

District Court Elbasan
Justice Without Delays Initiative

ACTION PLAN

Drafted in the Working meeting held on 22-23 June 2017

Measures to be taken by the Court

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.

Upon filing the claim:

The Chancellor through 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 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.

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.

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.

Preparation of cases by planning better the necessary hearings for every case.

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.

Unified stance towards requests for postponement, so as not to give cause to the parties to present requests for postponement that are not evidence based.

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

The Court shall hold meetings with high-level representatives of local institutions.

A special meeting shall be organized by the court in collaboration with partner organizations, inviting representatives of the Police Station, Postal Service.

A special meeting with the Director of the Registrar's Office Elbasan and at the same time following up on the requests towards this institution for concrete cases.

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 Mat Post Office, to identify the problems in writing, including also orientation for the return of acts that are attached to the summons.

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.

Lawyers:

Awareness raising meetings conducted with the Local Chamber of Lawyers and information provided to the National Chamber of Lawyers for the non-acceptance of requests for postponement for the reason that the lawyer is present in another court session, mainly for the list of lawyers (to include also administrative measures to be taken for the removal of lawyers from the list).

Lawyers are to be informed that, the claim should contain all the CPrC required elements at the moment of filing, including also evidence secured from appropriate institutions.

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

Presence in other proceedings does not constitute reasonable grounds for postponing a hearing and therefore shall not be accepted.

The court proceedings calendar is to be applied.

Annulment of the hearing session and preliminary notification of parties when there is a known cause for the proceedings not to be conducted.

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

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

Prosecutors:

To share with the District Chief Prosecutor the problem of prosecutors being absent from hearing sessions.

To agree upon a calendar of week days when court proceedings are conducted.

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.

Police Commissariat:

Meetings with the Director where the problems arising mainly from the summons are to be discussed (e.g.: obtaining confirmation of a delivered summons before the session, request for information from TIMS).

Use of the police commissariat for parallel notifications.

PI Peqin, Lushnje, Pre Trial Detention Centre Elbasan:

Meetings with the Director where the problems to be discussed.

Experts:

When possible, the expert is to be called in the preparatory hearing session.

Delivery of the act of expertise is to be conducted several days before the session so that parties can be notified in due time.

Durrës Appellate Court:

Special meeting with the Durrës Appellate Court with the assistance of the two organizations to discuss problems.

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 3.5.

For criminal cases:

The average number of the hearings to be reduced from 3.1 to 3.

Percentage of unproductive hearings:

- Reduction of unproductive hearings in criminal cases from 35% to 20%.
- Reduction of unproductive hearings in civil cases from 29% to 20%.

CHAIR

SULEJMAN KURTI

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

- High work load of cases because of the very low number of judges, a problem this that needs to be raised again with the HCJ