



## Remote communication in criminal court proceedings: Experiences among courtroom professionals

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ANNI LIETONEN<sup>1</sup> 

JULIA KORKMAN<sup>2</sup> 

REGINA DEN OTTER<sup>3</sup> 

DORRIS DE VOCHT<sup>4</sup> 

### Abstract

The practice of remote court proceedings, which accelerated during the COVID-19 pandemic, has become a permanent feature in criminal courts. However, questions remain as to how they may impact the interaction, participation and dynamics among legal professionals (judges, prosecutors, and lawyers) when communicating and interacting with parties in a manner that fulfils their obligation to ensure procedural justice. This paper presents a recent study examining how legal practitioners experience remote criminal proceedings in three EU countries (in the Netherlands, Finland and Sweden). Altogether, 37 judges, prosecutors, and lawyers were interviewed on how hearing parties remotely affect courtroom communication. The study is part of a larger research project that also included questionnaire studies and courtroom observations. This article provides an in-depth analysis of legal professionals' experiences, as well as the perceived benefits and pitfalls in remote courtroom communication, and offers recommendations for court professionals, drawing also on the broader data set.

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<sup>1</sup> Anni Lietonen, HEUNI, The European Institute for Crime Prevention and Control, Helsinki, Finland: Ratapihantie 9, 00520 Helsinki, Finland; Faculty of Human and Social Sciences, Åbo Akademi University, Turku, Finland. Email: [anni.lietonen@om.fi](mailto:anni.lietonen@om.fi) ORCID: <https://orcid.org/0009-0005-2574-4879>

<sup>2</sup> Julia Korkman, HEUNI, The European Institute for Crime Prevention and Control, Helsinki, Finland: Ratapihantie 9, 00520 Helsinki, Finland; Faculty of Human and Social Sciences, Åbo Akademi University, Turku, Finland. Email: [julia.korkman@om.fi](mailto:julia.korkman@om.fi) ORCID: <https://orcid.org/0000-0002-8734-9453>

<sup>3</sup> Regina den Otter, Tilburg University, Criminal Law department: Warandelaan 2, 5037 AB, Tilburg, The Netherlands. Email: [r.denotter\\_1@tilburguniversity.edu](mailto:r.denotter_1@tilburguniversity.edu) ORCID: <https://orcid.org/0009-0006-1003-2278>

<sup>4</sup> Dorris de Vocht, Tilburg University, Criminal Law department: Warandelaan 2, 5037 AB, Tilburg, The Netherlands. Email: [d.l.f.devocht@tilburguniversity.edu](mailto:d.l.f.devocht@tilburguniversity.edu) ORCID: <https://orcid.org/0000-0003-0094-8048>

### Key words

Remote hearings, courtroom communication, digitalisation of justice, criminal justice professionals, remote courtroom interaction

### Resumen

La práctica de los procedimientos judiciales a distancia, que se aceleró durante la pandemia de COVID-19, se ha convertido en una característica permanente en los tribunales penales. Sin embargo, siguen existiendo dudas sobre cómo pueden afectar a la interacción, la participación y la dinámica entre los profesionales del Derecho (jueces, fiscales y abogados) a la hora de comunicarse e interactuar con las partes de manera que se cumpla su obligación de garantizar la justicia procesal. Este artículo presenta un estudio reciente que examina cómo viven los profesionales del Derecho los procedimientos penales a distancia en tres países de la UE (Países Bajos, Finlandia y Suecia). En total, se entrevistó a 37 jueces, fiscales y abogados sobre cómo afecta la comparecencia de las partes a distancia a la comunicación en la sala de audiencias. El estudio forma parte de un proyecto de investigación más amplio que también incluyó encuestas y observaciones en las salas de audiencias. Este artículo ofrece un análisis en profundidad de las experiencias de los profesionales del derecho, así como de las ventajas y los inconvenientes percibidos en la comunicación a distancia en la sala de audiencias, y formula recomendaciones para los profesionales de los tribunales, basándose también en el conjunto de datos más amplio.

### Palabras clave

Audiencias a distancia, comunicación en la sala de audiencias, digitalización de la justicia, profesionales de la justicia penal, interacción a distancia en la sala de audiencias

## Table of contents

|                                                                                                 |    |
|-------------------------------------------------------------------------------------------------|----|
| 1. Introduction.....                                                                            | 4  |
| 1.1. Objectives and research questions .....                                                    | 5  |
| 1.2. Socio-legal and psychological perspectives on remote courtroom<br>communication .....      | 5  |
| 2. Method .....                                                                                 | 8  |
| 2.1. Research design and participant recruitment.....                                           | 8  |
| 2.2. Data collection.....                                                                       | 10 |
| 2.3. Data analysis .....                                                                        | 10 |
| 3. Results .....                                                                                | 10 |
| 3.1. Accepting the realities of remote hearings—from a necessary evil to<br>“good enough” ..... | 11 |
| 3.2. ... Or even better than the “real thing” .....                                             | 11 |
| 3.3. The risk associated with being overly flexible .....                                       | 12 |
| 3.4. Zoom fatigue or increased focus: The impact of communicating through<br>a screen.....      | 13 |
| 3.5. Remote hearings as a means to respect the needs of participants.....                       | 13 |
| 3.6. Challenges in creating rapport .....                                                       | 14 |
| 3.7. The role of non-verbal communication .....                                                 | 16 |
| 3.8. Speaking up, feeling seen and heard .....                                                  | 16 |
| 3.9. Impairments in hearing or understanding the proceedings .....                              | 17 |
| 3.10. The impact of remote hearings on the seriousness of the proceedings                       | 18 |
| 3.11. Concerns about undue influences in the remote location .....                              | 18 |
| 3.12. The impact of remote proceedings on managing the proceedings .....                        | 19 |
| 3.13. The need for training and recommendations .....                                           | 21 |
| 4. Discussion and conclusion .....                                                              | 22 |
| References .....                                                                                | 24 |

## 1. Introduction

Modern courtrooms have shifted towards digitalisation and virtual forms of justice since the early 2000s, initially using digital recording devices and electronic presentation of evidence to support proceedings (Rossner *et al.* 2021, CEPEJ 2021, Jämsä and Korhonen 2022). Proceedings using some form of communication technology are variously described as *online hearings*, *virtual hearings*, or *video-link hearings*. In this article, we use the term *remote hearings* to describe situations in which at least one participant in the proceedings—whether a legal professional, defendant, witness or victim—participates in their court hearing via a video connection rather than in-person.

In Finland, Sweden and the Netherlands, facilities for remote communication in criminal proceedings were already available well before the COVID-19 pandemic but were used to a lesser extent—in the Netherlands, only sparingly, whereas in Finland and Sweden more regularly in the northern, less populated areas with long distances (see, e.g., Westlund and Eriksson 2013, Korhonen and Jämsä 2021, Hiltunen 2023). The pandemic led to a broader, more systematic use, enabling courts to continue operating under the existing restrictive conditions. Most commonly, remote participation would—and to this date will—take the form of a hearing where the criminal justice professionals (court, prosecutor, and most often, also the lawyer) are present in the physical courtroom and the defendant (or witness or expert) appears via a screen.

