



ALBANIAN HELSINKI COMMITTEE
KOMITETI SHQIPTAR I HELSINKIT

REPORT ON THE FINDINGS OF THE MONITORING OF COURTROOM AND DIGITAL AUDIO RECORDING SYSTEM USAGE IN COURTS



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REPORT
ON THE FINDINGS OF THE MONITORING OF COURTROOM AND DIGITAL
AUDIO RECORDING SYSTEM USAGE IN COURTS

The “Working together for open and transparent court hearings in Albanian courts of all levels” initiative

August 2017

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FOREWORD

Dear Reader,

In Albania, the judiciary is the third branch of the national government system. For the citizens of the country, the judiciary is the most important government branch, which guarantees the enforcement of the law and the respect of their rights and freedoms.

Public court hearings are one of the most important aspects of the law for due process, sanctioned in Article 42 of the Constitution of the Republic of Albania and Article 6 of the European Human Rights Convention. In addition, the implementation of the digital audio recording in courts is a binding legal requirement that guarantees high level accuracy of court hearing documentation and enhances transparency, efficiency, and court administration.

During the November 2016 to June 2017 period, the Albanian Helsinki Committee (AHC) implemented, with the support of the USAID “Justice for All” Project, the “Working together for open and transparent court hearings in Albanian courts of all levels” initiative. The aim of the initiative was to assess courtroom usage and digital audio recording in all three court levels in Albania. In the framework of this assessment, the AHC monitored a considerable number of court hearings in January, February, and March 2017, to look at courtroom usage, how the digital audio recording of hearings is implemented, and how parties and participants in the trial are instructed by court staff during the hearing. In addition, the AHC conducted interviews with court staff and customers. The monitoring and interview process was undertaken simultaneously in all 38 courts in the country.

This report is a summary resulting from the processing of data collected during the monitoring process and the interviews conducted with persons and parties in the judicial process, and court staff. The draft report puts forward macro level general findings and micro level findings disaggregated per court, to enable each court to evaluate weaknesses and opportunities in efficiently utilizing courtrooms and the digital audio recording system.

The report was initially consulted at the round table held on 15 May 2016, where all courts were represented by chief judges, chancellors, or IT staff. This round table provided an opportunity to stimulate discussion on the report findings by the participants. We would like to express our gratitude to the active participants of this round table, who contributed with valuable suggestions that improved the findings and recommendations developed in this monitoring report. In addition, we would like to thank Mrs. Joana Qeleshi, Chief Judge of the Durrës District Court, Mr. Roland Jaupaj, Chief Judge of Fier District Court, Mrs. Ornela Naqellari, Chief Judge of Lezha District Court and Mrs. Alma Licaj, Chief Judge of the Vlora Appellate Court for their written contributions, which have been reflected in this report. Before publication, this draft report was submitted to all courts for opinion.

With this report, we would like to assist courts in improving on the issues identified herein. The report findings and recommendations have been submitted to the High Judicial Council, the Ministry of Justice, and the Judiciary Budget Administration Office, in the hopes of driving policy and strategy development, or financial support to overcome challenges encountered by courts, and with the final goal of achieving 100% courtroom usage and digital audio recording. We believe that these findings will serve better strategic planning by courts and the improvement of court administration, which will lead to increased public trust in courts and the justice system in general.

The findings and the recommendations of this report have been set out in seven chapters, namely:

- a) Chapter one addressing the legal framework regulating issues that were the object of this monitoring.
- b) Chapter two setting out the methodology used for the monitoring.
- c) Chapters three to five presenting the respective findings for courtroom usage, digital audio recording, and provision of copies in CDs or transcriptions of the minutes taken with digital audio recording equipment.
- d) The last two Chapters summarizing findings and making recommendations on steps to be taken to overcome relevant challenges.
- e) The report also includes seven annexes reflecting the questionnaires used for the monitoring/ interviews and detailed information on the legal framework, monitoring methodology, and quantitative data for each monitored court.

The AHC would like to thank all the staff, chancellors, judges, and chief judges for the cooperation, providing the necessary facilitations to implement the monitoring and their readiness in providing the information required in the framework of the initiative. In addition, we would like to thank all monitors engaged in the monitoring process, the regional coordinators of the “Young Intellectuals, Hope” in Shkodra and “New Epoch” in Fier organizations, without the professional engagement and contribution of whom, the interviews and monitoring would not have been possible.

Great and sincere appreciation is reserved for USAID’s “Justice for All” Project, which financially supported this initiative and led the work of the AHC staff in implementing activities and achieving the objectives of this initiative during the months of its implementation.

Faithfully,

Erida Skëndaj

**Executive Director
Albanian Helsinki Committee**

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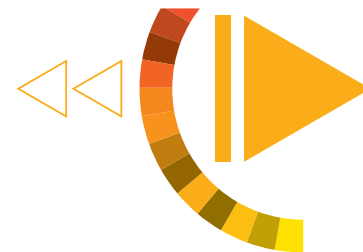
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Relevant provisions have also been made in Law No. 49/2012 “On the Organization and Functioning of the Administrative Courts and Judgment of Administrative Disputes”, where Article 34 provides for a trial hearing to be held pursuant the relevant Articles of the Civil Procedure Code, as far as they are consistent with this law.

Instruction No. 353, dated 3.9.2013 of the Minister of Justice “On Setting Forth Detailed Rules on Taking, Safeguarding, and Archiving the Minutes of Trial Hearing with Audio Equipment” sets forth detailed rules for taking trial hearing minutes by way of audio equipment. Even though this Instruction, in Article 2 sets forth that “digital audio recording equipment in trial hearings shall be used for the recording of civil, administrative, and Criminal trial hearings held in the premises of courts where trial hearings are held in all district and appellate courts in the Republic of Albania”, and does not make mention of the high Court, the interviews with the staff and chief judge of the Court revealed that this Court rigorously implements this decision and the relevant legal framework. The same Instruction sets forth other relevant rules regarding obtaining copies of the recording in both audio and transcribed formats.

In addition, the following legislation should be mentioned: Order No. 358, dated 5.9.2013 of the Minister of Justice “On the Fees for the Transcription of the Trial Hearing Minutes Taken by Way of Audio or Audiovisual Recording Means”, Order No. 359, dated 5.9.2013 of the Minister of Justice “On Safeguarding and Archiving the Minutes of the Trial Hearing or Other Procedural Acts Outside of the Hearing” (see Annex 1 “Legal framework on taking minutes by way of audio means and on courtroom usage”).

Chapter II Methodology



The monitoring was based on a special methodology to assess the usage of courtrooms and the digital audio recording system (DAR). The methodology was developed based on initial data evidence generated by the PAKS+ software. The evidence was collected from reports generated by PAKS+ for the September 2015 to June 2016 period. The reports provided statistical information on the number of judges in each court, the number of courtrooms and the usage percentage for the digital audio recording system in September of 2015, which was the period when the implementation of the DAR system was completed in all Albanian courts by the previous USAID project “On Enhancing the Justice System in Albania, JuST”. In addition, the evidence provided information on the number of audio recorded hearings, the number of total hearings held, and the DAR usage percentage up to June of 2016.

The evidence showed that during the September 2015 to June 2016 period, 28.9% of courts had been able to record 100% of trial hearings. These were the appellate courts of Shkodra, Tirana, Durrës, Korça, Vlora, and Gjirokastra, The Serious Crimes Appellate Court, and the district courts of Korça, Kukës, Gjirokastra, and Përmet. On the other hand, other courts had a lower recording percentage. Thus, 42% of courts had an audio recording percentage between 13 and 90 percent. Over 90% of the trial hearings were audio recorded in the district courts of Saranda, Pogradec, Dibra, Vlora, Lezha, Kruja, Mat, Lushnja, and Puka. Initial information showed that at the district courts of Elbasan, Tirana, Durrës, Tropoja, Shkodra, Kurbin, Fier, Berat, Kavaja and the first instance administrative courts of Tirana, Durrës, Shkodra, Korça, Vlora, along with the Appellate Administrative Court and the First Instance Serious Crimes Court did not have maximum levels of digital audio recording of hearings (see the respective table in Annex No. 2 “DAR system usage percentage in June 2016”). These findings provided some initial data on the usage of the audio system and fed the development of the careful monitoring methodology in the framework of the “Working together for open and transparent court hearings in Albanian courts of all level” initiative.

The goal of this highly dynamic and intensive monitoring, which for the first time covered all the courts in the country, was to collect quantitative and qualitative data on courtroom usage and DAR system usage. A detailed monitoring schedule was developed to realize this initiative with relevant dates for each court and an implementation methodology for each monitoring exercise and interview. The monitoring was undertaken based on three main pillars, with a specific methodology for each, to collect and compare information from various sources. Namely, a monitoring of court hearings was undertaken (first pillar), interviews with court users were conducted (second pillar), and interviews with court staff were conducted (third pillar). Forms and questionnaires were developed for all three pillars, which served as quantitative and qualitative information collection tools (see Annex 3, “Forms 1 to 6”). These questionnaires were then fed into an electronic online database, which allowed every monitor to individually input them into the database, and enabled a portion of the data to be processed automatically.

In the framework of the monitoring mission and the interviews, the AHC organized a capacity development training for the selected monitors. A part of the monitors were selected based on the cooperation with various universities in the country (Fan Noli University of Korça, Eqerem Çabej University of Gjirokastra, Aleksandër Xhuvani University of Elbasan, Luigj Gurakuqi University of Shkodra, and the Faculty of Law of the University of Tirana). The monitors were assigned to the 38 courts in the country according to a graph, over a two and half month period. Each monitor spent three or four consecutive days in each court during the working hours of the court in question. During the first two or three days each monitor set in during the hearings, while the following day he or she conducted the interviews with court users. The same procedure was repeated at each court after three weeks. The monitoring process timeframes were proportionally divided to collect the most objective data that was not impacted by the prolonged presence of the monitors. All monitoring processes were

