

**The Replies to the Questionnaire with a view of the preparation of  
Opinion No. 14 on the non-materialisation of the judicial process and  
the use of IT by judges and court staff**

**ALBANIA**

***1. Access to courts***

Legal proceedings may not be instigated by electronic means.

***2. Procedure within courts***

The court communicate with the parties by traditional means.

Specific electronic means don't exist for the communication between lawyers and courts.

Electronic files don't exist.

### 3. Oral hearing

The draft decision written by the rapporteur and personal notes are accessible for judges in computer, but only in some courts.

The complete file, which is not in an electronic form, is accessible for the parties' lawyers during the hearing.

Technical equipment has been installed in some courts enabling to project documents on screens visible to judges, parties and audience.

Oral hearings are audio or video recorded only in some courts.

Video conference is used in public hearing, but only in the Serious Crimes Court, for the hearing of witnesses, including those who are provided for protection in an official proceeding concerning an organized criminal activity or other serious offense, and for the hearing of experts. It's foreseen by Penal Procedure Code, articles 361/7, 361/a/1, 363/3.

Courts that are equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings.

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic files access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Screen projectors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Information services for judges

There are central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by European Center</i>
<input checked="" type="checkbox"/> national legislation	<input type="checkbox"/> national legislation
<input type="checkbox"/> European legislation	<input type="checkbox"/> European legislation
<input checked="" type="checkbox"/> national case-law	<input type="checkbox"/> national case-law
<input checked="" type="checkbox"/> international case-law	<input checked="" type="checkbox"/> international case-law
<input checked="" type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

#### 5. Practical court work

It's the work of the court staff to write, deliver and register the documents.

Judges write their decisions themselves on their computer.

In drafting a judicial decision a judge should bear in mind his/her constitutional and legal obligations. Thus, the legal framework provides for some guidelines that must be followed from judges in drafting the decision.

Courts at all level have established a unified practice in drafting legal decisions, based on international recommendations and the legal framework.

Every judge should follow the relevant model during the drafting process of a decision.

They can use structure or model of decision available in a database.

Modern technology is not used to monitor the length of proceedings, but only for case flow management within the court.

Yes, there are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. Under the Law "On Organization of the Judicial Power in the Republic of Albania", High Council of Justice can use the relevant data which serve to the evaluation system of judges and knowing their work load and efficiency.

## **6. Internet**

Internet is accessible for each judge in his/her office and this access is not limited.

Most of district courts, court of appeals and the High Court of Albania do have their own website. The content of the website includes generally lawsuits or hearings pending, the calendar of trials or hearings, decisions or judgments released by the law court, providing for the easy way how to find and get them, assistance to public providing for helpful and useful information on court proceedings and case management, how to contact the respective law court. It also includes publications and periodicals, a photo and video gallery and announcements on court activities.

## **7. Use of private personal computers/laptops by judges and court staff**

A judge may use his private PC/laptop for professional purposes at home or on the way home and back.

Usually, e-mails may not be sent from the court to a judge's private e-mail address and vice versa containing professional information, because it requires special technical safeguards, that the court doesn't provide for.

The situation is the same for all court staff.

## **8. Use of data**

The data contained in the procedure is also used for statistics by the chief-judge and High Council of Justice.

It's the court staff or inspectors of the High Council of Justice who produces those statistics.

## **9. Data security**

There are requirements applicable to processing data in courts. Under the laws “On the Right to Information on Official Documents” and “On Personal Data Protection” there are rules on access to data by the person concerned or other persons/institutions.

There is not a special Data Protection Commissioner in each court or a judge, who is dealt with IT at the Judiciary. This additional task is covered by chief administrator, who is called chancellor.

## **10. Participation of judges**

Judges are implicated in the relevant decisions concerning the implementation of IT in courts. Under the relevant law, it's the Board of the Office for Administering Judicial Budget which decides about the electronic infrastructure of a court. This board is composed of four chief-judges of district courts , of two chief-judges of courts of appeal, of one Justice of the High Court, of the Chief-Justice of the High Court and of one representative of the Ministry of Justice.

## **11. Conclusion**

We think, there is a big advantage of the development of IT in courts regarding efficiency of judges in administration of justice, on one hand, and the cost of time and money that parties spend on instigating legal proceedings and during the whole procedure followed by the court, on the other. So, judges, the court staff, parties or their lawyers, witnesses, experts, journalists and everyone who is concerned can save much time under those circumstances of the electronic infrastructure of a court.

It also helps to save some considerable space in the premises of courts and to use it for different purposes.

As for any of disadvantages of the development of IT in courts we think, those can be faced with special regulations and safeguards.