Dutch criminal procedure law (art. 131a Dutch Code of Criminal Procedure) still permits remote technology in criminal proceedings, but practice has become limited, reserved mainly for formal, non-substantive procedural matters, such as preliminary hearings concerning pre-trial detention and hearings dealing with (the prolongation of) psychiatric treatment under court order (*terbeschikkingstelling*). Current practice strongly favours in-person proceedings.

By contrast, in Finland and Sweden, remote hearings have become something of a new normal. The use grew in Finland and Sweden from the beginning of the millennium, initially limited to evidentiary contexts before becoming essential during the pandemic (Sanders 2021, Ervo and Autio 2022). Since 2019, parties in criminal and civil cases can participate in the main hearing through videoconference. This legislation was mainly intended to enable the hearing of witnesses who could not travel or to prevent the transportation of defendants in custody. In Finland, procedural reforms have allowed non-presiding judges to attend remotely only recently (HE 63/2024).

Sweden had a legal basis for conducting court hearings remotely already prior to the pandemic, though use was restricted and typically justified high travel costs or safety concerns. The pandemic led to a wide adoption of an accessible system (known as the WebRTC), letting participants join from anywhere with internet access via mobile device (Sanders 2021).

The shift to using remote hearings is particularly significant in relation to the principle of immediacy. This principle has a long history in European criminal procedure, underpinning that all relevant evidence is to be presented directly to the court. The experiences gained during the COVID-19 pandemic and the rather wide acceptance of remote hearings seem to reflect the understanding (or assumption) that the principle of immediacy can be fulfilled also when proceedings are carried out remotely, though some

scholars warn this may threaten the fairness of criminal proceedings (Gibbs 2017, Badowiec 2024). It has also been suggested that remote hearings could fundamentally change how we think about, participate in and view criminal trials, and by extension, the law as an institution (Flower 2025a), underscoring the need for further research.

Research indicates both advantages and disadvantages of using digital means in court. Risks include increased cognitive load (Ferran and Watts 2008), effects on legitimacy, fairness and human interaction (De Vocht 2022, Peristeridou and De Vocht 2023), and reduced ability of defendants to participate and communicate effectively (Landström *et al.* 2012, Gibbs 2017, Bandes and Feigenson 2021, Turner 2025). Both pre- (Landström *et al.* 2012) and post-pandemic (Wilkman *et al.* 2024) evidence indicates judges may be somewhat biased towards assessing live statements more favourably than statements by persons heard remotely, which gives cause for concern as remotely heard persons could thus be disadvantaged. Positive participant experiences have been shaped by high-quality technology, well-designed physical settings and enhancing ways to inform and support participants, which increase perceived respect and voice including rapport (Martschuk *et al.* 2024).

Remote hearings may also benefit crime victims, vulnerable witnesses and defendants, in terms of reducing stress associated with appearing in court (Lilja and Hiilloskivi 2022, McKay 2026), although there is also evidence that remote hearings can diminish empathetic engagement between lawyers and clients (McKay and Macintosh 2024). Overall, the full implications of videoconferencing for human interaction and communication in court proceedings are not yet fully understood. In particular, there is limited information on legal practitioners' experiences of how remote hearings impact their communication with participants in court proceedings.

### 1.1. Objectives and research questions

This article draws on qualitative data from three EU jurisdictions: the Netherlands, Finland and Sweden consisting of thematic interviews with judges, prosecutors, and lawyers conducted in 2025 as part of an EU co-funded project; "Enhancing Videorecorded Interviews and Virtual Hearings in Europe (E-ViVi)." The article contributes to socio-legal discussions and courtroom practices around digital justice by focusing on communication as one of the central dimensions of court proceedings from the perspective of experienced fairness (*procedural justice*) rather than *formal procedural* fairness.

The study explores how professionals experience online courtroom communication and how they consider that fairness and inclusion best can be promoted when hearing participants remotely, based on thematic analyses of interview data. Finally, it offers recommendations for practitioners on remote participation in the criminal justice context.

### 1.2. Socio-legal and psychological perspectives on remote courtroom communication

Court proceedings are formally structured around legal rules and procedural requirements, and legal professionals and parties must communicate within these bounds. Courtroom interactions are shaped by the exchange of testimony, the performance of professional roles by legal actors, and participants' ability to understand

and respond to what is occurring. While national legislation prescribes what must be discussed and when, it generally does not specify what counts as effective communication in court, and Strasbourg case law offers limited guidance on how to interpret and apply the right to effective participation in practice (Owusu-Bempah 2018). Still, some communicative foundations shape courtroom interaction, such as ensuring defendants can understand and engage in the proceedings, and judges managing to uphold order.

Courtroom authority is also shaped by what has been termed *legal architecture*: the physical design and spatial organisation of the courtroom. After all, these are not merely functional but also communicate judicial authority and shape participants' experience of the justice process. Courtrooms are therefore not neutral spaces but rather "a physical expression of our relationship with the ideals of justice" (Mulcahy 2010, 1). The move from physical to remote hearings fundamentally alters these traditional expressions of authority. As Flower (2025b) notes, the normalisation of video communication in everyday life may lead participants to experience criminal trial proceedings as just another online interaction, diminishing their perceived solemnity. Similarly, Mulcahy (2010, 162) warns that "encounters within the courtroom are in danger of becoming sanitised as participation in the trial becomes akin to a fleeting televisual encounter." Courtroom rituals are particularly vulnerable to the shift from the physical courtroom to a virtual space. Many of the embodied practices and sensory dimensions that distinguish judicial proceedings, such as the atmosphere, soundscape and spatial experience of the courtroom, are difficult to replicate online (Flower 2025b). Because these rituals play a role in communicating authority and legitimacy of the judicial process, new forms of virtual ritual will need to emerge that continue to preserve that function (Rossner and Tait 2024).

For defendants, victims, and witnesses, trials are often emotional and can include transformative processes through the social interactions that take place during the proceedings (Flower 2025b). In this sense, the courtroom is not only a legal institution but also as a social space. It has also been recognised that the experience of justice is shaped not merely by the outcome of proceedings, but also by other aspects, such as the quality of the process and the treatment participants perceive themselves to receive (see, for instance, Cody and Koenig 2018, and the sources therein). Interacting through digital means rather than face-to-face may affect the sense of being part of the proceedings. This may have consequences for the perception of fairness and procedural justice (Flower 2025b).

As established in procedural justice theory, whether defendants feel heard and fairly treated influences their acceptance of outcomes (Grootelaar and Van Den Bos 2018). Tyler (2007) identified elements such as voice (the ability to express concerns and participate by telling their side of the story) and respect (the experience of being treated with dignity) as particularly relevant aspects of courtroom communication. Other important criteria to assess the process include neutrality and trustworthiness. When it comes to meaningful participation, Ansems (2021) found that Dutch defendants place high value on how (emphatically) judges and prosecutors interact with them, and whether they feel that the court pays them sufficient attention. Research on meaningful participation in remote settings is limited, and the findings are mixed, though research

in telepsychology and telemedicine has demonstrated that empathy can be effectively conveyed in online settings as well (in Belloni *et al.* 2025).

