronically for archiving;
- The issuance, dispatch and return of letters precatory and rogatory for the performance of procedural acts is carried out via the electronic platform, without prejudice to the other forms provided for by law;
- Procedural acts are carried out on any day, within the legal time limit, regardless of the opening and closing times of the judicial services and are valid on the date and time they are carried out on the respective computerised processing platform, with the emphasis on the fact that they have the same value and legal effects as defined in procedural laws;

Sessions, Conferences, Hearings and Auditions

With regard to sittings, conferences, hearings, the Law on the Electronic Processing of Legal Proceedings establishes that:

- Virtual and semi-presential sessions have the same legal effects as face-to-face sessions and are held by videoconference at the initiative of the presiding officer or at the substantiated request of any procedural participant;
- Access to videoconferencing is subject to prior registration on the electronic platform, in line with the nature of the act and the quality of the procedural participant, and it is up to the services of the person chairing the session to ensure that credentials for access to videoconferencing are made available to procedural participants and other interested parties;
- The videoconference session is public and follows the formalism and solemnity of in-person procedural acts, with the necessary adaptations;
- The hearing of procedural actors by videoconference takes place from a Justice Sector body, as the case may be, defined by the person chairing the session;
- In the case of detainees or prisoners, they may be heard or participate in the session from the prison or similar establishment where they are, by decision of the presiding officer, in the presence of a Justice Sector official from the competent body;

- In order to guarantee the protection of personal data, privacy and other fundamental rights of citizens, in cases of fear of disclosure during a hearing by videoconference, the image must be blurred, diverted or disabled, and the sound distorted;

IT System and Security

According to the Law, the electronic processing of judicial proceedings is carried out using the System for the Electronic Processing of Judicial Proceedings ("STEPJ") or through interoperability between the systems of the justice sector bodies, while respecting the secrecy of justice and the regimes for the protection and processing of personal data.

Creation of management bodies

- The Justice Sector Technology Management Centre ("CGTSJ") was created to manage the STEPJ, to ensure compliance with the rules and procedures applicable to the management of electronic systems in Justice Sector bodies and to act as a certifying body.
- It is also up to the government to create the material and financial conditions for the STEPJ and the CGTSJ to become operational.

Entry into force

This Law, which is yet to be regulated, will come into force on 5th September 2024.

Contacts



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