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dated 25.3.2020
of the Council of Ministers

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NORMATIVE ACT

No. 9, dated 25.3.2020

ON TAKING SPECIAL MEASURES IN THE FIELD OF COURT ACTIVITY THROUGHOUT THE DURATION OF THE EPIDEMIC STATE CAUSED BY COVID-19

Pursuant to Article 101 of the Constitution, upon the proposal of the Minister of Justice and the Minister of Health and Social Protection, the Council of Ministers

DECIDED:

Article 1

Scope

This normative act aims to establish special measures for the development of the activities of courts and prosecution offices throughout the duration of the epidemic state caused by the spread of COVID-19.

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Article 2

Purpose

This normative act is aimed at guaranteeing the right for a regular process in the activity of courts and prosecution offices over the duration of the epidemic state caused by the spread of COVID-19.

Article 3

Special measures and effects in the field of court activity

1. Hearings for administrative, civil and criminal cases, scheduled at all courts shall be postponed until the termination of the epidemic state caused by the spread of COVID-19.

2. From the date of entry into force of this normative act until the termination of the epidemic state caused by the spread of COVID-19 there will be suspended the time limits for filing lawsuits, filing appeals and performing any procedural actions in administrative, civil and criminal cases, according to the provisions in this normative act. When deadlines begin during the suspension period, they shall be postponed until the termination of the epidemic state .

3. The rules under points 1 and 2 of this Article shall not apply in the following cases:
 - a) in administrative cases, subject to adjudication of the security measure of a lawsuit, in the event that the court evaluates that the examination after the time limit set in Article 2 of this normative act, may cause serious and irreparable harm to the parties;
 - b) in family cases subject to adjudication regarding care, obligations and respect of the rights of minors, custody and adoption, protection measures against domestic violence, exercise of parental responsibility, care and child support/alimony, and in those civil cases in which, the court considers that their delayed examination may cause serious and irreparable harm harm to the parties;
 - c) in criminal cases related to the validity of the arrest in flagrance or detention, the determination, the verification of the conditions and criteria of the determination and the security needs, the replacement, revocation, merger or termination of the security measures of “arrest at prison” or “home arrest”; when the arrested, the convicts or their defence counsels ask to continue with their examination, and in criminal cases related to the determination of the pecuniary security measure “preventive sequestration”;
 - ç) in criminal cases in which the maximum term of detention, according to point 6 of Rarticle 263 of the Criminal Procedure Code, ends during the period of suspension;
 - d) in criminal cases of an urgent nature due to the need to obtain evidence, pursuant to Article 316 of the Criminal Procedure Code. Emergency is assessed by the court examining the case;
 - dh) In criminal cases in charge of minors in conflict with the law, when the measure of arrest or detention has been applied to them, according to Article 15 of the Code of Criminal Justice for Children.

- e) In any other other criminal case where the defendant is detained or is serving the punishment with imprisonment, if the defendant or his defence counsel ask for the contrinuation of the trial.

4. Over the duration of the epidemic state caused by the spread of COVID-19 and aiming at the limitation of the negative effects on court activity, the councils and the judicial administration bodies of each court shall, according to their competences provided by law and in view of the application of the by-laws issued by the competent authorities, adopt specific organizational measures for court hearings, necessary to avoid crowding in court premises and inside courtrooms, as well as close contacts among people, related to:

- a) restricting public access to the court premises by guaranteeing, upon the rules laid down for this purpose, only the access of individuals who must carry out urgent activities;
- b) arranging access to services, by reservation, also by telephone or electronic communication, ensuring that users may use the services within a specified time, and adopting any measures deemed necessary to avoid crowding;
- c) the establishment of binding guidelines on the restriction and manner of movement of persons; Guidelines shall be published on the webpage of the court and Councils.
- ç) in camera proceedings of all public court hearings for cases provided in point 3 of this Article, pursuant to point 2 of Article 20 of Law No. 49/2012 “On the organization and functioning of administrative courts and the adjudication of administrative disputes”, Article 173 of the Civil Procedure Code and Article 340 of the Criminal Procedure Code;
- d) conduct of hearings on the basis of documents in administrative and civil cases, provided in point 3 of this Article, which do not require the presence of the parties, through the use of electronic communication means for the submission of proceudral acts and the rendering of the decision by the court.

Article 4

Remote participation in court hearings

1. Attendance of convicted persons or those under security measures “arrest in prison” and their legal representatives, in all court hearings over the duration of the epidemic state shall be ensured, where possible, by remote audiovisual interconnection, by using appropriate software for this purpose.

2. The remote interconnection manner shall ensure in each case the mutual visibility of the persons present in the two interconnected sites and the possibility of being heard by all parties. If the participation of several defendants in different IECDs is anticipated, each of them must be placed in such a position as to be able to see and hear the others.

3. The General Directorate of Prisons and the High Judicial Council shall be responsible for providing the necessary devices and software for the provision of remote interconnection according to this Article.

Article 5

Entry into force

This normative act shall enter into force immediately and it shall be published in the Official Journal.

**PRIME MINISTER
EDI RAMA**