These elements that increase the perceived fairness from the perspective of procedural justice theory align with rapport-building principles from investigative interviewing research which emphasizes building of cooperative, respectful and non-threatening relationships between interviewee and interviewer (Gabbert *et al.* 2021). Active listening, empathy, appropriate self-representations and responsiveness to the interviewee's emotional and cognitive state have been seen to facilitate more accurate and detailed accounts of events (see, for instance, Vrij *et al.* 2014, Oleszkiewicz *et al.* 2024). Rapport-building behaviours could be categorised as verbal behaviour (friendly conversation, empathy), non-verbal behaviour (eye contact, body language) and paraverbal behaviours (tone of voice, speech style) (Gabbert *et al.* 2021). As there is some indication that technology may diminish empathetic engagement during court appearances by professionals (McKay and Macintosh 2024), insights from rapport-building might be helpful in remote courtroom communication to enhance judges' ability to support meaningful participation.

Some jurisdictions have addressed this systematically. According to Ervo (2016), there has been something of a paradigm shift in Sweden, where the previous focus on normative fairness has shifted towards attention to participants' social and psychological experience of being heard. Swedish courts term this interpersonal treatment *bemötande i domstol* (Westlund and Eriksson 2013), which encompasses the crucial parts of procedural justice—respectful behaviour, neutrality, clear information and the ability of court professionals to communicate in an understandable and accessible way. Thus, perceived fairness cannot be achieved only by normative means and institutional trust; it requires certain types of communication and interaction between participants.

Remote communication requires a somewhat different set of skills from in-person interaction, mainly because the visual and physical context is diminished for participants involved in the communication (Licoppe 2015). Professionals might experience technological challenges partly due to the technology itself but also due to varying technological competencies which is an issue reported in a survey of Finnish judges (Ala-Kortesmaa and Välikoski 2023). Such difficulties can limit effective participation (Denault *et al.* 2025), steer the focus away from communicating with participants and paying attention to their accounts, lead to frustration, and shape how fair the process is perceived as.

While videoconferencing is often assumed to offer a richer communicative environment than email or telephone, it has been suggested to be less informative than face-to-face encounters, in part because eye contact is such an integral component of interpersonal interaction but much harder to replicate on-screen (Bohannon *et al.* 2013). In remote courtroom contexts, where credibility, comprehension, engagement and a sense of being heard are central, disruptions to eye contact and visual engagement may be particularly significant. Bailey Vavonese *et al.* (2020) found that videoconferencing can change key aspects of communication, such as how well participants understand each other, how comfortable they feel speaking up, and how effectively nonverbal cues are conveyed.

There are also persistent cultural assumptions and myths related to eye contact. In many Western contexts, a lack of direct eye contact is often interpreted as a sign of deception and may increase perceptions of distrust (Bailey Vavonese *et al.* 2020, Bandes and Feigenson 2020, Bellone 2024) although a large majority of experts disagree with the notion that gaze aversion would be indicative of untruthfulness, see Luke *et al.* 2025). The assumption that truthfulness could be assessed reliably through observation has, however, systematically been debunked by legal psychology studies on non-verbal cues or emotional expressions (Luke 2019). Assumptions among legal professionals to think otherwise may be particularly problematic in remote hearings, where technological mediation alters the conditions under which gaze, and eye contact can be established.

A Finnish study indicated that although a substantial proportion of district court judges were aware that behaviour and non-verbal indicators are not reliable cues in terms of credibility assessment, judges tended to view people testifying in-person as slightly more believable than those appearing remotely (Wilkman *et al.* 2024). This suggests that remote hearings may influence how judges evaluate credibility, even if they are not fully aware of it. Given-Wilson and Memon's (2022) systematic review similarly concludes videoconferencing is not a neutral medium but can systematically shape how testimony is interpreted.

Feigenson (2023) identifies further ways in which virtual settings may alter interaction as individuals may present themselves differently on-screen, displaying behavioural cues and demeanour that diverge from face-to-face encounters, and the two-dimensional characters on-screen may feel artificial. Participants may experience cognitive and emotional strain, often described as "Zoom fatigue," which can influence attentiveness and evaluations of credibility (Bailenson 2021). With subtle interactions becoming limited and non-verbal cues less visible, there is a risk of participants feeling disconnected from the process or appearing distant or disengaged, which both can undermine the perceived legitimacy of the process (Ervo and Autio 2022).

The effects of remote hearings for participants with communication impairments and other forms of vulnerability has also been studied. Morrison *et al.*'s (2019) systematic review found that for persons with different forms of intellectual disability, remote hearings can reduce stress and anxiety by providing a physically safer and less demanding environment, which can support concentration and emotional regulation. On the other hand, remote connections may undermine the clarity of interaction, make it more difficult to interpret non-verbal cues, and increase problems of comprehension, particularly for individuals with cognitive limitations or mental health conditions (Mulcahy and Tsalapatanis 2022). Consequently, the use of remote participation requires careful assessment in light of individual needs in order to ensure that it genuinely supports both mental wellbeing and meaningful, fair participation in criminal proceedings.

## **2. Method**

### *2.1. Research design and participant recruitment*

The study employed a qualitative, explorative research design, using semi-structured interviews as the method of data collection. The use of semi-structured interviews is

known to be especially suitable for research aiming to inquire for specific topics, asking open-ended questions that are determined beforehand, while also being able to follow-up on emerging subjects during the interviews (Kvale and Brinkmann 2015). The flexibility of this method allows for a full exploration of participants' experiences and meaning making regarding the themes of this research.

A shared interview protocol was developed to ensure consistency across countries, and a focused structure with a certain degree of flexibility (Braun and Clarke 2006, Kallio *et al.* 2016). The protocol was created in collaboration with the research team and translated into the languages of the three participating countries. All the interviews were conducted in the interviewees' languages. The interview protocols consisted of a list of open-ended questions concerning participants' experiences with remote hearings, the perceived impact of remote hearings on communication, and the views of participants on best practices in remote hearings.

Participants were recruited in all three participating countries: Sweden, Finland and the Netherlands. The research population consists of professionals working in the criminal justice system in one of the three countries, either as judge, prosecutor or lawyer. Given the explorative nature of this study, the recruitment strategy was centred around heterogeneity. Because the use of snowball sampling and networks for recruitment increases the risks of homogeneity—and therefore selection bias—in samples, measures were taken to minimize these risks by using different starting points for outreach, and by aiming for a diverse composition of the sample (Gerson and Damaske 2020). The goal was to recruit 10 participants from each partner country. Calls were placed on LinkedIn for participants with information about the project. People who participated earlier in a survey for the E-ViVi project, and who had expressed willingness to be interviewed, were approached to take part in the interviews. The researchers also distributed the call to participants within their own networks of legal professionals as well as through established group fora (e.g., the intranet of the courts' administration, or email lists for professionals).

This resulted in a total of 37 interviews with legal professionals. In Sweden, nine interviews were conducted, in Finland 17 interviews and in the Netherlands, 11 interviews. Of all the interviews, 13 were with prosecutors, 8 with lawyers and 16 with judges (see Table 1). Of the participants identified as 18 male and 19 as female.

In Finland and Sweden, the interviewees were from several geographical areas, including both the more densely populated metropolitan areas in the southern parts of the countries, as well as the less inhabited areas of the north. In the Netherlands participants were also recruited from different parts of the country, both from the western part of the country (where the four biggest cities are) as well as more southern and eastern provinces where courts are typically stretched out over a larger area.