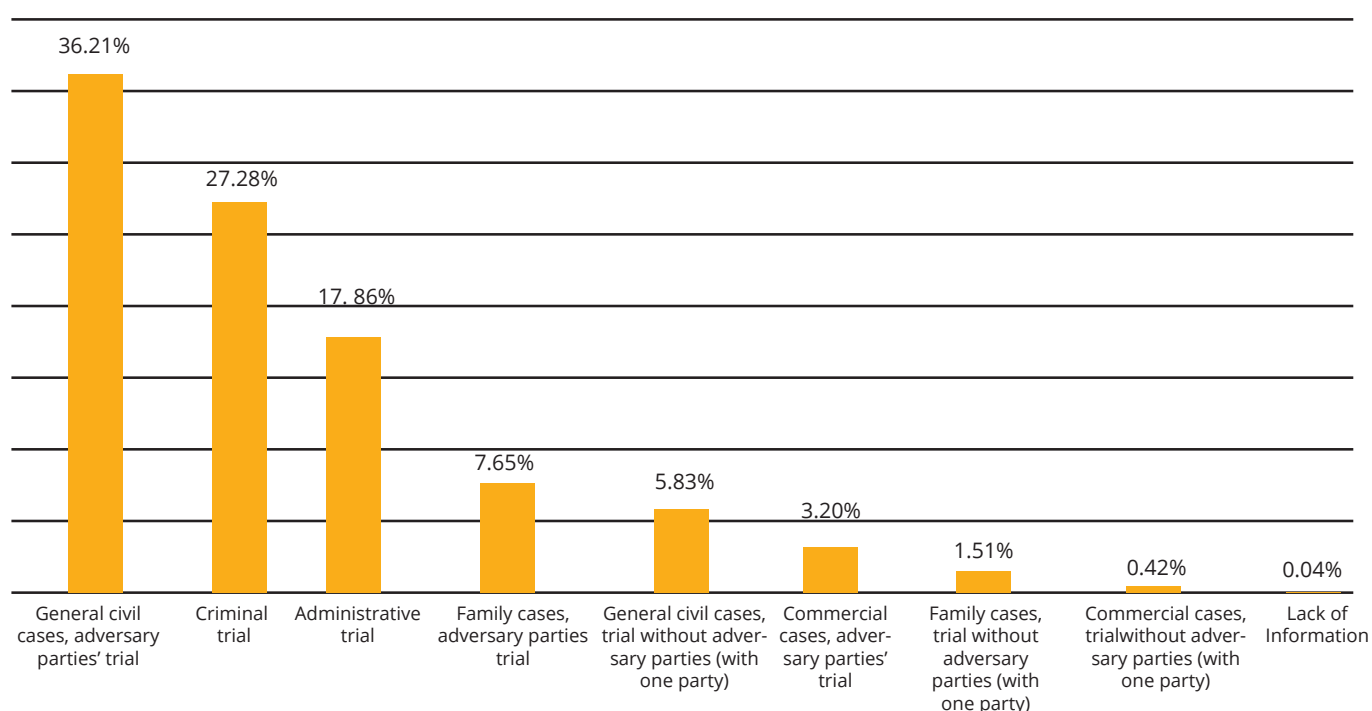
undertaken during the January 15th to March 30th 2017 period.

A total of 5437 trial hearings were monitored during the monitoring period, 4929 court users were interviewed (see Annex 4 “Volume of monitored hearings and interviews undertaken in each court”), and all chief judges, chancellors, and IT employees were interviewed, along with 37% of the court secretaries in all 38 courts of the country.

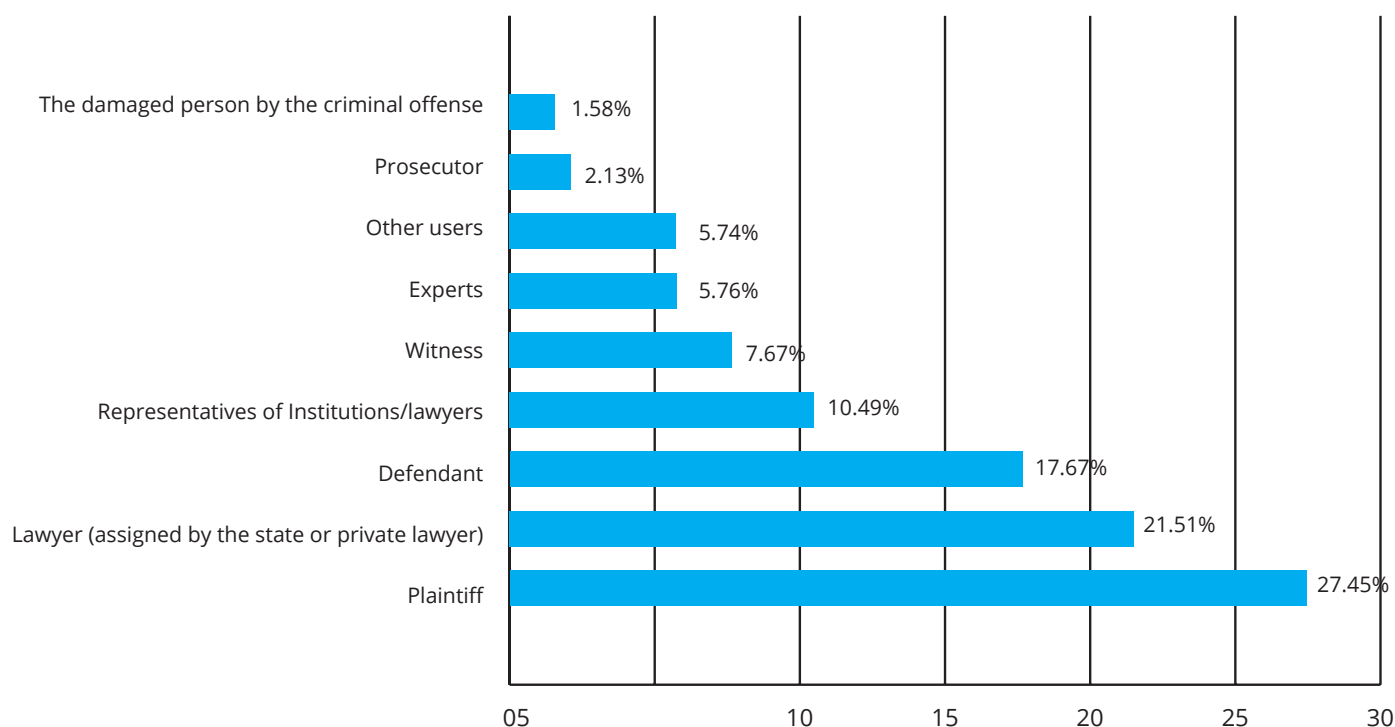
For the interviews with the court users, the monitors were provided copies of the questionnaire and they undertook face to face interviews regarding courtroom usage, the DAR system and access to obtaining copies of the hearing audio recording. The interviews helped monitors learn about court users experiences and impressions regarding these issues (see Annex No. 3).

A large variety of cases were witnessed during the monitoring of trial hearings, including civil, family law, commercial, Criminal, and administrative cases with both two or one litigant. The volume of monitored hearings of each type of case is shown in the following chart.

Chart No. 1 – Volume of monitored cases according to case typology



Interviews with parties and court users were conducted in the courthouse. The interviewees were lawyers, prosecutors, experts, litigant parties, witnesses, etc. (see chart No.2 below). 60% of the interviewees were male and 40% were female. Monitors faced challenges in interviewing individuals in the courthouses, especially in serious crimes courts, probably because of the nature of cases tried in this court.

Chart No. 2 –Disaggregation of interviewees (court users)

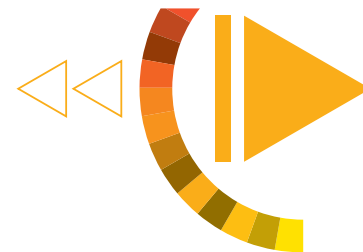
At the end of the monitoring period, meetings and interviews were held with all chief judges, chancellors, and IT staff, and 37% of the court secretaries. The questions asked during these interviews aimed at gathering information and suggestions from the interviewees in relation to courtroom usage, the DAR system, and the access to obtain certified copies of the original audio recording and respective transcripts.

The responses of all interviewees and the information gathered during trial hearing monitoring was carefully analyzed and processed and is presented in this report in a summarized form.

The main findings of this report put forward the percentage of courtroom usage and the digital audio recording usage in all courts in the country. The findings show a high level of usage. However, we are hopeful that some of the findings of this report will assist the institutions responsible and the Albanian courts in resolving standing challenges, especially regarding courtroom infrastructure, level of usage, and improvement of the digital audio recording system use, so that all trial hearings held in courtrooms are documented by way of digital audio recording.

Chapter III

Courtroom usage



Monitors identified the number of courtrooms in use during the monitoring process in each court. In addition, the parties and users encountered in the courthouse were asked regarding their experience with courtroom usage. Furthermore, information on courtroom usage was gathered from court staff, the chancellor, the IT staff, the court secretary, and also the chief judge.

3.1 Data on courtroom capacity and usage

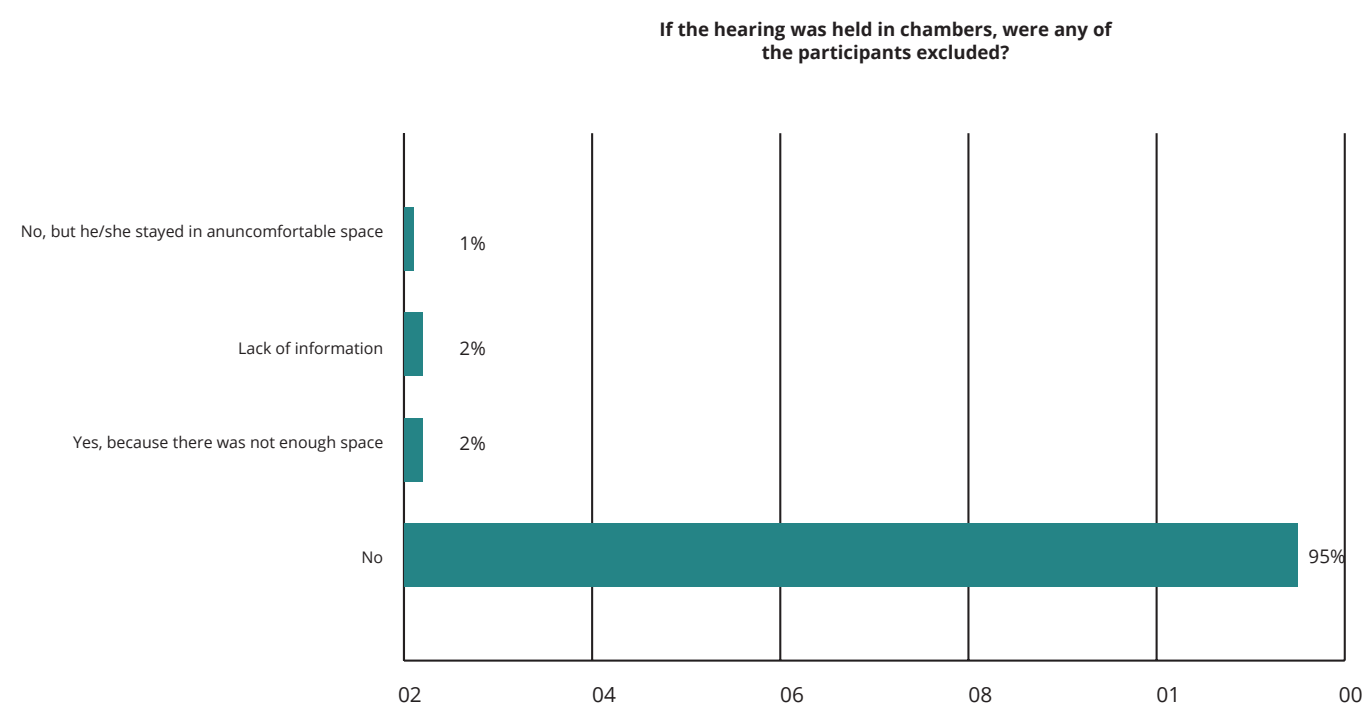
Monitors reported that all courtrooms were being utilized during the monitoring period, and that hearings were being held in these rooms. The overall national data reported by monitors show that the majority (93%) of monitored hearings were held in courtrooms. Only approximately 7% of them (372 out of 5437) were not held in a courtroom.

