

ISTAC INTRODUCES ONLINE HEARING RULES AND PROCEDURES

In the midst of the global COVID-19 outbreak, Istanbul Arbitration Center (“ISTAC”) has last week introduced rules and procedures for conducting online hearings - hearings via telephone or video conference - in arbitration proceedings conducted pursuant to the ISTAC Arbitration Rules.

The online hearing rules and procedures consist of a total of 10 articles very simply addressing the main issues involved in conducting online hearings to serve as a guideline to parties and arbitrators. Parties and arbitrators may agree upon other rules and procedures for online hearings provided that due process rights of parties are not violated.

Accordingly, hearings can be conducted online upon request of one of the parties or if the arbitrator or the arbitral tribunal deems it appropriate.

The technical infrastructure and preparation shall be completed prior to conduct of the online hearing. Such include technical details such as the software to be used, dial-in information, usernames and passwords to participate in the online hearing, as well as taking necessary measures to maintain confidentiality and security of the hearing. ISTAC Secretariat offers its technical support to parties and arbitrators in these respects.

Parties shall provide a list of participants to the arbitrator or the arbitral tribunal prior to the online hearing; no additional third party shall be allowed to participate in the online hearing.

During the online hearing, only one participant shall be allowed to speak at one time and the others shall mute their microphones to maintain audio and video quality. Parties may submit documents electronically during the online hearing upon approval of the arbitrator or the arbitral tribunal. Witnesses and experts may also participate in the online hearing provided that they are situated in front of their computers to allow the rest of the participants to clearly see their faces. Witnesses and experts may be questioned based on documents shown to them electronically upon approval of the arbitrator or the arbitral tribunal. Interpreters may also be present during the online hearing either separately or together with the person requiring interpretation.

The arbitrator or the arbitral tribunal may, upon informing the parties, decide to record the online hearing to be circulated after the hearing. The arbitrator or the arbitral tribunal may also, upon the expense of the parties, decide to have the audio recording turned into written minutes of hearing. It is forbidden to make a private recording of any part of the online hearing without the permission of the arbitrator or arbitral tribunal.

The Turkish original of the said rules and procedures can be accessed under <https://istac.org.tr/uyusmazlik-cozumu/tahkim/istac-cevrimici-durusma-usul-ve-esaslari/>.

There is no official English translation available as of the date of this note.

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