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REPUBLIC OF ALBANIA

HIGH JUDICIAL COUNCIL

RULES FOR THE SELECTION OF CASES BY LOT IN THE ETHICAL AND PROFESSIONAL ASSESSMENT PROCESS OF THE JUDGE

Chapter I

General Principles

1. The selection of cases by lot is carried out after the start of the evaluation procedure and it is an integral part of this procedure.
2. The selection of cases by lot is carried out electronically by the judicial administration. When this is not possible the lottery shall be conducted manually.
3. The lottery process takes place within the court premises, where the judge has assumed his office for the longest period during the evaluation period.
4. The lottery process consists of a random selection of cases and is carried out in a transparent manner in the obligatory presence of the officer responsible for the evaluation, the chancellor, a court secretary and the court employee working in the field of information technology. The judge being subject to evaluation, each member of the Commission for the Evaluation of Ethics and Professional Activity, as well as an IT employee of the HJC have the right to participate.
5. The date, time and place of the lottery are determined by the decision of the rapporteur, who is notified to the judge, chancellor and the president of the court, no later than 2 days before the day of the lottery process.
6. The president and the chancellor of the court take measures to provide for the responsible employee all the necessary conditions for performing this task.
7. Based on the statistical tables and the section where the judge has assumed his office, the rapporteur determines by decision the number and categories of cases that will be selected by lots,

for each evaluation year. The selection should be such as to represent all the professional work of the judge during the evaluation period.

8. If during the evaluation period the judge has been absent from office for more than 6 months, the number of cases being selected for the ethical and professional evaluation, respectively 15 or 6 cases for general evaluation and not more than 6 or 3 cases for those determined beyond the standard deadlines, depending on the evaluation period, will be decreased proportionally with the time.
9. The lottery includes all cases in which the judge has been the rapporteur of the trial panel, including those completed by him as temporarily transferred or designated to specific cases, in a court other than the one where he is assuming his office.

Chapter II

Criteria on which the rapporteur determines the number and categories of cases to be selected by lots

10. The total number of cases to be selected by lots is determined by the rapporteur pursuant to Article 91 of the Status Law, depending on the evaluation period, based on the following criteria:

a. Annual criterion for the assessment

According to this criterion, the rapporteur determines the number of cases that will be selected for the evaluation process referring to the evaluation period, as follows:

- i. if the assessment is five years, 3 cases will be selected for each calendar year.
- ii. if the assessment is three years, 5 cases will be selected for each calendar year.
- iii. if the assessment is 1 year (accelerated), 6 cases will be selected.

b. Criterion of delays in terms of time periods

According to this criterion, the rapporteur determines the number of cases that will be selected according to the delay in time, referring to the table drafted by the responsible employee, immediately after the initiation of the evaluation process, according to the standard format (Annex attached to this act). If the judge has cases adjudicated beyond the standard deadlines (legal and minimum time standard), then 5% of them are selected, but not more than 6 cases. In the event of a 1-year assessment, the number of cases selected is again 5%, but not more than 3 cases.

11. The number of cases to be selected by lots for general evaluation and according to the categories, is determined by the rapporteur pursuant to Article 91 of the Law on Status, depending on the evaluation period, based on the following criteria:

a. Criterion of all-inclusiveness in selection

According to this criterion, the rapporteur should ensure that the selection fully covers all types of cases

adjudicated by the judge subject to evaluation. For this purpose, the rapporteur determines the number of cases to be selected on the basis of statistical tables, including the cases completed by the judge in a court other than the one where he has exercised the function, as temporarily transferred, or designated for specific cases. To the effect of facilitating the work and developing the lottery, immediately after the start of the evaluation process and based on the statistical tables having been sent, the employee responsible for the evaluation shall, under the supervision of the rapporteur, include in a single statistical table, according to the nature of the case, those completed in the same calendar year, in other courts where the judge has been transferred or designated to adjudicate specific cases.

b. Criterion of equity in the selection of cases

According to this criterion, the rapporteur determines the number of cases to be selected, depending on the number of completed cases, in order to equally select cases for each category, depending on the ratio made up by the number of completed cases for each category / table in the total number of cases.

c. Criterion of nature of decision

According to this criterion, the rapporteur shall, after determining the total number of cases to be selected (general assessment + cases of delay in deadlines), determine the maximum number of cases dismissed upon a non-final decision, which have to be taken for evaluation, if the lottery will select such ones. This number should not be higher than 10% of the total number of selected cases.