As regards the hearings that were not held in courtrooms (7% of the total), respectively 29% of them or 107 hearings in total were not held in a courtroom, because there were no freecourtrooms. The lack of courtrooms was especially evident in the Tirana District Court where for 49 hearings (4.2 %) of the total monitored in this court, there were no freecourtrooms. The same issue was noted in the district courts of Shkodra (24 hearings or 6.6%) and Elbasan (19 hearings or 7.8%). Lower figures of holding hearings in the judge's chambers because of lack of courtrooms were recorded in the Durrës District Court (3 or 1%) and Berat District Court (2 or 1.6%), and the first instance administrative courts of Vlora (4 or 2.94%), Tirana (2 or 0.54%), Durrës (1 or 1.33%), and Korça (1 or 0.95%), and also in the Shkodra Appellate Court (1 hearing or 1.56%) and the Serious Crimes Appellate Court (1 hearing or 4.54%).

The reported data show a considerably low level of party complaints for hearings not being held in courtrooms. Nationally, such complaints have been lodged in only 0.2% (13 out of approximately 5437) of the monitored trial hearings. In some of these cases the parties have lodged a complaint that because of the lack of electrical power the hearing was being held in the chambers. In one of the cases, the lawyer and the judge themselves stressed that holding civil hearings in chambers was challenging and that it would be more appropriate to hold these hearings in courtrooms, which was not possible since existing courtrooms were only used for Criminal trials.

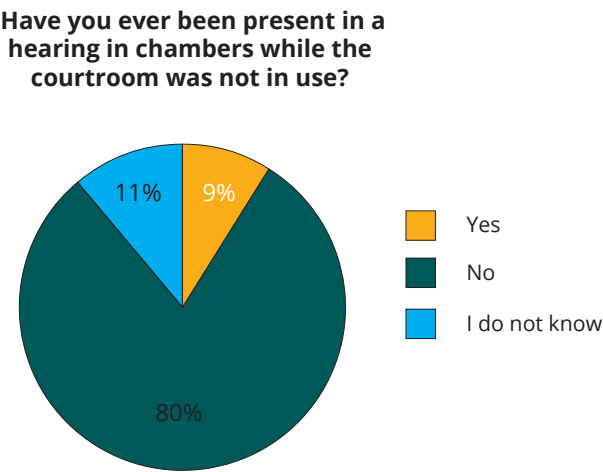
In addition, the monitors were tasked to monitor whether there were exclusions of the participants at the hearing as a result of holding the hearing in chamber. The monitors reported an extremely low level of monitored hearings (2%) where the participants were obligated to leave the judge's chambers, because of lack of space. In 1% of the monitored hearings, the lack of space led to holding the hearing in the presence of the parties/public in challenging conditions. No issues or challenges were reported regarding the participation of the parties/public in the hearings held in chambers in 95% of the monitored hearings. These figures have been reflected in the following chart.

Chart No. 3 – Parties/public participation in hearings held in chambers



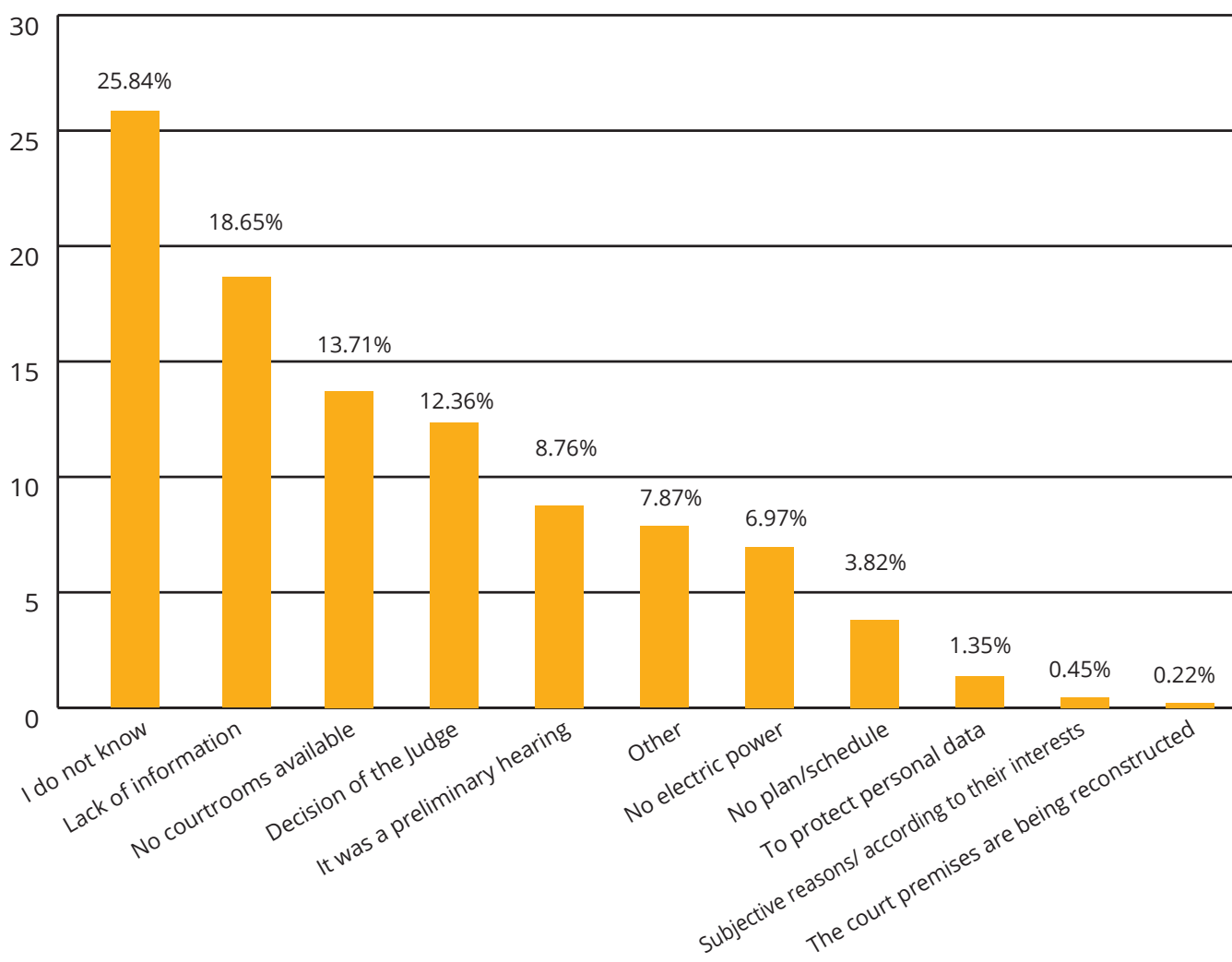
When asked about courtroom usage, in only 9% of the cases, the interviewed users/parties responded that while the hearing was being held in chambers, the courtroom in the respective court was free. These findings have been reflected in the chart below:

Chart No. 4 –Data on interviews with parties/users regarding courtroom usage



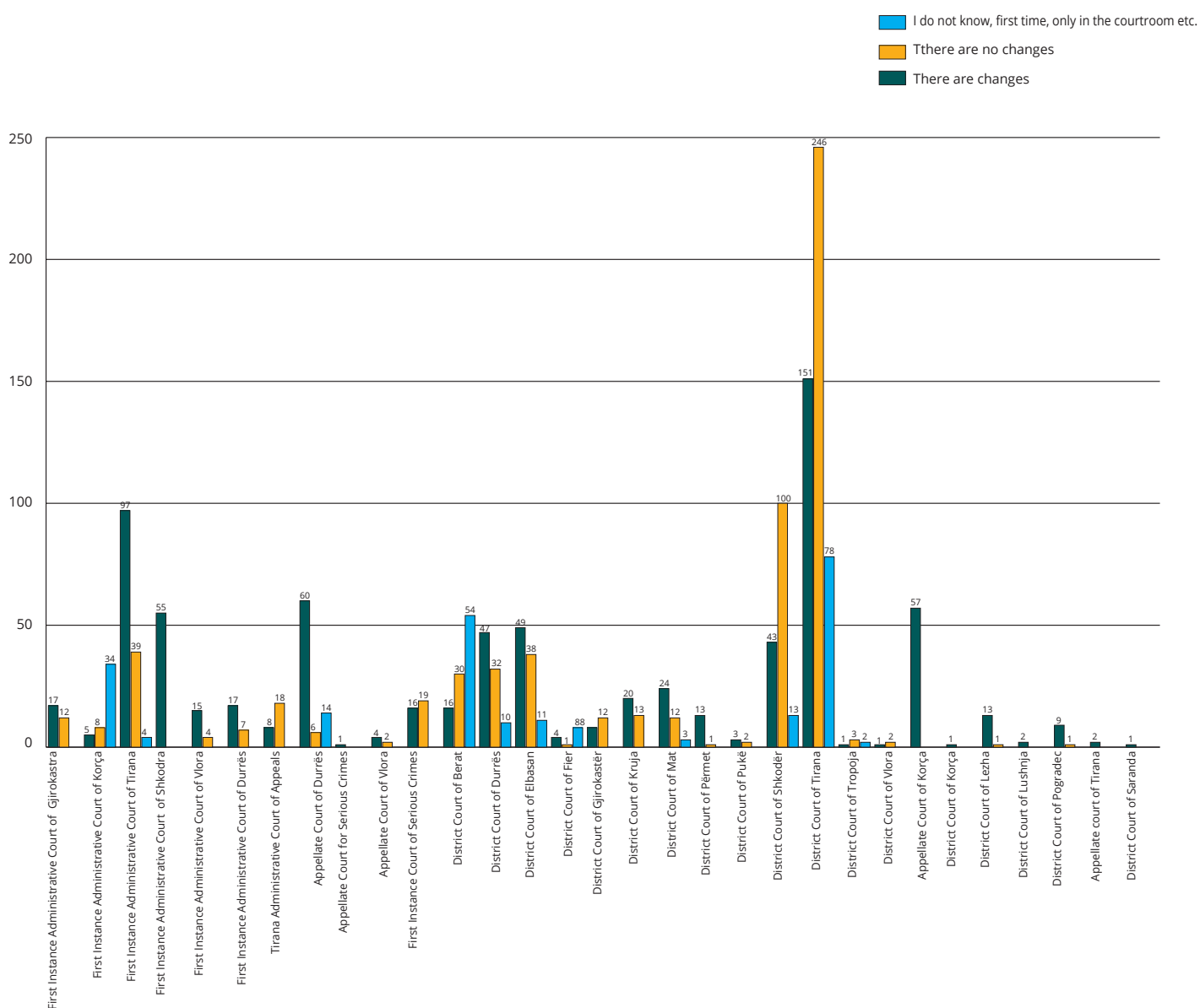
The citizens involved in hearings held in judge’s chambers were asked whether they were aware of the reason why the hearings were held in chambers. 9% of the interviewees responded to this question and their responses have been reflected in the chart below.

