

## 21 KEY ARBITRATION DEVELOPMENTS FROM 2020

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# 6. Finding virtual hearings compatible with due process

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The Austrian Supreme Court  
found virtual hearings  
compatible with Article 6 of  
the European Convention on  
Human Rights.

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Elements such as:

- **Different time zones**, requiring a party to start at 6am while the other started at 3pm  
or
- **Potential witness subordination**, due to video-conferencing

were **deemed insufficient to prevent a virtual hearing** in light of the pandemic.

Virtual hearings were considered an effective alternative to the suspension of proceedings, thus ensuring **access to justice** and the **right to be heard**.

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# Source

Austrian Supreme Court (*Oberster Gerichtshof, OGH*), 23 July 2020, Case No. 18 ONc 3/20s

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