TABLE 1

|                 | Judges | Prosecutors | Lawyers | Total |
|-----------------|--------|-------------|---------|-------|
| Sweden          | 5      | 2           | 2       | 9     |
| Finland         | 5      | 9           | 3       | 17    |
| The Netherlands | 6      | 2           | 3       | 11    |
| Total sample    | 16     | 13          | 8       | 37    |

Table 1. Interviews per country and profession.

2.2. Data collection

The interviews with Swedish and Finnish participants were conducted by researchers at HEUNI and Åbo Akademi University and the ones with Dutch participants by researchers at Tilburg University. The interviews were mainly held through MS teams, except for a few face-to-face interviews, and generally spanned about 45 minutes to an hour. The data collection process took place between October 2025 and January 2026. Participants gave informed consent prior to the interview. The interviews were recorded and transcribed. The transcriptions were pseudonymized using codes instead of the participants’ names, and any traceable information was redacted from the transcriptions. These transcriptions then formed the base for the data-analysis.

2.3. Data analysis

The collected data were analysed using an interpretative thematic approach. Thematic analysis is a widely used method for identifying and analysing patterns in the data, to report meanings and experiences of participants (Braun and Clarke 2006). The main advantage of thematic analysis is the flexibility of the method: it is compatible with different qualitative research designs. In our analysis, we remained closely aligned with the original content, rather than engaging in extensive interpretation, given that this was an explorative study, the limited size of the sample and its coverage of three separate countries and legal contexts.

The data were analysed using the theoretical framework of the study, using existing knowledge and previous research to provide a coding frame. This is known as a top-down approach to data labelling (Braun and Clarke 2006). The codes were used to identify patterns in the data.

3. Results

In the interviews, professionals’ experiences with communicating remotely ranged from clearly negative through neutral and to quite positive. Most experiences referred to by the participants related to the remote hearing of individual defendants, victims or witnesses, typically connecting from other court buildings or from prison facilities. Occasionally, remote participation also took place from less formal locations, such as lawyers’ offices or private homes. Prosecutors and lawyers reported experience of attending proceedings remotely themselves and all professionals reported extensive experience regarding proceedings where one or more of the involved parties or professionals attended online.

The interviewed criminal justice professionals both in Finland and Sweden reported extensive experience with remote hearings, both in terms of their frequency and the types of criminal cases it has been applied in. Particularly professionals working in the northern regions of the two countries reported having used such technologies for a longer time due to long distances between courts, but that the practice of hearing parties remotely had increased during the pandemic to become a “new normal.” Contrary to that, the practice in the Netherlands had changed from remote hearings back to in-court hearings after the pandemic. Dutch participants reported that their experiences with remote hearings have become considerably less regular since the pandemic, and only in more formal, non-substantive matters.

To illustrate the findings, selected quotes are presented throughout the chapter. Each quote is accompanied by the participant’s professional role, country and interview number. The data are organised by different thematic subheadings. It should be noted that some themes overlap, highlighting that communication is complex and touches on many aspects of human experience.

### *3.1. Accepting the realities of remote hearings—from a necessary evil to “good enough”*

Among the Swedish and Finnish participants, many felt that remote hearings had become a relatively normalised element of court practice, although the prevalence of its use seemed to differ between courts. Some judges encouraged their use more actively than others, and among the interviewees, views on its usefulness were varied. Most of the Finnish and Swedish participants, however, agreed that remote hearings were useful at least in some cases. Several participants described remote hearings to be “good enough” while others referred them as a “necessary evil”:

But if you have good microphones—which you usually do with these professional video systems—then I think it’s good enough, sometimes even better than having them in the courtroom when they’re sitting eight meters away (Lawyer, Sweden, interview 2).

It saves both time and money, and I think that in general it works well. Some people might feel that they don’t quite sense the seriousness of the situation in the same way, but I don’t find that to be a problem. You can still see the person in question, and I think that’s important (Lawyer, Sweden, interview 7).

On the other hand, some interviewees also warned against a tendency to accept remote hearings even at the cost of ensuring a hearing that is legally secure.

I do not allow it except in exceptional cases—for example, if someone calls in sick in the morning [...]. In that situation, I might think it’s acceptable. But I know that many people allow it simply to get the hearings done. And I think it has become a bit... well, it has become more important to get rid of the cases than to conduct the hearing in a good and legally secure way in some situations (Judge, Sweden, interview 1).

### *3.2. ... Or even better than the “real thing”*

Some interviewees in Sweden and Finland discussed communication in remote hearings in a more positive light, noting that certain practical aspects such as camera zoom could enhance the quality of communication as it can provide a close-up view of the speaker.

Some interviewees saw no difference between in-person interaction and remote hearings.

Sometimes I almost feel that it can actually be better to hear them remotely, because quite often the camera zooms in on their face, so you get their face very close—and then you can see all of their facial expressions (Lawyer, Sweden, interview 2).

Yes, I think the technology is so good nowadays that—as we just said—we’re sitting here talking now, and I don’t think it would be any better or worse if we were all in the same room. At least not in terms of the information we get (Judge, Sweden, interview 6).

These days I actually have very good experiences with it [remote hearings], there really are no problems [...] just like here, when we are looking at each other, if one of you were a witness, this situation feels the same to me as if you were sitting three metres away behind the witness table (Judge, Finland, interview 3).

A number of Finnish interviewees noted that interaction in remote hearings tends to be more concise, focused, and to the point as long as technology works. That is, remote communication may reduce non-essential or incidental discussion, thereby enhancing the clarity and efficiency of proceedings.

Among the Dutch participants, however, positive comments about remote hearings were relatively scarce. Only in very specific cases did Dutch interviewees deem the advantages of remote hearing to outweigh the perceived disadvantages, for example, in the case of a vulnerable defendant for whom traveling to the court might be too mentally or physically challenging.

### *3.3. The risk associated with being overly flexible*

Compared to the Netherlands, where remote hearings were hardly used post-pandemic, and Finland, where the use was largely restricted to hearings from other court houses or other official locations, in Sweden, the parties have been able to participate very flexibly due to their technological solutions, which was something a number of Swedish interviewees expressed concerns about. While some emphasised that connecting from their own phones or laptops was practical in ensuring persons who were unable to attend the hearing from an official location could be heard nonetheless, others noted it was impossible for the court to have control over the circumstances in which the remotely testifying person was heard, as well as technical issues such as bad internet connection or visibility / audibility. One experienced judge had seen quite a variation of problems occurring in hearings conducted over these online remote connections:

I’ve experienced just about every possible scenario. There are people walking around in the background, or suddenly you realize that someone is prompting them during the testimony. You’re thinking: Who is that speaking? ‘Oh, it’s my mom saying something.’ And I’m like, ‘no—stop. This is *your* testimony now’ [...]. Or people are sitting there eating, or—I even had a guy who lit a joint on camera once. And I said: ‘What are you doing?’ ‘I’m just going to have a smoke.’ I don’t mean that the hearing must be extremely strict and formal, but it **is** an important and serious situation, and I think that should be clear (Judge, Sweden, interview 1).

### 3.4. *Zoom fatigue or increased focus: The impact of communicating through a screen*

Lagging or disruption in the connection, difficulties in hearing one another, and the need to resolve these problems can cause irritation and fatigue. Even when technology functions adequately, remote participation was discussed by some interviewees as cognitively and emotionally taxing, which could weaken interaction. Some interviewees expressed concerns related to increased mental strain and the need for extra effort, while one lawyer mentioned they felt it important to be present in court for the simple reason that so much of the lawyers' work is lonely and court hearings present a possibility to be among colleagues in a social context. Additionally, interviewees mentioned the risk of the online participant tuning out, being less sharp and less mentally present. Interviewees attributed this to the fact that participating online was more tiring:

You're already behind a screen so much, and if I also have to conduct all those arraignments or interrogations via a screen, I find it much more tiring (Judge, the Netherlands, interview 10).