Chart No. 5 – Reasons why the hearing was not held in the courtroom according to interviewees



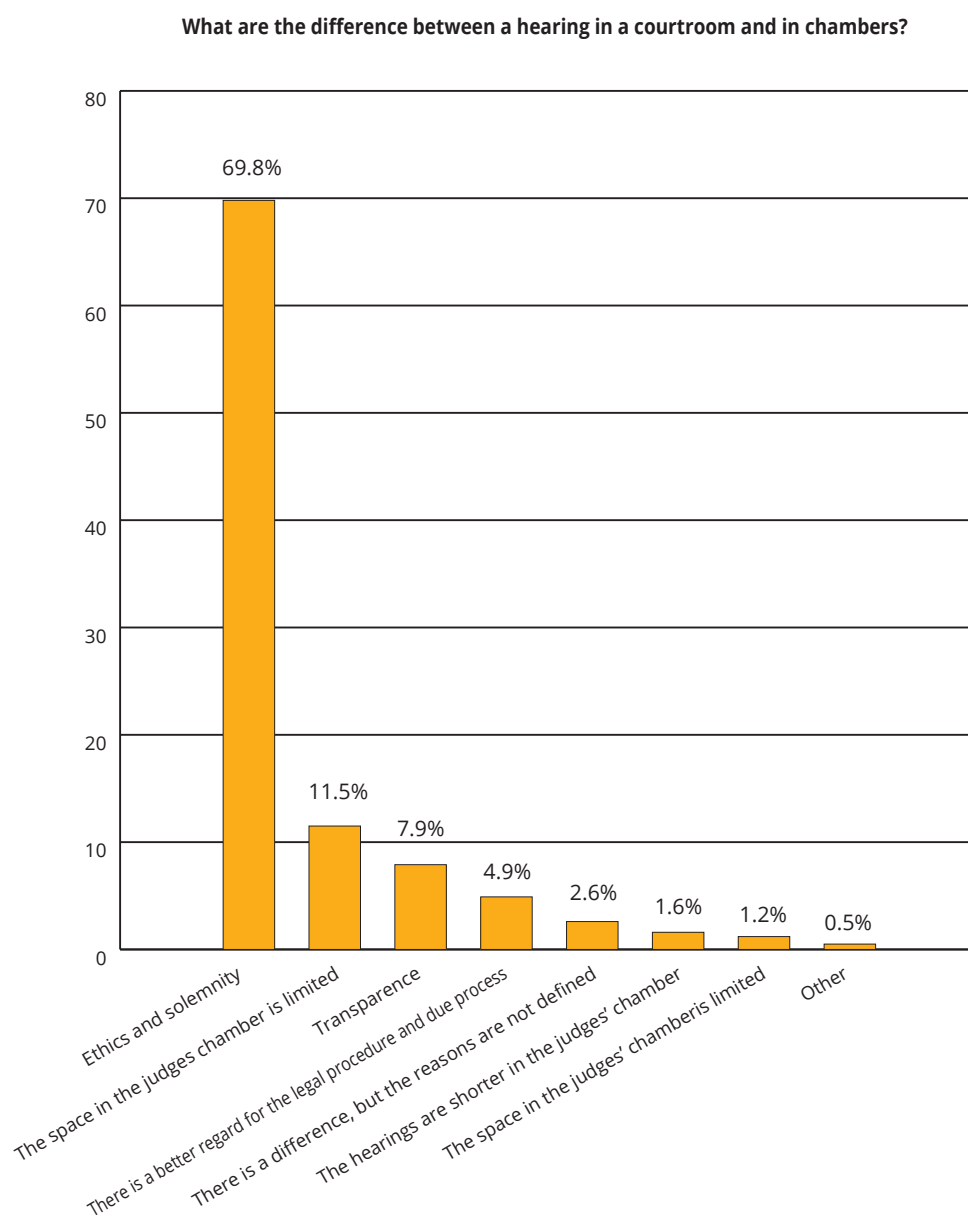
The interviewees were asked whether they had been present in hearings held in both courtrooms and chambers and whether they had noted any differences between the two, such as changes in the behavior of parties or judges. Approximately 42% of the interviewees did not note any differences between the hearings held in courtrooms and those held in chambers. Approximately 39% responded that they noted changes and provided comments on what they perceived to be the method for holding a hearing in each of the cases. Approximately 19% of the interviewees were not able to provide a response, because it was their first or second time in the courthouse, or because they had only been present in courtroom hearings and never hearings in chambers, or because they did not know how or did not wish to comment. The chart below shows the respective data regarding this question.

Chart No.6 – Data regarding interviewee responses on changes between hearings held in courtrooms and chambers



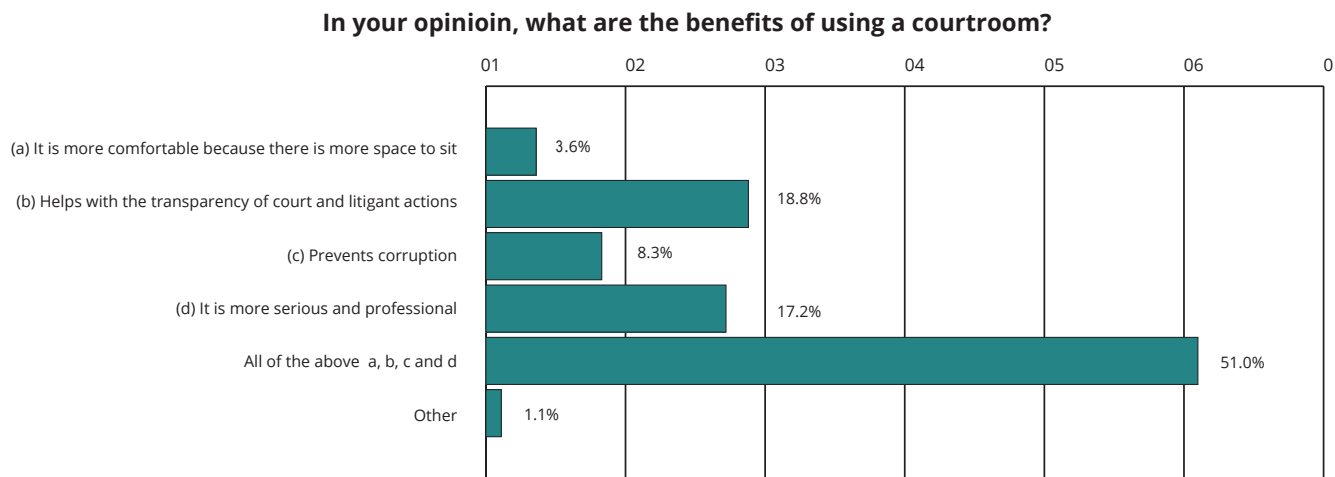
The interviewees that responded affirmatively to the question on changes between holding hearings in courtrooms versus chambers, were also asked to identify these changes. According to them, the main changes consisted in elements such as the judges' panel ethics and solemnity, which are better upheld in a courtroom, better implementation of court procedures and a better guarantee for the due process when the hearing is held in a courtroom, etc. More detailed data on this issue are shown in the chart below.

Chart No. 7 – Changes between holding a hearing in courtrooms and chambers



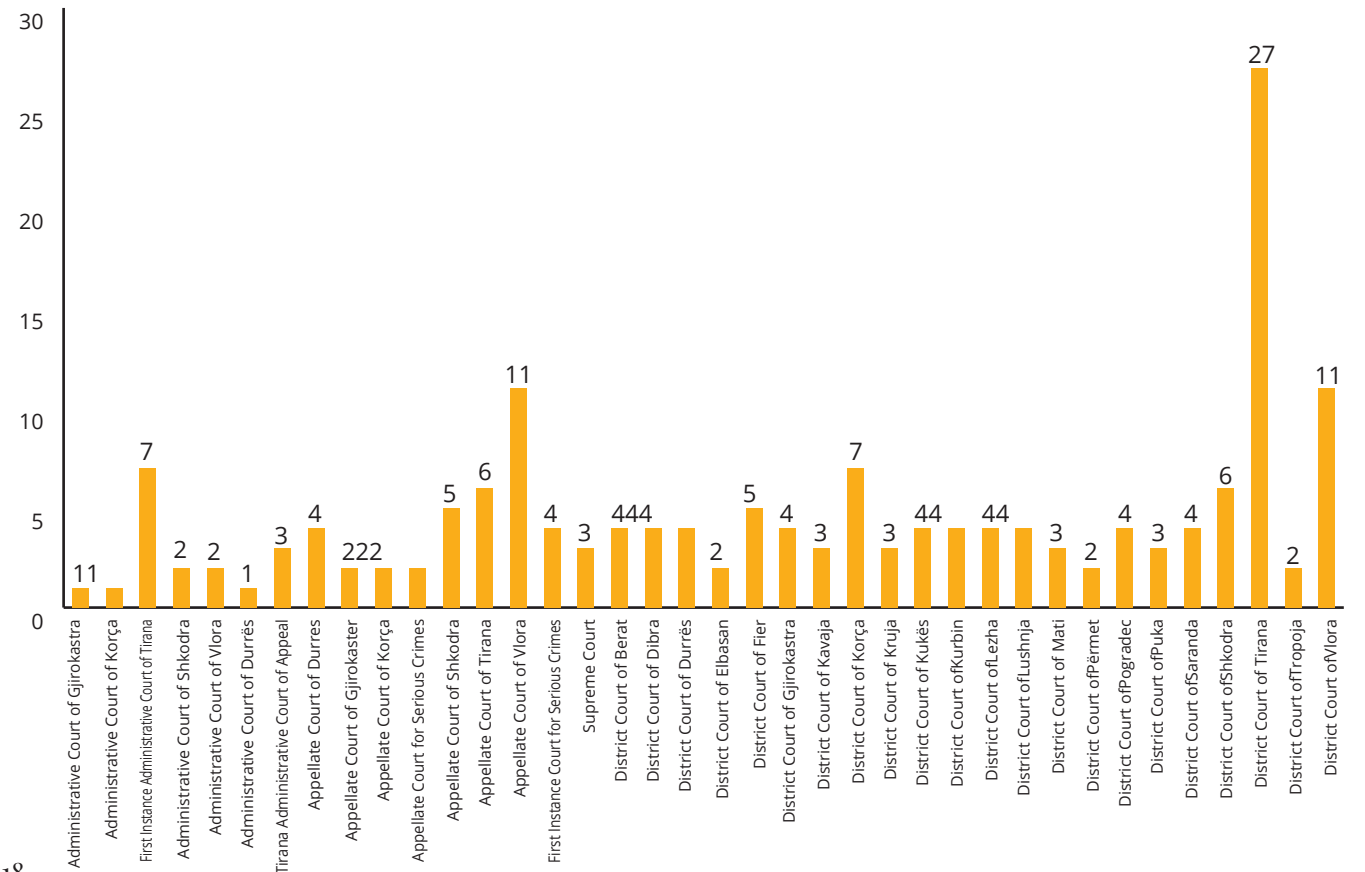
In addition, citizens were asked on the benefits of using courtrooms. They responded that holding a hearing in a courtroom **firstly**, enhances the transparency of actions undertaken by the court or the parties; **secondly**, makes the process more serious and professional; **thirdly**, prevents cases of corruption; and **lastly**, is more comfortable as it provides more space for the accommodation of participants (data is shown in the chart below).

