

Vlora District Court

“Justice Without Delays” Initiative

ACTION PLAN

Drafted in the Working meeting held on 16 – 17 November 2017, Durrës

Measures to be taken by the Court

Upon filing the claim:

The judicial secretary, at the moment of the claim being filed shall request from the claimant to fill the form with the contact data of the claimant, respondent, complete addresses, telephone number, and all other data relating to other persons or other contact numbers, that enables notification of the party as well as the model form for “confirming consent to be notified via email” (*when this opportunity exists*). The claim shall not be accepted without this form.

The court shall inform the parties and citizens for the use of this form via its information corner. The chancellor/chief secretary shall ensure that the claim contains formally all of its elements, in accordance with the rules of the CPrC.

Consequently, the plaintiff must: submit the evidence in the form required by law and submit copies of them equal to the number of parties; determine the value of the claim at the time of filing, and on this basis he/she must pay the registration fee (*for those who are exempted from taxes, a request for exclusion from taxes is requested to be attached with the claim*). The registration of the claim shall be carried out only after submission of an ID copy, in order to avoid inaccurate generalities.

In cases of "legal persons" an active copy of the extract by the National Registration Center (NRC) shall be required.

The court shall use parallel means of notification, especially via email and phone, declared in a form stating the consent of the party to be notified via these means. The court summons must include a statement on the obligation to appear at the hearing with an identification document.

Preparatory hearing:

In the preparatory hearings, the judge or the judicial body shall identify on a case by case analysis, the need for an expert and shall provide for the parties’ disposal the experts’ list. The court shall request the necessary documentation from respective institutions.

In civil trials, the case shall go through to the judicial hearing within the same day after completion of the preparatory actions – in those cases where it is possible and there is no need for additional evidence.

There is a need to work on the parties' expectations – raising their awareness that they should be prepared when presenting to the court and they should dispose all the evidence.

Preliminary annulment of the session, when the court is notified of the cause for annulment (in cases when the judge is participating in a training/conference).

Relations with institutions:

The court shall use e-mail for communication with local and central state institutions that are either at the position of parties or as institutions from whose a document has been required – of course in those cases where it exists a preliminary declaration giving consent on notification via e-mail. Forwarding of scanned evidence via e-mail.

The Court shall hold meetings with high-level representatives of local institutions (*among things to be discussed is the obligation of having an accurate contact list of these institutions*).

A special meeting shall be organized by the court in collaboration with partner organizations, inviting representatives of the Police Station (referring problems of Restraining Orders), Water Supply regional institution, Postal Service and other institutions.

When necessary, based on the territory the local administrators cover, their commitment shall be required by the Court for purposes of parties' notification.

Retrieving mail on the weekend by the police Commissariat is a problem.

Measures required to be taken by local institutions and parties in court

Prosecutors:

The investigation file must be completed with the criminal records' certificate and the contact data of the defendant (especially if the latter is in free state).

In criminal cases, parties are required to present in the same session final conclusions, when possible. Even when proceeding through abbreviated trial, the prosecution as well as the lawyer shall be required to present finale pretences within the same session, without requesting postponement of judgement for this cause, because, the request for judgement, presented by the prosecutor and accepted by the court as such, would be similar to the final conclusions of the case in judgement.

Lawyers:

The claim should contain all the CPrC required elements at the moment of filing.

Contact form must be filled by lawyers. Available copies shall be provided by the court and an instruction document on how to fill them.

The request for an abbreviated trial is to be made at the preliminary hearing.

Presence in other proceedings does not constitute reasonable grounds for postponing a hearing.

In the regular, direct and abbreviated trial, lawyers must be prepared to submit their written remarks in the same hearing with the Prosecutor.

Evidence must be provided from the first hearing and it must be put at the disposal of the other party before the hearing date.

The need for an expert of psychologist must be identified in the preparatory hearing. To work with the party on the issue of prepayment of the expert.

Requests for postponements must be accompanied in any case with written evidence as required by law.

Lawyers must make available to the Chief Secretary of the Court at the start of every week and in continuity, their hearings' agenda for cases they are representing in other courts, for coordination and planning purposes.

Discuss with the Local and National Chamber of Lawyers so as to offer free legal aid, a list of lawyers mainly for the internal organization and assignment of some of them (e.g. on a surname basis, etc.).

Experts:

Appropriate/reasonable time shall be given to conduct the act of expertise.

Magistrate School:

Conversation on the concerns raised connected to assignment of judges in training events.

Appellate Court:

Summons: Post Office/Couriers

Review of the summons text, laying forth the rights and obligations, as well as consequences when absent in hearing sessions.

Post office personnel must be periodically trained and instructed in cooperation with the head of the institution, on the procedural rules of the notification provided by the CivPrC and CrPrC *{e.g. when a party refuses to take the notice, the postman must insure the existence of a witness, when they go to their home and the party is not found the summons is to be notified to relatives (family members, or neighbors)}*.

For this purpose the court shall hold separate meetings with the head of Vlora Post Office, to identify problems.

The court will also attach the evidence submitted by the claimant and the contact form and the "contact form for the plaintiff" or "third parties", which is to be returned to the court filled

from the post office employee, together with the signed summons. Furthermore to the summons are to be attached also the consequences arising from the notification, and being equipped with means of ID.

Periodic training of court couriers is necessary, bearing in mind the latest legal amendments in procedural codes.

Objectives of the Court

Through the implementation of the above mentioned measures by each actor, we aim to reach the following objectives through the project “Justice Without Delays”:

For civil cases:

The average number of the hearings to be reduced from 3.7 to 2.

For criminal cases:

The average number of the hearings to be reduced from 4 to 3¹.

Percentage of unproductive hearings:

- Reduction of unproductive hearings in civil cases from 24% to 10%.
- Reduction of unproductive hearings in criminal cases from 30% to 20%.

Other issues outside the ambit of the “Justice Without Delays” initiative:

- Access to the Civil Registry
- Access to obtain court records certificates
- Rapport 3 judges to 1 court clerk, proposal on the HCJ, to be foreseen in the 2018 budget.
- To institutionalise meetings of the Court Chairs, proposal to the HCJ.
- Replacing summons sent through the post office with court couriers (need for more human resources)
- Defects in filling in the form for the MO, conversing with the police commissariat on problems, sections left unfilled.
- Database at the Albanian Electricity Distribution System Operator

CHAIR

Skënder Haluci

¹ To be noted if preliminary hearings, are included in the Implementation Study.