Some of the Swedish and Finnish interviewees noted that the communication may reduce non-essential or incidental discussion, thereby enhancing the clarity and efficiency of proceedings:

You do get a poorer overall view; it becomes more focused in a way. I don't necessarily think that is always a disadvantage (Lawyer, Sweden, interview 3).

Perhaps remote hearings slightly reduce this kind of rambling. I wonder if people are somehow more focused on the matter itself (Judge, Finland, interview 1).

### 3.5. *Remote hearings as a means to respect the needs of participants*

Many participants said that facilitating remote participation could be a way of showing respect to for participants' needs. They referred to reduced travel, greater comfort in less formal surroundings, and enhanced safety for the parties involved. For instance, in some geographical areas, remote participation was viewed as the only realistic option. Recognising the time and effort required from victims and witnesses to participate in the proceedings could contribute positively to the experience of the overall process:

I wonder if it might help with producing the testimony, if they are not upset from waiting for like four hours until it's their turn (Judge, Finland, interview 3).

Well, partly it's the issue of long travel distances. Sweden is a long country, and for someone who lives at the other end of it, travelling here can take an entire day. In that sense, remote participation is of course an advantage (Judge, Sweden, interview 1).

A Swedish judge noted that the experience of a person who is heard in court for the first time might be very different from that of experienced court professionals and recognised the considerable stress court hearings can imply, and that this could be mitigated by conducting hearings remotely:

I think most people in general find it absolutely dreadful to have to come to court: taking time off work, maybe travelling 100–150 kilometres, sitting outside waiting, never knowing when they'll be called in. They're nervous, and when they finally enter, there are a lot of people sitting there staring at them [...]. It's not a good environment for speaking [...]. You have to understand that for most people—hopefully almost everyone—it's the first time they ever enter a courtroom [...]. I find that when they

appear via video-link, the situation becomes a bit less dramatic (Judge, Sweden, interview 8).

Remote hearings were seen as enabling greater procedural flexibility, particularly in responding to unexpected circumstances or when the location of the participant needs to remain confidential, as long as any on-screen place tags are removed and the background does not include anything that might risk identifying the location.

I also think it's very good in situations where, in high-profile trials or cases where the victim strongly wishes not to sit in the same room as the defendant. There may be protected address information involved, or other similar concerns, and in those cases, this is the simplest way to solve it (Judge, Sweden, interview 6).

One of the most frequently reported benefits for interaction was the potential to reduce anxiety and nervousness among witnesses and victims by avoiding in-person encounters with defendants. By feeling less intimidated and safer through remote participation, participants may experience lower stress levels, which in turn can support the provision of more accurate and comprehensive testimony.

In many cases, especially in serious crimes, it is even better for the victim to participate remotely. Even when the defendant is in custody, the complainants or their close ones often feel relieved when they enter the courtroom, knowing they do not have to face them. I see this as a significant benefit for the parties (Judge, Finland, interview 1).

While some non-verbal elements may be lost through the camera, Finnish and Swedish participants generally considered the substantive content of testimony to remain central, and that remote communication can adequately support this interaction when the hearing is appropriately managed.

Among the Dutch interviewees, the needs of the participants were discussed in relation to hearings concerning psychiatric treatment under court order (*terbeschikkingstelling*, also: TBS). While the Dutch interviewees were generally critical of the practice of remote hearing, the practice of this specific type of remote hearing was positively viewed by interviewees. Individuals placed under a TBS order are usually more vulnerable by definition:

If it's very stressful for [a person in court ordered psychiatric treatment] to come, then—at some point the trade-off changes, because if it's also very difficult for someone to come, then that also hinders communication in the hearing. Moreover, someone is in TBS to receive treatment, to achieve some kind of improvement, and so if you hear that someone is completely stressed and really struggling with it, then it almost goes against the goal of the treatment. And [those hearings are] also a different setting than a substantive hearing in court, where you're actually there to determine the truth (Judge, the Netherlands, interview 4).

Also, Finnish interviewees commented on the fact that for defendants to be heard from prisons, remote hearings could be a way to decrease their stress, as they could remain in the prison location and avoid the long transfer to the courthouse.

### *3.6. Challenges in creating rapport*

Interviewees were concerned that the online presence of participants takes away some of the informal contact, which could help in building a trusting relationship with a defendant or witness. Interviewees in all countries referred to remote hearings having

practical consequences, such as not being able to offer someone a cup of coffee or hand them a tissue. Lawyers and prosecutors used informal contact to describe their role to the participants prior to the hearing or to ease the mood by exchanging a few words outside the courtroom.

My experience is that it's a bit more difficult to have a personal conversation, because some of the human connection is lost when you're not sitting calmly across from each other at a table [...]. When a judge, even if it's about something difficult, tricky, or business-related, can make personal contact with someone, it promotes dialogue and that promotes conversation, and that's often lost with a video call, especially if it's with someone who is highly emotional at the time (Lawyer, the Netherlands, interview 7).

Well, even when the technology works well, I still think it's a bit worse than being there in-person. That's mainly because you don't get eye contact with people. It's harder to read signals—for example, in the courtroom you can immediately see if someone wants to say something. The human interaction that takes place during a hearing is simply easier when everyone is in the same room (Judge, Sweden, interview 4).

The difficulty of establishing rapport was mentioned by some lawyers regarding their client. According to the interviewees, in some remote hearings where the defendant is participating online (for example from a penitentiary institution), the lawyer is present in the courtroom to plead the case. The lawyer not being physically present with their client has consequences for the support they can offer. It is, for example, more difficult to manage their client's emotions like anger or anxiety. It is also more difficult to help a client pay attention and follow the proceedings. One of the lawyers explains the importance of being able to concretely guide the client through the material:

But I'm sitting next to that client. I have that file open too. If the presiding judge says, 'The photo on page 50 is this and this,' then I put page 50 in front of me, and that way my client can see what the presiding judge is doing, and that helps enormously with listening. Those are all things you can't do [online] (Lawyer, the Netherlands, interview 7).

Also, several prosecutors emphasised the value of informal pre-hearing interactions, which are lost in remote settings. It was considered helpful to observe participants' emotional state and have informal interactions before the official start of the court hearing.

I like to go out into the hallway a few minutes, or even five minutes, before the hearing starts so that I can see the people informally. How do the parties interact with each other [...] are they fearful, defiant, or even hostile toward one another? [...] I do quite a bit of this kind of informal hallway mediation, and in order to do it, it really requires that the parties are physically present (Prosecutor, Finland, interview 15).

Hearing is always interactive, and usually when you talk with someone, it's part of human nature that we want to see the other person's facial expressions and gestures so the conversation or questioning flows smoothly [...]. Not necessarily in every case [...] but in, e.g., sexual offense case, it requires human contact, you can't just keep shooting questions at someone by reading them off a piece of paper (Prosecutor, Finland, interview 14).