Chart No. 8 – Benefits of using courtrooms according to interviewees



Information on courtroom capacity and percentage and type of cases tried in the courtrooms was obtained in specific interviews with court staff and chief judges. They were also asked on the challenges they face regarding courtrooms and their usage in the respective courts (see Annex No. 5 “Interviews with court staff, courtroom capacity and usage”). There is a total of 170 courtrooms in the country divided in the respective courts as shown in the chart below:

Chart No. 9 – Data on courtroom number in the 38 monitored courts



According to the data gathered from the interviews, not all courts have sufficient courtrooms. The number of courtrooms at the Tirana District Court is reported to be insufficient. The same concern was identified in the District Courts of Shkodra, Elbasan, Durrës, Fier, Gjirokastra, and Kavaja. The Durrës District Court has a total number of 4 courtrooms and the lack of courtrooms is a major issue, because according to the chief judge the court has 17 judges with an average of 7 to 8 hearings a day, and in many cases with 12 to 15 hearings a day. This makes it impossible to hold all hearings in courtrooms, which would enhance the solemnity of the process on one hand and would increase the transparency of the justice process for the public on the other hand. The Administrative Appellate Court is located in a facility that has been temporarily adapted for the institution, but it is necessary for the court to have another courtroom. Similarly, Fier DC has 5 courtrooms for 14 judges with an average of 10-15 hearings a day for each judge. This small number makes imperative the increase of the number of courtrooms at least 1 courtroom for 2 judges. The Appellate Administrative Court is situated in adopted building for a temporary period, but it is necessary to add an additional courtroom. Similarly, the First Instance Administrative Court of Durrës only has one courtroom. Judges workloads are high in this court and a single courtroom leads to challenges. The Kavaja District Court has 3 courtrooms and 3 judges, and 2 delegated judges, which means that the court needs more courtrooms and more staff. When interviews were conducted, no issues were reported at the Kruja District Court regarding courtrooms. However, an additional courtroom would considerably reduce delays and would provide every judge with a courtroom.

The monitoring confirmed that in 27 out of 38 courts, 100% of the hearings are held in courtrooms. This was reported for the High Court, the First Instance Administrative Courts of Shkodra, Vlora, Tirana, and the Administrative Appellate Court, the Appellate Courts of Shkodra, Tirana, Vlora, Durrës, Gjirokastra, Korça, The First Instance and Appellate Serious Crimes Courts, and the District Courts of Dibra, Gjirokastra, Korça, Kruja, Kukës, Kurbin, Lezha, Lushnja, Përmet, Pogradec, Puka, Saranda, Tropoja, Vlora, and Mat. More than 70% of hearings are held in courtrooms at the District Courts of Fier, Kavaja and the Korça Administrative Court, while more than 50% (half of the hearings) are held in courtrooms in the District Courts of Durrës and Berat. In the Shkodra District Court, 60% of the hearings are held in courtrooms, due to the lack of courtrooms compared to the number of judges. Similarly, at the Durrës Administrative Court less than 50% of the hearings are held in the courtrooms. The monitoring reported that at the Tirana District Court 25% of the hearings are held in courtrooms as a result of the wide gap between number of judges and courtrooms. A low percentage is also reported at the Elbasan District Court for the same reason as in Tirana. According to the Elbasan District Court Chief Judge, the courtrooms are only used by the six judges of the Criminal section, with a division of one court room per panel of judges and approximately 35% of the hearings for each Criminal judge.

The round table held on 15 May 2017, during which this report was consulted, identified a series of developments and recommendations for the efficient usage of courtrooms. The factors leading to challenges in courtroom usage can be divided in two main groups, namely in objective and subjective factors.

As regards the **objective factors**, all the participants identified the infrastructural restrictions of the buildings used by a considerable number of courts, the majority of which do not have a sufficient number of courtrooms. The Judicial Budget Administration Office (ZABGJ) reported that investment in the building infrastructure was required to increase the courtroom usage level, and that this would also help in resolving other technical or DAR system use issues. In the existing buildings of many courts in the country, the ZABGJ has applied a one-courtroom-for-two-judges standard, however, experience has shown that this does not allow all hearings to be held in a courtroom. An example of this standard not being able to guarantee that 100% of trial hearings are held in a courtroom, was the

need raised by the Lezha District Court. The courthouse of this court has 4 courtrooms and 5 judges and this court requires one more courtroom, because the case load is quite high. A total of approximately 3,000 cases have been tried at this court from January 2017 to date. The ZABGJ noted new investments in infrastructure, namely the inauguration of the new Shkodra Appellate Court building and the new, almost completed building that will house the Elbasan District Court. The new judicial map, which is a competence of the High Judicial Council, will particularly impact the improvement of the infrastructure situation in the other courts. This map will determine the new organization of the judiciary, and it will take into account the maximal usage of the existing courtrooms to then consider the needs for new ones. With the finalization of the new judicial map, the participants brought an idea of building new high capacity justice buildings equipped with all the necessary infrastructure and modern technology. It was specifically suggested that these buildings should be built for larger courts, such as the Tirana one, as these will have jurisdiction over a larger territory of the country.

The second factor impacting the identified challenges regarding courtroom usage is the **subjective factor**, which relates to the courtroom usage efficiency and the organization and planning of work in the court. One of the issues raised was regarding courtroom usage time for a trial hearing. The AHC did not monitor this aspect and does thus not have any relevant data to include in this report. However, the participants brought up the idea of better time management by judges and judges panels, in order to utilize courtrooms more efficiently. This is an aspect that every court should monitor during a specific time of the year. In addition, a recommendation was made for hearings not to be scheduled only within a narrow timeframe, as this would increase courtroom usage requirements and would leave needs unmet. An example of this could be those cases when judges decide to hold trial on specific dates increasing the number of hearings on those specific days, which in turn increases the volume of cases heard on those days. The Korça District Court Chief Judge suggested that hearings should be held between 08:30 and 15:00 and that they should be proportionally scheduled during the week. This requires a better organization and planning of trials and courtroom usage and this aspect can be improved by using the PAKS+ software for the administration of the trial hearings calendar, which has been installed in all Albanian courts.

¹ These results were generated by the Chief Judge form.

² All preliminary hearings at the Tirana Administrative Court are held in chambers, while all trial hearings are held in courtrooms.

³ It was reported that at the First Instance Serious Crimes Court all hearings are held in courtrooms, with the exception of requests during the preliminary investigation phase, which require the investigation secret to be kept, such as requests for surveillance, etc.

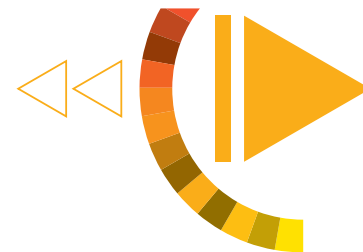
⁴ At the Pogradec District Court only requests of surveillance permits, and some cases when security measures are handed down in absentia, when hearings are held in hospitals or out of court, and when procedural provisions require it, are not held in a courtroom.

⁵ It was reported that at the Mat District Court every hearing is held in a courtroom, except Criminal hearings on request for surveillance, sentence reduction, civil requests, issue of execution orders.

⁶ At the Kavaja District Court only execution order hearings, surveillance hearings and other specific trial processes are not held in a courtroom.

Chapter IV

The use of the digital audio recording system (dar)



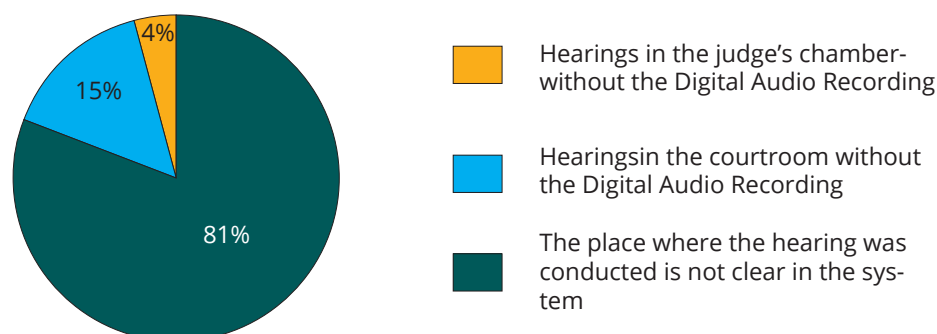
Level of DAR system use

The trial hearing monitoring also identified the number of hearings that were held with audio recording and those that were held without audio recording. A total volume of 91.5% of the hearings in all courts were held with audio recording. This percentage varies from court to court.

In 20 out of 38 courts, all hearings or 100% of them were recorded by way of digital audio recording equipment. This level of recording was identified in the Gjirokastra First Instance Administrative Court, the Tirana Appellate Administrative Court, the Appellate Courts of Gjirokastra, Korça, Tirana, Vlora, the First Instance Serious Crimes Court, the District Courts of Dibra, Gjirokastra, Kavaja, Korça, Kruja, Kukës, Lezha, Lushnja, Mat, Përmet, Pogradec, Puka, and Vlora. 95 to 99% of the monitored hearings were audio recorded in 12 other courts, respectively the First Instance Administrative Courts of Korça and Tirana, the Appellate Courts of Durrës and Shkodra, the Appellate Serious Crimes Court, the High Court, the District Courts of Berat, Durrës, Fier, Kurbin, Saranda and Tropoja. More than 75% of the monitored hearings were audio recorded in the First Instance Administrative Courts of Shkodra and Vlora and the District Courts of Tirana and Shkodra. 63% of the monitored hearings were audio recorded in the First Instance Administrative Court of Durrës and 35% of the monitored hearings were audio recorded in the Elbasan District Court.

Referring to the initial evidence generated by the PAKS+ software on the number of hearings audio recorded with the DAR system (see Annex 2), the monitoring found an increase in the number of courts that use the system in 100% or more than 90% of the hearings. The initial evidence showed that 28.9% or 11 courts used the DAR system in 100% of the hearings. As noted above, the monitors found that 52.6% or 20 courts used the DAR system in 100% of the hearings. The percentage of courts that audio recorded more than 90% of the trial hearings was 24% or 9 courts in the initial evidence, but the monitoring found that 32% or 12 courts were using the DAR system at this level. On the other hand, the percentage of courts that audio recorded trial hearings in less than 90% of the cases was 42% or 16 courts in the initial evidence, while the monitoring found that this was true for 16% or 6 courts (see Annex 7).

