

Berat District Court
Justice Without Delays Initiative

ACTION PLAN

Drafted in the Working meeting held on 26 – 27 October 2017, in Pogradec

Measures to be taken by the Court

Upon filing the claim:

The judicial secretary, upon 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.

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

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 annulment cause (in case when the judge is participating in a training/conference).

The court sessions' calendar is to be applied case by case, with concrete planned activities for every session (e.g. the session where proof is provided, the session when the expert is to be called upon, the final conclusions session, etc.).

The internal calendar of the court should define specific days for cases when court sessions require a panel.

Relations with institutions:

The court shall 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, with the General Prisons Directorate, FI, etc.

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.

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 final 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:

A special meeting with the lawyers shall 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 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 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. 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.

The 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/assistant lawyers).

Experts:

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

Administrative units:

Active engagement by administrative unit's personnel/village elder to guarantee notification of the parties. Improving the confirmation of the notification.

Appellate Court:

Support is needed by appellate court judges towards the measures taken under this initiative ensuring meetings are held between both these instances.

Post Office:

The 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 Berat Post Office, to identify the problems in writing.

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.

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 4.9 to 4.

For criminal cases:

The average number of the hearings to be reduced from 3.5 to 3.

Percentage of unproductive hearings:

- Reduction of unproductive hearings in civil cases from 37.5% to 28%.
- Reduction of unproductive hearings in criminal cases from 31% to 25%.

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

- Access to the Civil Registry.

CHAIR

AGRON VAVLA