Regardless of the challenges in creating rapport, the interviewees were not always able to specify what the added value of contact in a shared physical context entail. One

interviewee described it poetically as creating “*a line from heart to heart*” (Judge, the Netherlands, interview I4). The loss of contact was exemplified like this:

Of course, the big thing that’s always missing with online hearings is that it’s harder to establish genuine contact, because part of your perception is gone. I mean, now you’re looking at a screen, but I can’t see if you’re nervous, because I can’t see your leg shaking (Judge, the Netherlands, interview 3).

### *3.7. The role of non-verbal communication*

The weakening of non-verbal communication was a cause of concern for many interviewees. Some interviewees highlighted that remote participation often fails to convey the full range of human expression, including facial expressions, gestures, and other forms of body language that are often more detectable in face-to-face interactions. This might affect the professionals’ ability to read subtle cues related to the emotional state of the participant, potentially leaving them with an incomplete understanding of the interaction.

For me it is important to be able to detect body language [...] what is perhaps just nervousness related to court proceedings in general and what emotions are caused by other people present in the proceedings. Are there perhaps some power relations or these types of things [that would be missed in remote setting] (Prosecutor, Finland, interview 5).

The judge who ultimately has to decide experiences it differently when they see someone in front of them and see how he is pulling at his pants and how nervous he is. You sometimes don’t see that on a video connection, because then you only see a head and answers come out and that’s it (Lawyer, the Netherlands, interview 2).

The reduced transmission of non-verbal cues between professionals may also be disrupting. While most professionals reported that having lawyers co-located with their clients would significantly improve communication, particularly for confidential consultations and more meaningful contact with clients, others found it challenging to attend remotely without direct contact with the judge:

Sometimes us lawyers are ordered to go to the same place as the client if they attend remotely, but we do not generally speak like this. Then you obviously see your own client but not the judge. This causes extra stress (Lawyer, Finland, interview 6).

### *3.8. Speaking up, feeling seen and heard*

Some argued that participants can be made to feel seen and heard similarly in a remote setting in comparison to in-person situations:

Yes, what determines the feeling of being seen and heard? If the video is on, if you can see the person speaking, and if people are given the opportunity to speak just as they would in a regular trial, then I think you are participating in the same way as otherwise. So I find it difficult to see how you could further increase their sense of being heard [...]. I think this is more a matter of attitudes than of practical issues (Prosecutor, Sweden, interview 3).

On the other hand, quite a few interviewees questioned whether being seen and heard requires more than just a functioning video-link and if remote participation reduces participant’s sense of inclusion and ability to engage in equal terms to those attending

physically. Some noted participants might be less inclined to speak up and advocate for themselves:

If I think about my own experiences during online meetings, right? Sometimes you just don't ask questions because you can't quite hear someone, or because you didn't know who it was and think, 'huh, oh well, never mind, I'll ask later', and then you forget to ask. So, I wonder if a defendant goes through more of a psychological process, so that has nothing to do with the ability to speak up, but that a suspect might hear less or say less but doesn't do anything with it (Prosecutor, the Netherlands, interview 1).

I think there is a risk that the person participating remotely does not feel seen or heard, or that they are not given the same opportunity to speak as those who are physically present. It's simply more distant (Judge, Sweden, interview 1).

### *3.9. Impairments in hearing or understanding the proceedings*

Technical issues such as delays, connection errors or limited visual cues were widely perceived to disrupt the rhythm of hearings, making it occasionally more challenging for participants to follow the conversation or identify speakers. Participants differed in how frequently they encountered such issues, highlighting both uneven technological infrastructure between regions and different authorities as well as practices between the courts.

I've also had times where we couldn't understand anything, and well, a client was practically half-shouting, and we could hear it only very softly, and it turned out the volume was simply way too low. Yes, he burst out laughing. Yes, everyone understood that, but to then start talking seriously again afterward about their detention is quite difficult (Lawyer, the Netherlands, interview 5).

These days we very often have video-links from the Prison and Probation Service as well [...] they often lose the video feed, and it's a recurring problem. And I think that's really not acceptable. Someone who has to attend a hearing on such an important matter for their own situation shouldn't have to sit there barely able to see anything. It just doesn't feel right to me (Judge, Sweden, interview 1).

Furthermore, interviewees noted that remote hearings can diminish the ability of defendants and victims to fully appreciate the seriousness or contextual nuances of a case.

I often have clients who have said that they feel that they have not understood the instructions they received, either during pre-trial investigation or after, because they have been in some way shocked all the time. And I do believe that they have not been deliberately indifferent. Informing the clients and then the authority explaining the matter in plain language, repeatedly and calmly so that they understand the situation (Lawyer, Finland, interview 7).

Following interactions taking place in the courtroom can also be challenging for a defendant participating online. Interviewees discussed how the feed from the courtrooms is often static and limited to one point of view, making it difficult to see the full interaction happening in the courtroom between the participants physically present.

Listening goes alright, but I think following the interactions properly is really difficult. And I really think that's a shame, and I also find it important in court: how do people react to each other? The reactions of my clients and a public prosecutor or attorney

general can also be very important, but also just seeing what's happening: how are the assessors sitting? (Lawyer, the Netherlands, interview 2).

It used to be the case that you also saw an overview image of the courtroom. But otherwise, you only see the person who is speaking, and I don't really like that. I would prefer to have an overview image, so I would really like to see that change—that as a rule, you can see the whole room (Lawyer, Sweden, interview 3).

A couple of participants noted that identifying persons may be more difficult on-screen than in-person, particularly if the person is seen from afar on the screen, which seemed to be the case for instance with people heard from prisons.

We've had situations where the person is so far away in the room that I would say they are too far for me to be able to identify them afterwards, even after having seen their face (Judge, Sweden, interview 9).

While this might not typically be much of a concern, a Finnish prosecutor noted one case where it was a clear advantage that the victim was attending the court hearing in-person. The victim noticed the suspect outside the courtroom and informed the prosecutor this was not the culprit.

### *3.10. The impact of remote hearings on the seriousness of the proceedings*

Interviewees also mentioned that defendants who are physically present in the courthouse go through a process that establishes the seriousness of the context they are in and therefore alerts them to being fully present. Examples of this are defendants being escorted by court police and having to wait in a court cell before their hearing. Some judges also mentioned the effect remote hearings can have on the participants' perception of seriousness and therefore on their attitude towards the proceedings:

They do seem a bit more indifferent [in remote settings], a bit more disinterested. I've noticed that a few times, I think, when I'm connected to a facility and they're sitting there slumped in a chair and as if they're thinking: 'Oh, and who are you then?' [...] The difference with people who were actually physically in the room, because they're often a bit more impressed by the cell complex, by the court police (Judge, the Netherlands, interview 11).

I'm not someone who wants to be an authority by virtue of power. I don't mean that the courthouse should project power, or that I should project power in the courtroom. That's not what I mean. It marks a very particular kind of situation—almost like a performance, to put it a bit irreverently. A trial follows its routines: you're in your official role, you speak to the issues at hand, there is an established order for how things are supposed to proceed. You've come to the courthouse, and in the end a judgment is delivered, and these people sit there as the court. I think there is something in all of that which risks being lost if one doesn't behave in that way. I find it a bit difficult to pinpoint exactly what it is or what its value is (Judge, Sweden, interview 9).