As mentioned, in all courts, a relatively small percentage of the monitored trial hearings of only 8.5% (461 of 5437), were not recorded with the DAR system. For hearings that were held without audio recording, the monitors tried, wherever possible, to identify the reason why the hearing was not recorded and whether this fact was impacted by the location where the hearing was held. This possibility was dependent on whether the chair of the hearing or the court secretary informed the parties on the reason, or whether the persons present were informed that the hearing was being recorded or not. Complete data on the reasons why the DAR system was not used, were provided for 442 out of 461 hearings or for 96% of the hearings held without the use of the DAR system. The chart below shows that 81% of them (of the 461 hearings) were not recorded because they were held in judge's chambers where no DAR system is available, and only 15% of them (of the 461 hearings) were not recorded, even though the hearings were held in courtrooms.

Chart No.10 – Data on the location of hearings held without use of DAR**Percentage categories of monitored hearings without DAR**

Referring to the monitored hearings where there was no DAR system recording, 23% of them (107 hearings out of 461) were not held in a courtroom, because it was clear that there were no free courtrooms, leading to no audio recording. This happened in the First Instance Administrative Courts of Korça (1 hearing), Vlora (5 hearings), Durrës (1 hearing) and Tirana (1 hearing) and the Appellate Serious Crimes Court (1 hearing), the Shkodra Appellate Court (1 hearing), the District Courts of Berat (2 hearings), Durrës (3 hearings), Elbasan (19 hearings), Shkodra (24 hearings) and Tirana (49 hearings).

The lack of courtrooms was also noted in the Elbasan District Court where 6% of the monitored hearings could not be audio recorded, because the court has two courtrooms and an internal order allowed the use of these courtrooms for criminal cases only. In three of these cases, the monitors noted that while the hearing was being held in chambers, one of the courtrooms was free. The ZABGJ believes that the new building, which is almost complete, will resolve this issue in this court. A similar situation was also noted in the Tirana District Court, where for 9 hearings the judges informed that they could not be held in courtrooms, because they needed to respect the courtroom usage chart that had been agreed upon by the Court. In three of these cases the monitors noted that while the hearing was being held in chambers because of the usage chart, one of the courtrooms was free.

In 15% of the cases, the DAR system was not used while the hearing was being held in a courtroom. The reasons reported by the monitors were related to the nature of the trial's hearing, such as trials' hearings involving minors or reconciliation hearings, preliminary hearings, and due to equipment defects, problems with internet service provision, or lack of electrical power. There were also cases when the reason was not clear and the monitors reported reasons such as "the judge did not inform the parties on the use of the audio system", "there is negligence by the chair of the adjudicating panel", "the equipment is not turned on", "the secretary did not reply", "decision of the judge", "choice of the parties", etc.

Lack of electrical power was reported in the First Instance Administrative Courts of Korça and Shkodra, the Durrës Appellate Court, the First Instance Serious Crimes Court, the District Courts of Berat, Tirana, Lezha, Lushnja, Saranda and especially the Shkodra District Court, where unlike any other

⁸ Referring to the first form on monitoring trial hearings.

court, the number of hearings not held in a courtroom due to power failures was 47. In addition, two hearings at the Shkodra District Court could not be held in the courtroom due to low room temperatures.

In 5% of the monitored hearings that were not recorded with the audio recording system in the Durrës First Instance Administrative Court, the monitors reported that the hearing was held in chambers because of court planning. In 5% of the monitored hearings that were not recorded with the audio recording system, monitors reported that they were preliminary hearings. These hearings were divided in the Tirana First Instance Administrative Court (8 hearings), Vloa Administrative Court (2 hearings), Elbasan District Court (6 hearings) and the Tirana District Court (1 hearing). According to the Civil Procedure Code there are no provisions to not audio record preliminary hearings. Thus, according to Article 158/a, first Paragraph of this code, which also covers administrative judgment as long as it is in compliance with the law on administrative courts, stipulates that ***“The judge shall schedule a preliminary hearing for each case, with the presence of the parties or the third parties, to determine the nature of the dispute and to receive the necessary clarifications from them, and to determine the evidence for the verification or rejection of their claims.”*** In addition, Article 118, Paragraph one of the Civil Procedure Code provides that the chair of the hearing should ensure that minutes are kept by way of audio or audiovisual recording even for any other judicial procedural act undertaken outside the hearing.

A small number of the monitored hearings (1%) were not audio recorded in the District Courts of Tirana, Elbasan, and Shkodra, because in them were discussed issues related to minors or because they were reconciliation hearings in family cases. According to the data reported by the monitors, in one hearing in the Tirana Court the parties were the ones to request that the audio recording system not be used. One of the hearings held in the High Court was not recorded and the monitor was informed by the court secretary that the courtroom audio recording system was not activated because the subject of the trial was initial jurisdiction, meaning that the parties in the trial were Members of the Albanian Parliament. The court was trying a criminal case. It was noted that the reason given for the lack of the DAR system usage in this hearing was not a legal reasoning pursuant to the legislation in force.

At the Tirana Appellate Administrative Court, the monitors were informed by the chief judge on the specificities of reviewing complaints in the counseling room during an appeals administrative judgment. According to Article 49 of the Law on Administrative Courts:

- “1. The review of the complaint at the Appellate Administrative Court shall be normally done on the basis of documentation in the counseling room.
2. The head of the judges panel shall develop the report and appoint the date and time to review the case in the counseling room, and shall order the notification of the parties. The Court secretary shall notify the parties pursuant to the procedural rules on civil judgment at the High Court regarding the composition of the judges panel, the date, time, and location of the case review at least 15 days in advance. The parties shall have the right to file written adductions regarding the reasons raised in the complaint and counter complaint.
3. Minutes are kept by the court secretary for the review of the case in the counseling room.”

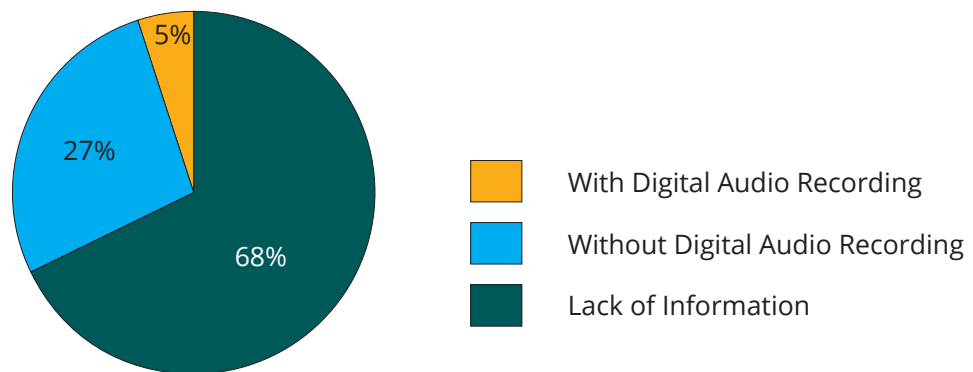
The Appellate Court Chief Judge also shared a report with the monitors, which was submitted to the High Council of Justice, informing it that during the 1 to 31 January 2017 period, the Appellate Administrative Court had held 101 hearings in the courtroom, of which 99 had been audio recorded, and 415 hearings in the counseling room without audio recording. During the meeting, the chief judge of this court also raised the concern that the audio system reporting at the Appellate Administrative

Court, generated by the ICMIS system, does not make a distinction between the hearings that are held in the counseling rooms and those held in courtrooms, thus resulting in inaccurate information.

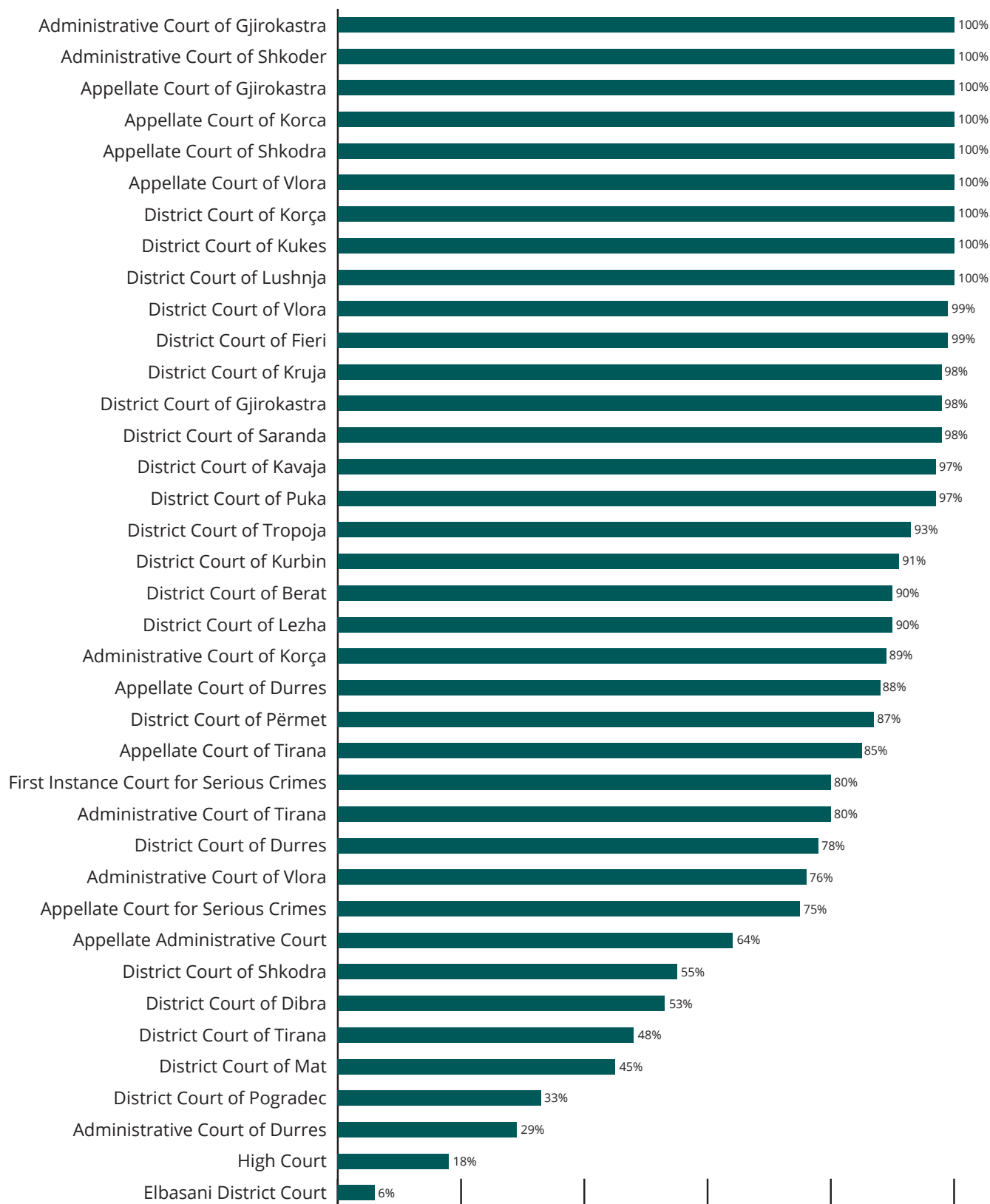
Persons present in the courthouse were also interviewed and asked whether all hearings related to their cases had been recorded or not with the digital audio recording system. 68% of them responded that trial hearings in the cases where they were parties or participants were audio recorded and 27% of them responded that the DAR system was not used. 5% of the interviewees did not have enough information to confirm whether the DAR system was used in the hearings they participated or were parties in.