ç. Criterion of complexity of cases

According to this criterion, the rapporteur shall determine the number of non-contentious cases that should be selected as separate categories, depending on the ratio that the completed contentious cases make up in the total number of cases. This number should not be higher than 20% of the total number of selected cases. Based on the statistical tables, the rapporteur determines the category and the calendar year from which these cases will be selected by lots.

Chapter III

Rules for conducting the lottery at the court

12. The lottery is conducted on the basis of the complete list of court cases tried by the judge.
13. The lottery procedure follows several steps of selection of cases according to the decision of the rapporteur and abiding by the following sequence;
14. Each selection step is based on statistical data as part of a table assigned to a category of cases.
15. The lottery procedure begins with the random selection of cases for which have been decided beyond the standard deadlines, based on the table format drafted by the employee responsible for the assessment.
16. Then, there shall be proceeded with the selection of cases for the general evaluation according to the categories of cases and statistical tables defined in the decision of the rapporteur. While selecting cases for general evaluation, those selected according to point 15 shall be excluded.
17. To the effect of checking out whether the case selected by lots meets the criteria of Article 91 of the

Status Law and these rules, there shall be proceeded immediately with the physical verification of the court decision, having resolved the case. If the case does not meet the criteria, then it shall not be considered and there will be proceeded with the selection of another case. There shall also the case selected by lots and the court decision of which has been selected for evaluation by the judge, according to Article 86 of the Law on Status, not be considered.

18. Other court/s must co-operate, sending copies of the decisions to the venue where the lottery takes place in real time, if they are selected by lottery. To the effect of verifying that the selected cases meet the lottery criteria, the sending must be made immediately by fax or e-mail, while being documented in the lottery record.

Chapter IV

Documentation of the lottery and inspection of files

19. Any action taken during the lottery procedure shall be documented in a record, according to the standard approved form.
20. This record is kept by a court secretary and signed by all those present. If there are objections to the lottery procedure, they shall be recorded in a separate section of the minutes.
21. A copy of the record shall be submitted to the chancellor of the court for the preparation of the selected files. A copy shall be submitted to the judge, while the original copy becomes part of the evaluation file.
22. After the lottery is documented, the files shall be inspected to see if they are in the court archive where the lottery has taken place. The Chancellor shall arrange for photocopying all the acts of the selected files, with the exception of the prosecutor's file in criminal cases and forward them to the Council no later than 5 (five) days since the day following the lottery. The acts of the selected files must be registered and certified by way of with the court seal. Along with the photocopied and certified acts, a copy of the audio recording of the hearings must be sent.
23. If, after inspecting the files, it turns out that they are in the archive of another court, the employee responsible for the evaluation shall notify the rapporteur and upon the latter's approval asks from the other court copies of acts of the selected file according to the above procedure and deadlines.

Chapter V

Transitional provision for ranking / determining the level of evaluation of judges who have passed the re-evaluation process

24. For ranking / determining the level of evaluation of judges who have successfully passed the transitional re-evaluation process, 6 additional files are selected for evaluation by lots. This selection excludes cases that are part of the re-evaluation file, according to Article 171, par 5, of the Status Law. In order to facilitate the accomplishment of the lottery procedure, the employee responsible for the evaluation shall record in advance the cases of the re-evaluation file from the lottery having been selected by the judge, or analysed on the basis of complaints.
25. Only contentious cases for which a final decision has been made shall be selected as part of the 6 additional files.

26. For conducting the lottery process, documentation and submission of selected files, the above rules shall apply.

Annex I

Tabular formats for cases having been determined beyond the time periods

This format shall be drafted by the employee responsible for the evaluation and contain a list of only contentious cases having been completed by the judge beyond the standard deadlines, in two columns:

- (1) the serial number indicating the place in the sequence of the decisions to be put to lots; and
- (2) the record number of the case, which the judge has adjudicated.

Included in the list of these cases shall be those where the judge has been the rapporteur of the trial panel, as temporarily transferred or designated to specific cases, in a court other than the one where he is assuming his office.

| Table of contentious cases resolved beyond the standard deadlines | |
|--|------------------|
| Serial No | No of act |
| 1 | |
| 2 | |
| 3 | |

Drafted by responsible employee

(name/surname/signature)