

COVID-19: PRESSURE POINTS: HOW COVID-19 HAS IMPACTED COURTS AND ARBITRATION CENTRES - UPDATE (UAE)

27 April 2020 | UAE
Legal Briefings

COVID-19 poses an unprecedented threat to the lives of people and communities across the world. In the context of legal disputes, courts and other forums have been forced to adapt their usual business practices for the safety of their employees, as well as the practitioners that use them and the wider community they serve.

Whilst the full economic implications of the COVID-19 pandemic are still unfolding, courts and arbitration centres in the UAE have taken swift action to ensure the continued health of key stakeholders, without forgoing their responsibilities to the people they serve. The use of technology to mitigate, as best as possible, the impact of the global pandemic on the business community has been a strategic part of each forum's response to the COVID-19 restrictions.

That said, as up to 30% of the workforce of all organisations are now allowed to work from their Dubai offices following recent announcements easing COVID-19 restrictions in the emirate, we anticipate steps will be taken by courts, and arbitration centres alike, that gradually introduce measures to return to business-as-usual working practices over the next few months.

The following is an update to the e-bulletin we produced on 6 April 2020 summarising the key measures currently taken in the UAE onshore courts, the DIFC Courts, the ADGM Courts, and the arbitration centres most commonly used in the UAE.

Please note that this update reflects the state of affairs as at the time of writing on 27 April 2020, and is subject to change depending on the UAE's evolving response to the COVID-19 pandemic. We will continue to monitor any developments in the UAE government's approach to managing COVID-19, including the partial reduction in the restrictions on movement in Dubai effective Friday 24 April 2020 (as announced by the Supreme Committee of Crisis and Disaster Management), and intend to provide additional updates when appropriate.

ONSHORE COURTS

DUBAI COURTS

- As a precautionary measure against COVID-19, the Dubai Courts announced the postponement of all court hearings at Cassation, Appeal and First Instance from Sunday 22 March to Thursday 16 April 2020 in its Resolution No.(30) of 2020 issued on 17 March 2020. The issuance of certificates, and personal status documents (such as marriage and divorce certificates) was also suspended for the same period.
- The Dubai Courts have since confirmed that, commencing from 19 April 2020, all hearings between parties will occur electronically and utilise Microsoft Teams video conferencing software. The filing of all new cases is also being carried out electronically.
- The Dubai Courts encourage the public to continue to use its smart services while they ensure business continuity by facilitating remote working for its various departments.
- We understand that hearing dates will not be set for any new civil claims until further notice. All ongoing civil proceedings have been adjourned/postponed to a later date, unless the case is reserved for judgement and/or is at the decision stage.
- Criminal cases and appeals involving inmates and detainees shall continue remotely, as per an order by the Chief of Dubai Courts.
- All precautionary attachment applications should be filed electronically to the summary judge. The judge will then render a decision remotely and upload it electronically.
- With regard to rental disputes, no physical presence at the Rental Dispute Centre is required for the filing, or enforcement, of a rental dispute. All rental disputes must first be filed with the Rental Dispute Committee via email at rdc-fsc@dubailand.gov.ae.

ABU DHABI COURTS

- On 30 March 2020, the Abu Dhabi Courts issued administrative decision No. 61 for year

2020 which provided that all court procedures, court hearings and notary public ratifications shall be done through electronic means through the Abu Dhabi Courts electronic system.

- Furthermore, the Government of Abu Dhabi ordered the suspension of enforcements against bank accounts, vehicles, shares and real estate for two months, beginning mid-March.
- All precautionary attachment applications should be filed electronically to the summary judge. The judge will then render a decision remotely and upload it electronically.
- Trial by video has been rolled out in Abu Dhabi criminal courts, enabling defendants to take part in proceedings whilst in custody. All parties involved in hearings, be it defendants, complainants, judges or legal counsel, are able to access proceedings through a live video link.

OFFSHORE COURTS

Dubai International Financial Centre (DIFC) Courts

- Due to the COVID-19 pandemic, and in an effort to protect the health and wellbeing of staff and court users, DIFC Courts employees now operate on a work-from-home remote basis. The doors of the DIFC Courts and Registry Offices are physically closed pending further notice. Access to the DIFC Courts' library and other rooms have also been temporarily removed.
- Since the physical closure of the courts, at the time of writing, 90 per cent of DIFC hearings have been conducted over telephone conference, or where possible, over video conference. The remaining 10 per cent of hearings that have had to be postponed due to, for example, certain technicalities involved with the swearing in of witnesses, will be listed in the first week after the Registry resumes work from the DIFC Courts' offices.
- At present, all hearings are to be held via teleconference. Practitioners are urged to utilise the e-bundling platform available through the case management system (the "**eRegistry**"), which will be subject to the usual deadlines for submission under the Rules of the DIFC Courts. If practitioners find themselves unable to use the eRegistry, permission can be sought to lodge bundles in hardcopy if permission is sought from the Registry at least eight full days before the hearing. Please note, however, that deadlines will be brought forward to enable delivery to the presiding Judge, or Judges, given that they are now located offsite.
- All hearings conducted for Small Claims Tribunal cases will be through video conference for overseas litigants, or teleconference for litigants situated in the UAE. Any documents

to be filed in the SCT must be filed electronically and any Small Claims Tribunal enquiries should be addressed to sct@difccourts.ae.

