

## Gjirokaštër District Court

### “Justice Without Delays” Initiative

#### ACTION PLAN

*Drafted in the Working meeting held*

*25 – 26 January 2018, Gjirokaštër*

#### Measures to be taken by the Court

##### Upon filing the claim:

**The Chancellor**, 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 if not accompanied by the contact data form.

The court shall inform the parties and citizens for the use of this form via its information corner. The chancellor shall ensure that the claim contains formally all of its elements, in accordance with the articles 153, 154 et al 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.

At the hearing where possible, the judicial secretary shall request the completion of the form with contact details for the defendant.

Work with the expectations of the parties, so that the parties become aware that with the admission to court they must come prepared and have all the evidence available.  
Inform the parties about the presentation of the identity document, including the summons.

The notice to be presented in court with an ID card will be included in the summons.

Hold a unified stand on postponement requests, not to give the parties the opportunity to file requests for unfounded adjudication.

After becoming aware of the reasons for the annulment of the session, preliminarily annulling it. Defining a calendar of hearings where possible (planning a group of hearings in advance). In periodic court meetings, the subjects that cause delays shall be discussed.

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

The Court shall hold meetings with high-level representatives of local institutions, including IPRO, Municipality (discussing issues with regard to announcement confirmation), Civil Registrar's Office, Social Insurance Directorate, Regional Postal Office, etc.

Special meetings with Gjirokaster local government officials and at the same time the continuation of letters addressed to the institution on concrete issues.

Every judge should identify problems with a particular institution.

### **Post Office**

For this purpose, special meetings will be held with the Head of the Post Office, but there will also be written evidence of issues, including the orientation for the return of the acts that are attached to the notification of the claim.

To instruct and train post employees / postmen, in cooperation with the head of the institution, in relation the procedural rules of the notification, in order to fully realize the notification of the parties according to the latest changes of the Code of Civil Procedure and the Code of Criminal Procedure {eg. in cases when the party refuses to receive the notifications, to ensure the existence of a witness, in the case when the party is not found and the notification is given to relatives (family members or neighbors) etc.}.

The court will file a "contact form for the defendant" or "third party" attached to the summons and evidence of the plaintiff, which must be returned to the court by the postal clerk, together with the letter of notification, both signed.

To possess the contact details of post office employees for the court administration in order to resolve the issues in concrete cases. Have constant contact between post office employees and court attendees, in case of problems during the notification.

### **Advocates:**

Postponement requests from advocates due to participation in another trial will not be accepted.

Awareness raising meetings with the Local Chamber of Advocates and informing of the National Chamber of Advocates for non-acceptance of postponement requests of advocates due to participation in another trial.

Inform the lawyers that at the time of the deposit, the claim shall satisfy all the elements required by the Code of Civil Procedure.

Equipping representatives at a hearing with regular authorization for representation.

The contact data form is also filled by lawyers. Available copies shall be provided by the court and an instruction document on how to fill them.

Ensure the presentation of evidence at the first hearing, and to the other party, before the hearing.

Use as much as possible the calendar of advocates' hearings.

In ordinary, direct, and shortened trials, lawyers should be prepared to present the final conclusions at the same hearing as the Prosecutor.

To consider the possibility of free legal aid assistance by the Local Chamber of Advocates.

**Prosecutors:**

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

To be agreed on a weekly calendar of court sessions.

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

Communication of acts by the prosecutor to be done electronically.

**Police Commissariat:**

Meetings with institution leaders to discuss issues related to notifications.

Use of the Commissariat for parallel notifications.

**Appellate Court:**

Adaptation of delegations to issues that are adjudicated in the Appeal. Coordination of the calendars of both courts.

A regional meeting with other courts on the jurisdiction of the Gjirokastra Appellate level to discuss the practices that may lead to the coordination of the calendar of the Gjirokastra Appellate Court and District Courts in order to avoid the overlap of hearing sessions.

**Experts:**

Submitting the expert report to the court before the relevant court session so that the parties have the opportunity to consult the act in advance.

Communication expertise act through e-mail distribution to the court and the parties.

Applying fines in those cases where necessary.

Assign and observe the calendar when IML (Institute of Forensic Expertise) experts are available to attend the hearing.

### **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 4.1 to 3.5.

**For criminal cases:**

The average number of the hearings to be reduced from 3.4 to 3.

**Unproductive hearings:**

Maintain the same percentage of unproductive hearings for civil and criminal cases.

**COURT CHAIR**

**ALBINA SPAHA**

Other measures beyond the Initiative

The absence of a Registrar / Chief Secretary at the Gjirokaster Court, an issue that needs to be raised with the HCJ / ZABGJ (Office for Administration of Judicial Budget)