Chart No. 11 –User data regarding the use of the DAR system in the hearings they were parties/participants in

Were all hearings related to your case(s) audio recorded?



data on the percentages of the interviewees, according to specific courts, who responded that the hearings of their case were recorded by way of audio recording equipment, are shown below:

Chart No. 12–Interviewees whose all hearings have been audio recorded**Percentage of interviewees that have responded that all their hearings were audio recorded**

Court infrastructure related to the digital audio recording system

The IT staff was asked to assess the court infrastructure that enables the use and functioning of the audio recording system. They were also asked about the needs required to improve this infrastructure.

The First Instance Administrative Court of Vlorë and Tirana, the Tirana Appellate Administrative Court, the Appellate Court Shkodër, Gjirokastra, and Korçë, the District Courts of Dibrë, Korçë, Lezhë, Lushnjë, Vlorë, Kavajë, and the First Instance Serious Crimes Court IT staff did not provide any suggestions to improve the infrastructure. On the other hand, IT staff identified the small number of courtrooms versus number of judges in the District Courts of Tirana, Elbasan, Berat, Gjirokastra, and the First Instance Administrative Courts of Durrës and Gjirokastra. The High Court has two functioning courtrooms with audio recording systems. However, as regards the Joint Colleges chamber, the Court believes that a more specific audio system adapted to the type and infrastructure of the chamber is required.

The need to improve the infrastructure and the need to take measures regarding the technical infrastructure were identified at the Vlorë Appellate Court and the Sarandë District Court. According to the IT specialist of the Fier District Court, support should be provided for issues that may arise. A concern was raised at the Durrës Appellate Court regarding spare equipment, because when a piece of equipment malfunctions or breaks down, communication with the ZABGJ (Office for the Administration of the Judicial Budget) takes time. The Shkodër District Court identified the need to improve the electrical grid, while the Tropojë District Court needs an electric power generator to supply the audio recording system in cases of power failures.

As regards issues with the DAR system hardware and software, the Tirana Appellate Court raised the storage capacity issue. In addition, they requested for the software to be compatible with operating systems above Windows 7 and new physical equipment (DMX mixer and microphones). In Durrës DC it is reported the nonfunctioning of the FTR Manager Program with the operative system Windows 10, by impeding in this way the update of the operative system Windows 7. This court informs that the usage of the FTR Manager Program is very important for all the employees of the court that prepare the audio CD that is attached to the judicial file. The Kukës District Court requested the replacement of overused equipment and adaptation with technological development. In addition, the Kurbin District Court needs higher quality equipment such as LIPS, Batteries, and CPU-s. The High Court has requested improved hardware, forecasting of support for unrecoverable defects, storage – backup. Pursuant to Durrës DC the backup of the audio archive is a very important process that should have the maximum attention, because in this archive are stored all the audio recordings from the start of implementation of the DAR system.

The GFI Backup Freeware that has been installed in the server does not perform the backup function after the change of the Internet Service Provider of the court. Such services are bided each year and as a consequence the data is not stored in the central server. Durrës DC also reports that they have encountered difficulties in the process of configuring the firewall, because they have not had technical support. This process has taken several days and the problem has been solved from a private company after the payment has been done. The Appellate Serious Crimes Court requested an additional microphone at the defense counsel desk and the judges panel bench. The Korçë First Instance Administrative Court requested that the FTR Recorder software be updated for compatibility with newer Windows versions. The Shkodër Administrative Court claimed that their PCs should have better specifications. The Mat District Court needs the network to have CAT6 specifications.

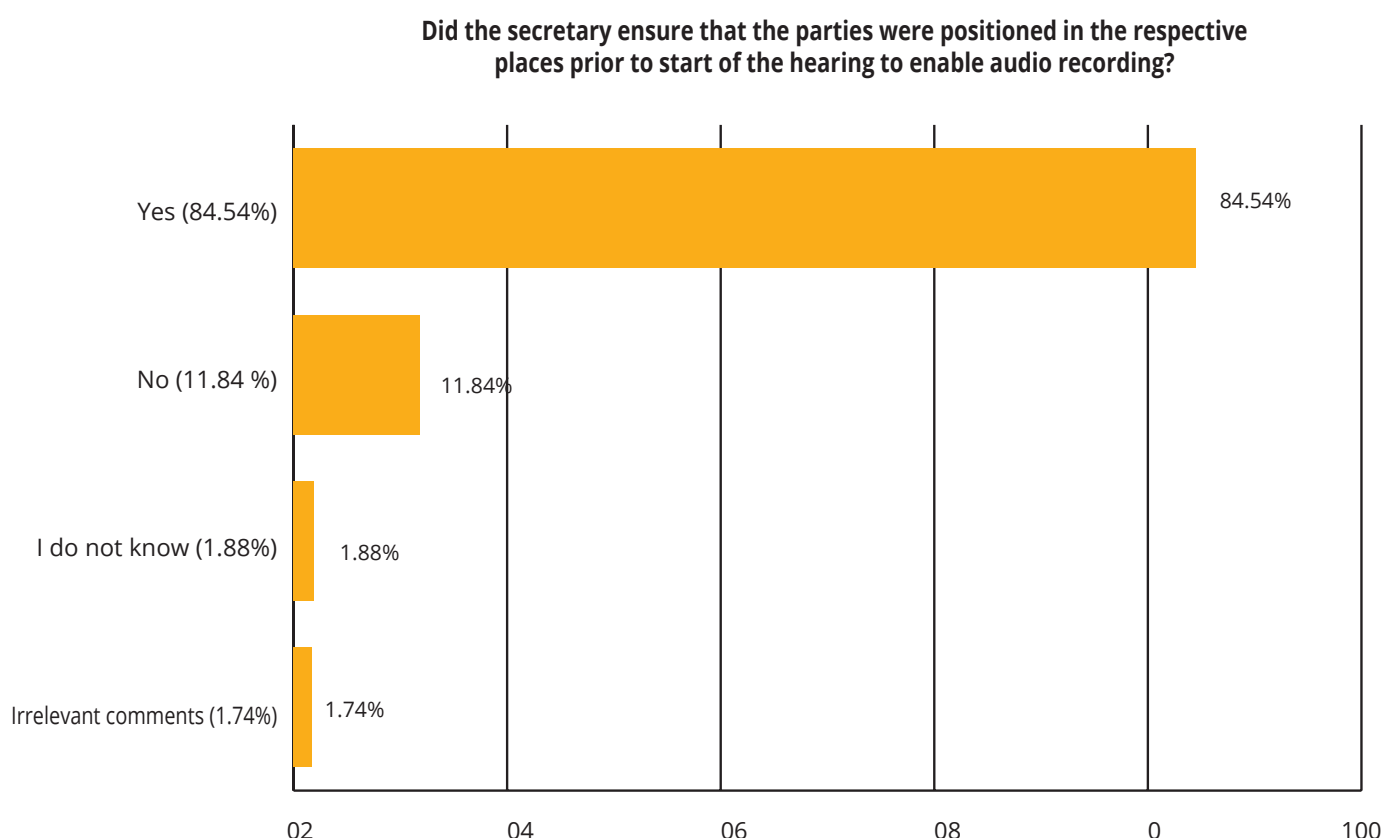
The Puka District Court requested measures to be taken in order for the audio system to do not get interrupted a number of times during the hearing, while the Durrës District Court proposed that the audio system be integrated into the ICMS system.

At the round table held on May 15th, during which the findings of this report were consulted, the ZABGJ (OAJB) noted that logistics deficiencies in the courts cannot be justified, by saying that there is no budget. The ZABGJ (OAJB) has offered all of its support for logistics and financial support needs of the courts and has continuously requested that they address such requirements.

Notification of participants in the trials by courts

The monitoring found that in the majority of cases, 84% of the hearings, the court secretary ensured prior to the start of the hearing that the parties and other participants were seated in their respective places to enable the audio recording process. In 12% of the hearings, the court secretary did not ensure prior to the start of the hearing that the parties and other participants were seated in their respective places to enable the audio recording process.

Chart No. 13 – Data on instructions given by the court secretary to the parties regarding the DAR system

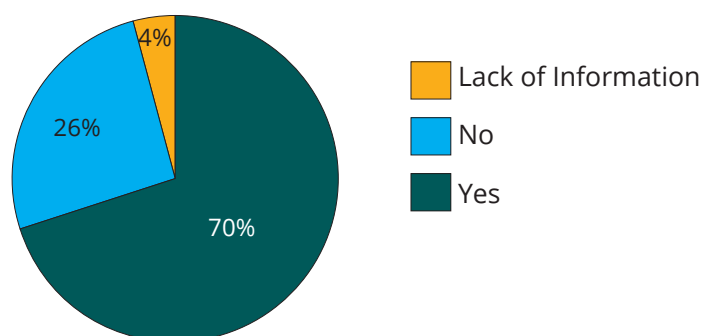


Similarly, in the majority of the monitored hearings where the audio recording was made, the judge chairing the hearing did, in the majority of cases, inform all persons present on the audio recording before the start of the trial hearing.

⁹ Total of 5437 monitored hearings. For 2 of the forms, no accurate conclusions can be extrapolated as a result of inaccurate and incomplete information.

Chart No. 14 – Notification of the parties on the DAR system at start of hearing by the chair

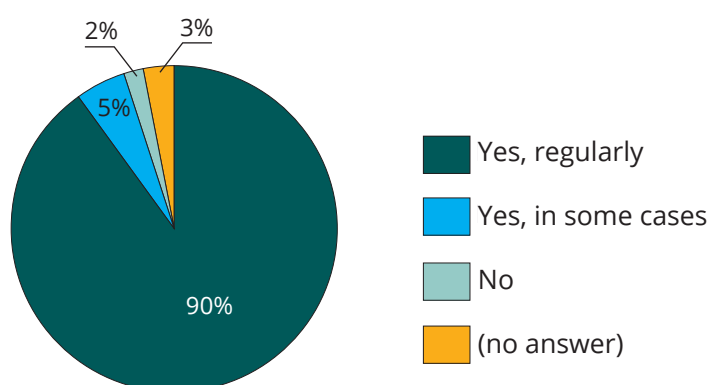
Did the chair notify you before the start of the hearing?



In the framework of the study, the court secretary of each court was asked on whether the trial hearing chair fulfilled his/her duty to notify the parties. The responses given by the interviewee sample (court secretaries) showed that in the majority of the cases (90%) participants are regularly notified by the hearing chair. In 5% of the cases, this notification is made only in some cases and in 2% of the cases the notification is not made.