### *3.11. Concerns about undue influences in the remote location*

Another challenge is the difficulty of verifying whether a witness or a defendant can express themselves freely without external influence. Interviewees had concerns about whether someone else might be present in the room, whether conversations are fully private or whether hearings might be recorded without authorisation:

Because you also have no view of what happens behind the door in such a virtual hearing room [...]. I literally have no idea. Sometimes I see a door behind someone, and I have absolutely no idea what the setting is. Is there someone there, is there a prison officer in the hallway, or two, or none, or is he walking around freely, or is there another inmate nearby? Is that space soundproof? Is privacy guaranteed? I have no idea (Lawyer, the Netherlands, interview 4).

Generally speaking, my experience is that it is preferable for it to take place in a courtroom. Because that gives me greater confidence that the room doesn't contain anything it shouldn't, such as recording equipment or other people (Judge, Sweden, interview 9).

In both Finland and Sweden, professionals considered it acceptable for police officers, experts and witnesses with a smaller role to participate from offices or other locations of their choosing. By contrast, victims, defendants and witnesses with personal involvement in the case were generally expected to attend from a more controlled setting.

Yes, we usually do not allow them to be heard from just anywhere. When they participate remotely, it should be from the nearest district court. That is the main rule—or if you take each actor separately: the prosecutor sits in their office, and the defendant or the injured party must go to the nearest district court as the general rule, clearly the main rule (Judge, Sweden, interview 6).

The right to (effective) legal assistance can also come under pressure due to the hearing being remote. It is more difficult to have a confidential conversation between the lawyer and their client. Interviewees mentioned that this is sometimes handled by clearing the entire courtroom and leaving the lawyer to talk to their client through the video-link. However, this is not perceived as an ideal solution as the confidentiality in this situation is not guaranteed, as one lawyer explains:

And I felt a bit uneasy about that myself, I was thinking that I really can't guarantee the confidentiality of this connection, or that no one is listening in on either side, even by accident (Lawyer, the Netherlands, interview 5).

Overall, professionals expressed different views regarding the extent to which remote hearings support effective communication, interpersonal interaction, and the smooth functioning of criminal procedure.

### *3.12. The impact of remote proceedings on managing the proceedings*

All three professional groups (judges, prosecutors, and lawyers) emphasised that effective management of remote hearings requires active facilitation of communication and interaction by the presiding judge. Interviewees highlighted the importance of clear and direct engagement with remote participants. Examples included making eye contact and maintaining visual contact regularly with the camera, addressing individuals in a personal manner, speaking at a slower pace and articulating more, and checking in regularly. These interactional practices might seem minor, but they were seen to reduce tension and strengthen participants' sense of inclusion. Some prosecutors and lawyers felt that simple communicative practices—such as greeting participants, confirming that the remote connection is functioning properly, briefly explaining who is present in the courtroom and avoiding overly technical legal language—could prevent confusion and foster enhanced interaction.

Simple things matter like saying good morning, asking whether they managed to connect properly, and briefly explaining who is present in the courtroom (Prosecutor, Finland, interview 15).

We should speak in a way that everyone hears you and eye contact is established [...] the presiding judge should actively correct audio and camera angles so that sound and visual contact works (Judge, Finland, interview 12).

Whenever it's my turn to speak, I say, 'Now the prosecutor is speaking again' That way, participants online can be sure who is speaking (Prosecutor, Finland, interview 14).

I'm used to the court neatly explaining who's sitting where and checking whether someone understands the questions, even during the trial itself, especially when they ask very important questions, then they also sometimes check, 'Did you hear me clearly?' In my experience, the court takes into account a certain loss of information, almost literally, due to the connection not being direct (Prosecutor, the Netherlands, interview 1).

I always start by saying: 'We're speaking via video connection', and if I—maybe 9 times out of 10, or 8 times out of 10, I'll also say: 'You're at the police station in that city, and I'm at the courthouse in this city', because I don't think people understand that at all. And I always try to check if someone can understand me, of course (Judge, the Netherlands, interview 9).

While structured scheduling can further support the orderly management of hearings, interviewees emphasised that timetables must also retain a degree of flexibility. One participant highlighted that the worst-case scenarios occur when technical disruptions arise, e.g., when video-links are unexpectedly disconnected or when staff enter the remote room to announce that participants must leave as the courthouse is closing, underscoring the importance of contingency planning in the management of remote proceedings.

Very often, hearings take longer than expected, and because of that we all start later and what we often see these days is that the prison says, 'You have a time slot in which you must log in, otherwise we'll log out. We don't have all the time either; we have more than one suspect here.' And then you simply lose your video connection, and then you must start all over again (Prosecutor, the Netherlands, interview 1).

Perhaps the biggest concerns regarding the management of remote proceedings were related to the Swedish participants' experiences of remote hearings conducted through mobile connections from other than official locations.

A few Finnish and Dutch participants reflected on how judges may, either knowingly or unconsciously, use non-verbal signals to manage hearings to, e.g., indicate when discussions should progress or when topics are diverging from relevant matters. In remote settings, judges need to bear in mind that since visual cues may not be seen, judges actively provide verbal feedback and describe important non-visible and non-verbal elements of the proceedings to remote participants.

For example, if I predict that someone will not listen to a judge [...], I see someone already working on their own answer while the question is still being asked, I can just make the gesture of, 'Wait for your turn, your turn is soon.' That often gives a client confidence, like, 'Oh, I can wait a little longer.' That completely disappears when you're on video (Lawyer, the Netherlands, interview 7).

A few interviewees recounted experiences where judges have failed to react—either at all or with necessary speed—to technological issues that might infringe a defendant’s right to be heard. It was discussed how it is the responsibility of the judge to identify when cases should be paused and rearranged so that safety and technical functionality can be ensured:

The presiding judge simply doesn’t have a solution at that moment, because he can’t improve the technology at that time. So, [he decides] let’s just continue and we’ll hear the important points from the lawyer. I really think that’s a shortcoming (Lawyer, the Netherlands, interview 7).

At the same time, professionals emphasised the need for clear procedural guidance, such as informing witnesses about how the process will continue and what is expected of them once their participation ends. Lawyers in the interviews highlighted the need to provide practical guidance for parties involved before and during the hearing, particularly for individuals who join only for their own testimony. Several judges also noted that preparing parties for remote participation should primarily be done by their legal representatives. The data, however, also suggest that there are somewhat mixed expectations between judges and lawyers regarding their respective roles in guiding parties before and after the proceedings as illustrated by the following excerpts from interviews conducted in the Netherlands:

The lawyer, without a shadow of a doubt [is responsible for preparing the defendant] [...]. Yes, and I have no issue with stating that so strongly, because my view on this is as follows [...]: There are already various ways to prepare someone for the entire criminal trial, not just the substantive hearing, but all aspects of the trial, and that begins at the police station. The lawyer is often present there digitally, by phone, and everything is discussed beforehand. There is only one person who can prepare the defendant for how a hearing will proceed (Judge, the Netherlands, interview 3).

I think the court is responsible for that, yes. Of course, a lawyer is too, but I don’t think you can just trust them to have explained everything. Because not all of them do that, or not all of them do it properly, so I think you should do it yourself as well (Judge, the Netherlands, interview 9).

