

## Pogradec District Court

### Justice Without Delays

#### ACTION PLAN

*Drafted in the working meeting held on 18-19 November 2016, in Durrës*

#### Measures to be taken from the Court

The Court will draft an internal regulation, which will contain detailed rules for the parties and other trial participants for purposes of resolving the cases within an optimal time.

#### **The moment of filing the claim:**

The Chancellor with the support of the judicial secretary, in order to enable the notification of the parties, will ask the claimant to fill in the contact form with the contact data in relation to the claimant, respondent, their full addresses, full contact numbers, etc. The claimant will also fill the model form on "Confirming consent to be notified via e-mail" (when this opportunity exists). The claim will not be accepted without this form.

The court will raise awareness of the parties and citizens on the usage of the form via its information corner. The chancellor based on the articles 153, 154 and on of the CPrC, will ensure that the claim contains all its elements from the formal point of view.

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 the submission of an id copy, in order to avoid the inaccurate generalities.

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

The court will 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 will identify on a case by case analysis, the need for an expert and will make at the parties' disposal the experts' list. The court will request for the necessary documentation from the respective institutions.

In the civil trials, the case will be passing in the judicial hearing within the same day after the completion of the preparatory actions – in those cases where it is possible and there is no

need for additional evidence.

In the divorce family matters, the court will receive submissions from the parties present (mainly the plaintiff), regardless whether the defendant is absent or not.

In the criminal cases, where possible, the parties are required to submit their written final remarks at the same hearing. Even when proceeded with direct trial, the prosecutor and the lawyer will be required to submit their written final remarks within the same hearing – no need to request a postponement for written remarks since the direct trial request submitted by the prosecutor and accepted from the court would be the same with the written remarks of the case.

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.

**The relations with the institutions:**

The court will use the e-mail for the 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.

The Court will 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 will be organized by the court in collaboration with the partner organizations, inviting representatives of the Police Station, Water Supply regional institution, Postal Service.

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

**The measures required to be taken from the local institutions and the parties**

**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).

**Lawyers:**

A special meeting with the lawyers will be held – a written summary of the minutes to be

provided.

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

Contact form must be filled by lawyers. Available copies will be put at their disposal and an instruction document for its fulfillment.

The request for an abbreviated trial must be filed at the judicial secretary three days in advance from the hearing date and it must be forwarded to the prosecutor before the judicial hearing takes place.

Being in other proceedings, does not consist of a reasonable reason for hearing's postponement.

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

The evidence must be provided since in 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.

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

The lawyers must make available to the Chief Secretary, their hearings' agenda at the beginning of the week for coordination and planning purposes.

**Experts:**

The act of expertise must be submitted at the court and forwarded to the parties before the judicial hearing date.

**Administrative units:**

An active engagement of the administrative units employees is required when necessary, to guarantee the proper notification of the parties.

**Appellate Court:**

The support is needed from the appellate court judges towards the measures taken under this initiative – meetings to be held between these both instances.

**Post Office:**

The post employees must be occasionally trained and instructed in cooperation with the head of the institution, on the procedural rules of the notification provided by the CivPrC and CrPrC {eg. when a party refuses to take the notice, the postman must insure the existence of a witness etc. }.

For this purpose the court will hold separate meetings with the head of Pogradec Post Office, and will be identifying the problems in writing.

The court will also attach the evidence submitted by the claimant and the contact form and the latter must be fulfilled and attached to the signed court summons.

**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 6,2 to xx.

**For criminal cases:**

The average number of the hearings to be reduced from 4,1 to xx.

**Percentage of the unproductive hearings:**

- Reduction of the unproductive hearings in civil cases from 23% to xx%.
- Reduction of the unproductive hearings in criminal cases 33% to xx%.

**Other issues that require legal regulation or measures outside the ambit of the Justice Without Delays initiative:**

- Legal amendments in relation to processing the party/ies' requests for the judge dismissal from a case;
- To guarantee the participation of the judges during the consultation process of the procedural draft laws;
- Unification of the practice from the High Court to rule on repetitiveness of the notification of parties in absentia (different practices established by different appellate courts);
- Legal amendments in CrimPrC for making the prosecution in charge of summoning the witnesses for a hearing;
- Proposals for legal amendments in order to introduce the preparatory hearing even in criminal proceedings as it is provided for civil trials;
- MoJ to determine the list of experts who commit to work in a specific city;
- National Chamber of Advocates to draft a list of pro bono lawyers for domestic violence victims;
- Forms of the Protection Orders to be provided in Police Commissariat;
- Raising awareness for the types of measures against the violator by the police officers at the moment of the form fulfillment for Protection Orders and Immediate Protection Orders.

**CHIEF JUDGE**