

FraudNet Questionnaire Covid-19

Countries: Aruba, Bonaire, Curaçao and Sint Maarten

1. The most critical phase of the crisis

1.1 *Courts in Aruba, Curaçao and Sint Maarten*

Here the situation in St. Maarten will be discussed. For Aruba and Curacao more or less the same applies. However, it is necessary to consult the Facebook page for each court to determine its status.

On April 5th, 2020, the government of Sint Maarten declared a state of emergency to better enable the fight against the Corona virus. As a result of the state of emergency, the registry of the Court of First Instance of Sint Maarten is no longer operational in a physical sense.

The closure of the registry means that no longer documents can be submitted physically. Nor can cash or check payment of court fees be made. However, documents can still be submitted digitally. The court fees (in Dutch: *griffierechten en zegels*) owed can be paid through telebanking. A copy of the wire transfer needs to be sent by email, attached to the document to be filed.

In light of the state of emergency the Registry of the Court remains open digitally for all procedures, especially to ensure that parties can bring urgent proceedings during this special period. Legal remedies that must be filed within a certain period of time can be filed up to four weeks after the reopening of the physical registry and are then considered to be filed in time. In general, the handling of cases already pending is postponed as much as possible. Lawyers receive periodic updates of deadlines relevant to the cases they handle.

In the case of summary proceedings (a.k.a. preliminary relief proceedings) and labor cases (dissolution of employment agreements), the judge will decide whether a hearing will take place (which will only be the case in the event of great urgency) or whether the case should be adjourned (in which case there will be no decision). If a hearing will take place, it should preferably be held digitally (by videoconference or in writing by e-mail) or by hearing by telephone. Petitions with respect to requesting permission for conservatory attachments (seizures) will be dealt with in writing in accordance with the applicable time frames. In insolvency cases, requests for bankruptcy and suspension of payments and provisional measures are considered urgent and will be handled by the Court.



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This temporary policy concerns proceedings that are or will be brought before the Court of First Instance of Sint Maarten. This decision also applies to all appeal procedures against decisions of the Court of First Instance and the special judicial tribunals.

1.2 Court on Bonaire

No cases of Coronavirus Disease 2019 (COVID-19) have been recorded yet in Bonaire. The Registry of the Court of First Instance is open daily from 8 a.m. to 12 noon. Petitions and other legal documents may be submitted by email.

1.3 Lawyers

Most lawyers (attorneys) now work from home. In case they need to provide ‘vital’ services to a client (e.g., for a client who has been arrested), they are allowed to leave their home. Lawyers conduct client meetings either over the phone or via one of many online call platforms.

1.4 Banks

Banks are encouraging customers to use online and telephone contacts. The offices are open for a limited number of hours and only for specific matters. Some branches are closed.

2. Forecast: after the crisis and long-term effects

What the world will look like when this crisis is over is difficult to predict. The economies of each of Aruba, Curaçao and St. Maarten were already in a bad shape. The situation is now much worse. Unemployment is expected to reach 50 to 70%. The islands receive financial support from the Netherlands, for the time being in the form of loans. Unfortunately, every major crisis offers opportunities for criminals. That will be the case now, too. Worldwide, for example, we are already seeing a sharp increase in cybercrime. It is very doubtful whether the authorities of the countries Aruba, Curaçao and Sint Maarten will have enough manpower and financial resources to act on this.

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Contact details:

BZSE Attorneys at Law
Karel Frielink
Mahaaiweg 7a
Curaçao
Phone: +599-9-737 2973
Email: kfrielink@bzselaw.com