- Other relevant enquiries should be addressed to the DIFC Courts as follows:
 - General enquiries should be made to enquiries@difccourts.ae;
 - Case related enquiries should be made to registry@difccourts.ae;
 - Practitioner registration enquiries should be made to registration@difccourts.ae; and
 - Probate related enquiries should be made to probate@difccourts.ae.
- Issues or queries regarding videoconferencing, the eRegistry and e-bundling can be addressed to ITHelpdesk@difccourts.ae.
- In the event of urgent queries and applications, the DIFC Courts asks parties' to contact the Registry switchboard number on +971 4 427 3333 between 8.00am and 4.00pm, Sunday to Thursday.
- For urgent applications or extremely urgent queries outside of standard office hours, the Registrar on Duty can be contacted on +971 56 398 9583. The DIFC Courts also advise emailing Nour Hineidi (Deputy Registrar) via nour.hineidi@difccourts.ae, copying in the Registry (registry@difccourts.ae).
- The Wills Service Centre at the DIFC Courts is in the process of developing a system which will allow the Testator and two witnesses to join in on the video conferencing call from different locations, upload the approved Will directly on to the system and affix electronic signatures to avert the need to print Wills. However, until the new system is developed, the DIFC Courts request that appointments are booked only when the testator and witnesses can be present at the same location.
- The DIFC Courts recently granted only its third order in 11 years permitting a witness to give evidence at trial by way of a video link. We expect the DIFC Courts to make further use of video technology to meet court deadlines during this period.

Abu Dhabi Global Markets (ADGM) Courts

- The priorities of the ADGM during this unprecedented time are to:
 - Support the well-being of ADGM community employees and their families;
 - Ensure business continuity in providing their business community with uninterrupted access to ADGM client services; and
 - Provide business support and relief to their community more generally.
- In keeping with these priorities, the ADGM Courts remain fully operational to support its users through the eCourts Platform (www.adgmcourts.com). The ADGM Courts Registrar is also contactable for urgent matters by email via registry@adgmcourts.com, or for extremely urgent matters on +971 56 177 0761.
- The ADGM Courts have also introduced a pro bono legal assistance scheme directed at providing free legal advice for individuals with limited financial means and who have proof of financial hardship. The services will be provided by volunteer lawyers from firms operating within ADGM and allows pro bono clients to access advice on their rights and obligations in connection with civil and commercial disputes filed within the court's jurisdiction.

ARBITRATION CENTRES

DIFC London Court of International Arbitration (DIFC-LCIA)

- Following measures announced on Saturday 4 April 2020 by Dubai's Supreme Committee of Crises and Disaster Management (in coordination with the Command and Control Centre for Combating COVID-19) extending the sterilisation programme to 24 hours a day and preventing individuals in non-vital sectors from leaving their homes, the DIFC-LCIA have temporarily closed their office.
- Notwithstanding the physical closure of the office, the DIFC-LCIA remains "fully operational and committed to providing excellent service" with all of its employees working remotely during this period.

- Queries or concerns about the administration of pending proceedings during the COVID-19 pandemic can be addressed to cases@difc-lcia.org, or via telephone on +971 4 364 5400. In the event hard copies of documents need to be delivered to the DIFC-LCIA (including awards), the centre requires advance notice either by email or telephone. In all but exceptional cases, the DIFC-LCIA will transmit awards to parties electronically, “with originals and certified copies to follow when [the] office reopens”.
- Parties are still encouraged to make any filings and payments electronically.
- To file a Request for Mediation, or Arbitration, the DIFC-LCIA again asks to be contacted in advance by email (info@difc-lcia.org) or telephone (+971 4 364 5400). The centre will then provide further instructions, along with details of which bank account to pay the registration fee into.
- To make an application for the appointment of an emergency arbitrator, or the expedited formation of an Arbitral Tribunal under Article 9 of the DIFC-LCIA Arbitration Rules, the DIFC-LCIA asks to be contacted in advance by email (info@difc-lcia.org) or telephone (+971 4 364 5400) in order for the necessary arrangements to be made.
- Hearings can be held electronically or postponed, subject to agreement by the Tribunal and the relevant parties’. The DIFC-LCIA has expressed no objection to holding hearings electronically.

Dubai International Arbitration Centre (DIAC)

- Notwithstanding the remote working of all DIAC staff, DIAC remains open for business. DIAC endeavours to remain fully operational during the COVID-19 pandemic, with the Case Management Unit working remotely and reachable by email (diac.cases@dubaichamber.com) and phone (+971 4 202 8343) during their normal working hours of Sunday to Thursday, 8.00am to 4.00pm.
- The Arbitration Unit can be contacted through email via (arbitrationcentre@dubaichamber.com).
- In line with the UAE Government’s efforts to prevent the spread of COVID-19, DIAC will only accept submissions electronically. Accordingly, any new Requests for Arbitration, including supporting documents, are to be submitted through DIAC’s online portal on DIAC’s website (<http://www.diac.ae/>). Case-related documents for ongoing cases are to be submitted by email only.
- During this period, any payments, whether in regards to registration fees or fees related to ongoing cases, are to be made by bank transfer to the given DIAC bank account, until further notice.

- Hearings can be held either by video conference or can be postponed, subject to decision by the Sole Arbitrator or Tribunal.

ADGM Arbitration Centre

- The ADGM Arbitration Centre is currently closed. However, the centre remains active in supporting arbitration; staff are available to respond to all enquiries sent via email to enquiry@adgmac.com, the electronic contact form set out at www.adgmac.com/contact-us/ or by telephone (+971 2 333 8601) between the hours of 9.00am and 4.00pm, Sunday to Thursday.

ICC International Centre for ADR (ICC)

- All offices of the Secretariat of the ICC Court and the ICC ADR Centre continue to operate as normal, with staff working remotely. As is common amongst all arbitration centres at present, Requests for Arbitration, applications for the appointment of emergency arbitrators etc. are to be filed electronically only.
- Meetings scheduled to take place at ICC offices around the world are now being conducted virtually.

[More on COVID-19](#)

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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