On the other hand, some lawyers indicated they prepared their clients as usual but found it up to the judge to properly introduce and guide the defendant through the procedures of digital hearings, while another lawyer said:

I do see it this way: I’m responsible for preparing my client for what’s to come, and if that involves a video-link, then I can’t just say, ‘Oh, I’ll skip that part’ (Lawyer, the Netherlands, interview 7).

### *3.13. The need for training and recommendations*

Lastly, several interviewees expressed the need for research-based knowledge on how to manage and communicate in remote hearings. Most professionals reported having received no training regarding communication in remote hearings. Where training had been given, it was typically focused on how to use the technology. Interviewees across all countries indicated the need for substantiated best practices, both on practical aspects (e.g., camera placement) and on communication aspects. On this second aspect, one interviewee stated:

What are the tools to improve [digital] communication? What resources can you use for that? Because the things you do now—look, we’re very much trained to do everything together in one room, so that’s also what your skillset covers. So, I’d also like to know, what’s your skillset for doing it well online? What helps, what’s necessary? Are there things I can say or do? That’s important to me (Judge, the Netherlands, interview 4).

I don’t know if universities nowadays offer more training specifically on interaction for us lawyers, but I would hope that they do. All the training I’ve received so far has depended on my own initiative, but I would hope there would be some basic training, because, after all, that’s basically all we do—work with people (Lawyer, Finland, interview 7).

We don’t have any training for this. We don’t really have a clear sense of what the person on the other end actually sees [...]. I think we need routines so that when someone participates remotely, we show them the whole courtroom—where everyone is sitting—so they can understand the context they are part of [...]. So, I think we would need much better technology and better routines to carry this out in a way that feels good for everyone (Judge, Sweden, interview 1).

#### **4. Discussion and conclusion**

This article explored how criminal justice professionals experience communication in remote criminal hearings, the interactional challenges they perceive for defendants, witnesses, and victims, and how remote proceedings are managed, highlighting practices viewed as both effective and problematic. We sought to understand communication in legal settings beyond normative rules by drawing on socio-legal and psychological perspectives.

As a note of caution, findings reflect lived experiences of professionals and therefore represent subjective interpretations of the communicative dynamics in those moments. As our data collection is based on self-selection, it may mean those with either strong interest or strong reservations about remote hearings were more likely to participate, while those with more neutral views may have opted out. The interview data offered rich insight into professionals’ experiences but did not capture the direct experiences of victims, witnesses and defendants. Future research should therefore examine these groups directly better understand how communication and procedural fairness are experienced in remote hearings.

The findings indicate that since the pandemic, the Netherlands has mostly returned to in-person proceedings, but Finland and Sweden continue to use remote hearings more routinely. The reasons for this were not explored in detail in this study, although it may be partly explained by the larger geographic distances in Sweden and Finland, and differences in legal culture. Finland’s legal system is comparatively close to that of Sweden, as it was developed during the extensive historical period (from the mid-12th century until 1809) when Finland was part of Sweden, and the legal culture is comparatively non-formal (for instance, judges are dressed in civil clothes) compared to many other countries, including the Netherlands. On the other hand, differences also seemed to emerge between Finland and Sweden. In Sweden, remote connections have been used widely, where Finland seems to have maintained a somewhat stricter approach. Based on the interviews, views towards remote hearings were more negative in the Netherlands compared to Finland and Sweden. This may both reflect and reinforce

the less frequent use of remote hearings in the Netherlands. Interviewees generally agreed that remote hearings conducted from controlled settings, such as other courthouses, could be monitored more reliably, reducing some of the professionals' concerns.

Interviewees reflected on a range of benefits of remote hearings, including increased efficiency, greater access, reduced travel, increased flexibility and safety, and the ability to reduce stress and anxiety. These results are consistent with previous research (e.g., Morrison *et al.* 2019, Lilja and Hiilloskivi 2022, McKay and Macintosh 2024, McKay 2026). Some interviewees also experienced that remote hearings resulted in communicative and cognitive challenges such as the reduction of observable non-verbal cues, reduced opportunities to perceive interpersonal dynamics and increased mental fatigue. These have also been raised in previous research (Bohannon *et al.* 2013, Bailey Vavonese *et al.* 2020, Bailenson 2021, Ervo and Autio 2022, Mulcahy and Tsalapatanis 2022, Feigenson 2023).

In our data, themes related to weakened rapport-building and fewer opportunities to offer support were also discussed. Interviewees felt remote hearings may lead to difficulties in creating and maintaining a “human connection”, potentially reducing participants' engagement, attention and the perceived seriousness of the proceedings. This concern aligns with broader observations on courtroom ritual and legal architecture, which suggest that the perceived solemnity and authority of proceedings are partly rooted in the physical and spatial dimensions of the courtroom (Mulcahy 2010). Since many embodied cues are absent from remote hearings, professionals may need to compensate through deliberate communicative practices, given that procedural fairness involves active listening that extends beyond the formal hearing (e.g., Ervo 2016, Belloni *et al.* 2025).

There are notable similarities between rapport-building as conceptualised in legal psychology (see, for instance Vrij *et al.* 2014, Gabbert *et al.* 2021, Oleszkiewicz *et al.* 2024) and the procedural justice theory explaining how people experience the proceedings as fair and whether parties feel heard (see, for instance Tyler 2007, Ansems 2021, Belloni *et al.* 2025). Both discuss being heard as something beyond “mere” communication and responding to psychological needs that are shaping legitimacy and cooperation. Rapport-building emphasises polite tone and the signalling of empathy with the situation of the person who is heard, while procedural justice highlights dignity, respect, neutrality and trustworthiness. Martschuk *et al.* (2024) similarly found perceived rapport highest when information and support are enhanced.

While the quality of interaction was sometimes mentioned to be problematic in our results, many interviewees had positive experiences and identified several ways to improve remote communication. These included active management of the proceedings, calm and clear speech, appropriate eye contact, structured introductions, awareness of one's on-screen appearance, deliberate pauses, clear turn-taking, attentiveness to non-verbal cues, and explicit verbalisation of events occurring in the physical courtroom. Many interviewees noted that when these practices were in place, remote hearings could be just as good as in-person hearings—sometimes even better.

Hearings are highly structured interactional settings in which communication is governed by formal procedural rules and directed by the presiding judge. The interview

data suggest that expectations regarding the responsibilities of professionals to inform parties about the different aspects of remote hearings are not always shared uniformly. There is heightened responsibility to ensure that parties understand what the remote process entails, where they should participate from, and how interaction can be facilitated. They should also have sufficient information to decide whether remote participation is appropriate for them. Given the reduced availability of visual cues, clear verbal communication is important.

Interviewees in all countries reported scarce formal training and evidence-based guidance on remote communication and were strongly in favour of capacity building beyond technological aspects. Professionals may lack the tools to reflect critically on interaction in hearings, limiting their ability to recognise and address communicative challenges. Training could help address these differences.

The interviewees had vast experience of remote hearings—for better and for worse—and many formulated thoughtful suggestions for training and recommendations. These have, together with the data collected through the questionnaires and the courtroom observations, been compiled in a set of recommendations that are published by the European Institute for Crime Prevention and Control (HEUNI).

Together, these findings underscore that the effectiveness and perceived fairness of remote hearings depend not only on technology but also on the communicative competencies of legal professionals. Strengthening shared expectations and investing in targeted training on remote communication and interaction is essential to ensure that parties can meaningfully participate in proceedings conducted at a distance.

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