Chart No. 15 –Data gathered from interviews with the court secretary on the fulfillment of the

Did the hearing chair notify all persons present at the start of the hearing that the proceedings will be audio recorded?



hearing chair's obligation to notify parties on the DAR system

Court secretaries were also asked whether there had been cases when the hearing chair called on the parties regarding the use of microphones, and whether the parties had been instructed to speak clearly into the microphone, to answer verbally and to avoid gestures and head movements, since these gestures cannot be recorded by the audio recording. Responses at the national level were varied and are shown in the charts below.

Charts No. 16, No. 17 and No. 18 - Data from court secretaries on the fulfillment of obligations by judges panel chair related to DAR system use

Chart No. 16

Have there been cases when the parties have been instructed on the use of microphones by the hearing chair?

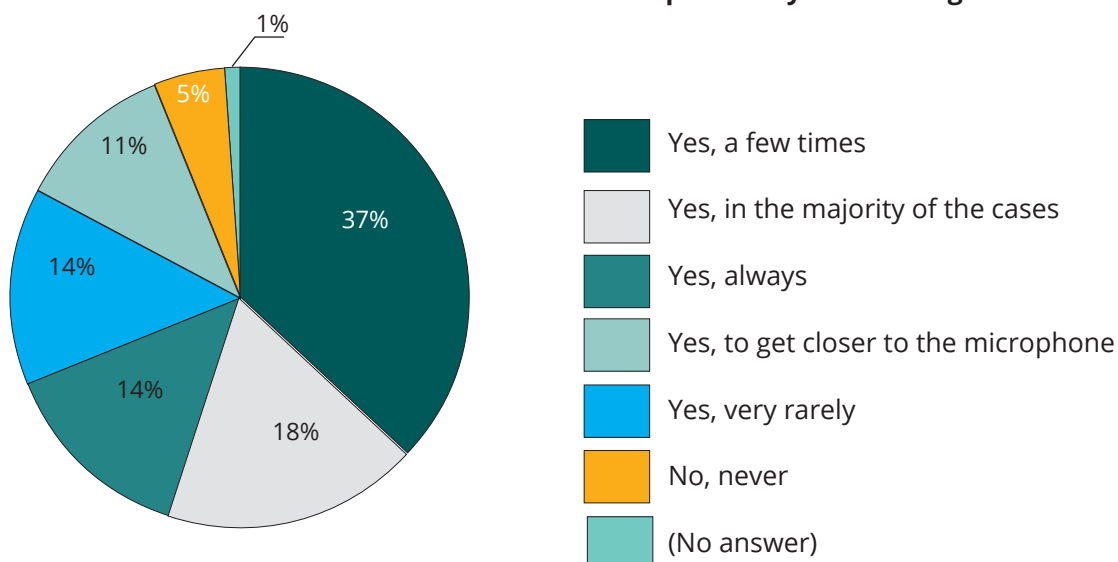
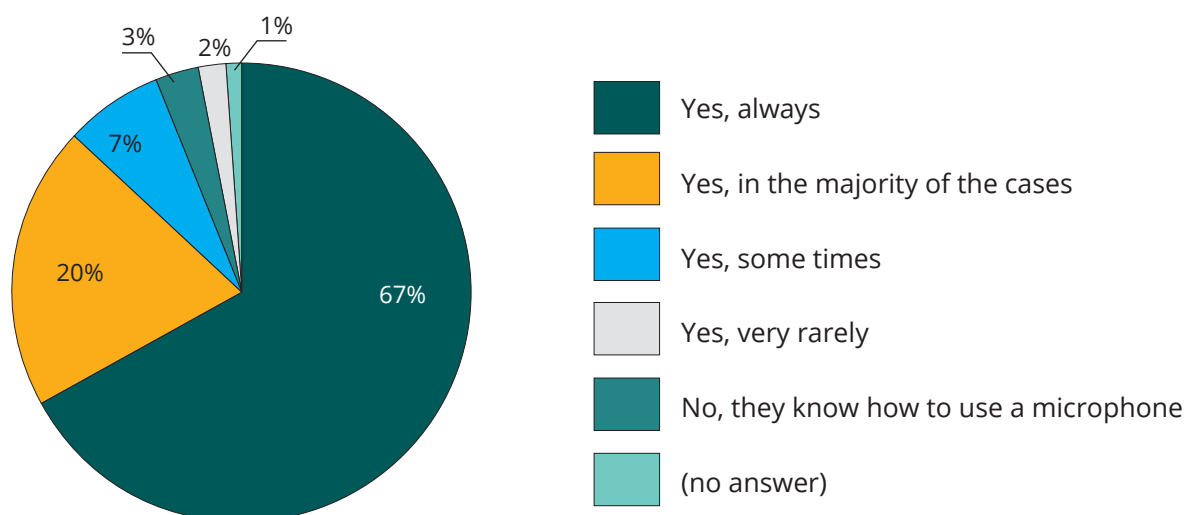


Chart No. 17

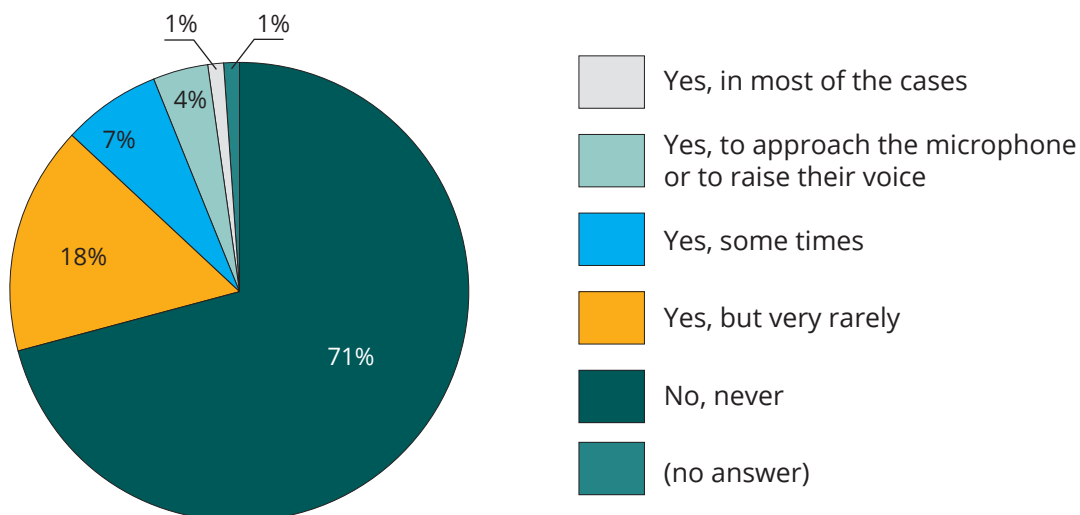
Have the parties been instructed to speak clearly into the microphone and reply verbally avoiding gestures?



The court secretary has also reported cases when one of the parties have requested that the hearing chair instruct the other party or take measures for the other party to adequately use the audio recording equipment. 28% of the interviewees responded that there have been such cases and that the intervention was related to the adequate use of microphones.

Chart No. 18

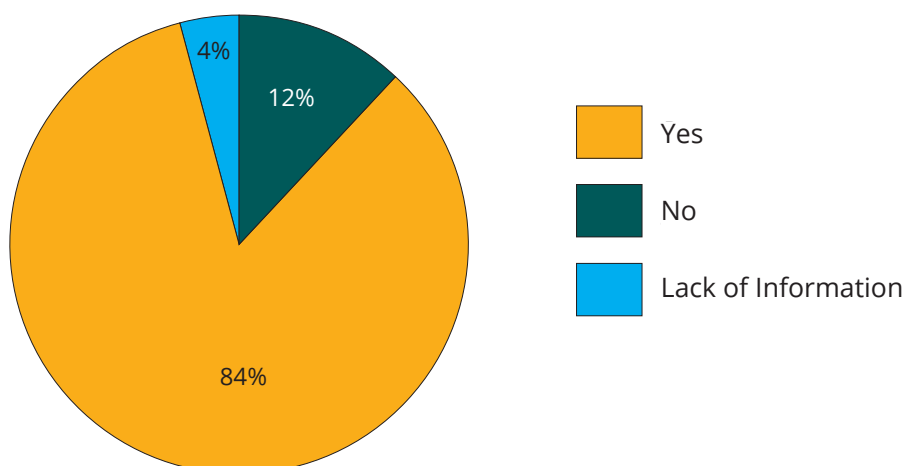
Cases of the hearing chair being asked to discipline the other party



The users encountered in the courthouses were asked whether they had ever given testimony or had made any declarations/statements during a trial hearing. Only 4358 out of 4929 of the interviewees (or 88%) responded affirmatively to this question. This category was further asked whether they were instructed by the court on the use of the microphone and the audio recording system, or the seat they needed to take and speak from. In the majority of the cases (3673 of them, or 84%) the response was that they had been properly instructed.

Chart No. 19 -Data from interviewed users/parties that have given testimony or have made declarations/statements in a trial hearing

Did the court provide instructions on the use of the DAR system and microphone?



Chief Judges were asked whether there had been issues identified by the judges of their court regarding the disciplining of the parties and holding a hearing with the DAR system, and what these issues were. In the District Courts of Tirana, Elbasan, Gjirokastra, Dibra, Tropoja, Puka, Kukës, Përmet, Kavaja, and Pogradec, in the Appellate Courts of Tirana, Durrës, Gjirokastra, Shkodra, and the Appellate Administrative Court, in the Serious Crimes Court and in the High Court no such issues were identified. In the District Courts of Berat, Lezha, Mat, Saranda, Shkodra and in the First Instance Administrative Court of Korça, Tirana, and Durrës issues mainly related to disciplining the parties on how to communicate for the benefit of the audio recording system and the use of the technical equipment that make audio recording possible were identified.

As regards public information outside the trial hearing on how to act in the courtroom during the recording of the hearing with audio equipment, the interviews found that only a portion of the courts preliminarily provides this information by way of awareness raising, the communication realized by court staff, etc. Namely, the Durrës Appellate Court reported that it provides adequate information to the parties in the courthouse, but also by providing this information through the court administration. At the Shkodra Appellate Court the information is always provided before the start of the hearing. At the Kavaja District Court, the Chief Judge reported that the parties are now aware that the hearings are recorded by way of the audio system, and that they request everything they need. All challenges have been overcome at the Korça District Court because the parties have been made aware. The same comment is valid for the High Court.

When asked whether the information that the parties are provided with on the audio recording prior to entering the hearing is adequate and whether more preliminary information and awareness is required, the majority of the interviewed chief judges (74%), responded that the information is adequate. However, the chief judges made suggestions on further improvement of this information. Some recommendations were given to increase the staff of the courts with court employees that would also help with the public information of parties on the judicial process, and to organize awareness raising campaigns in the media. The recommendation to hire staff that would be positioned to serve and inform the public was also endorsed during the draft report consultation round table held on 15 May 2017.

The need to inform and make parties and court users aware of the DAR system has risen as a result of issues identified in judicial processes where parties have often not been disciplined in this regard. This was clearly evident in interviews conducted at the Kruja District Court, the Shkodra District Court, the Vlora Appellate Court, the Vlora and the Berat District Courts.

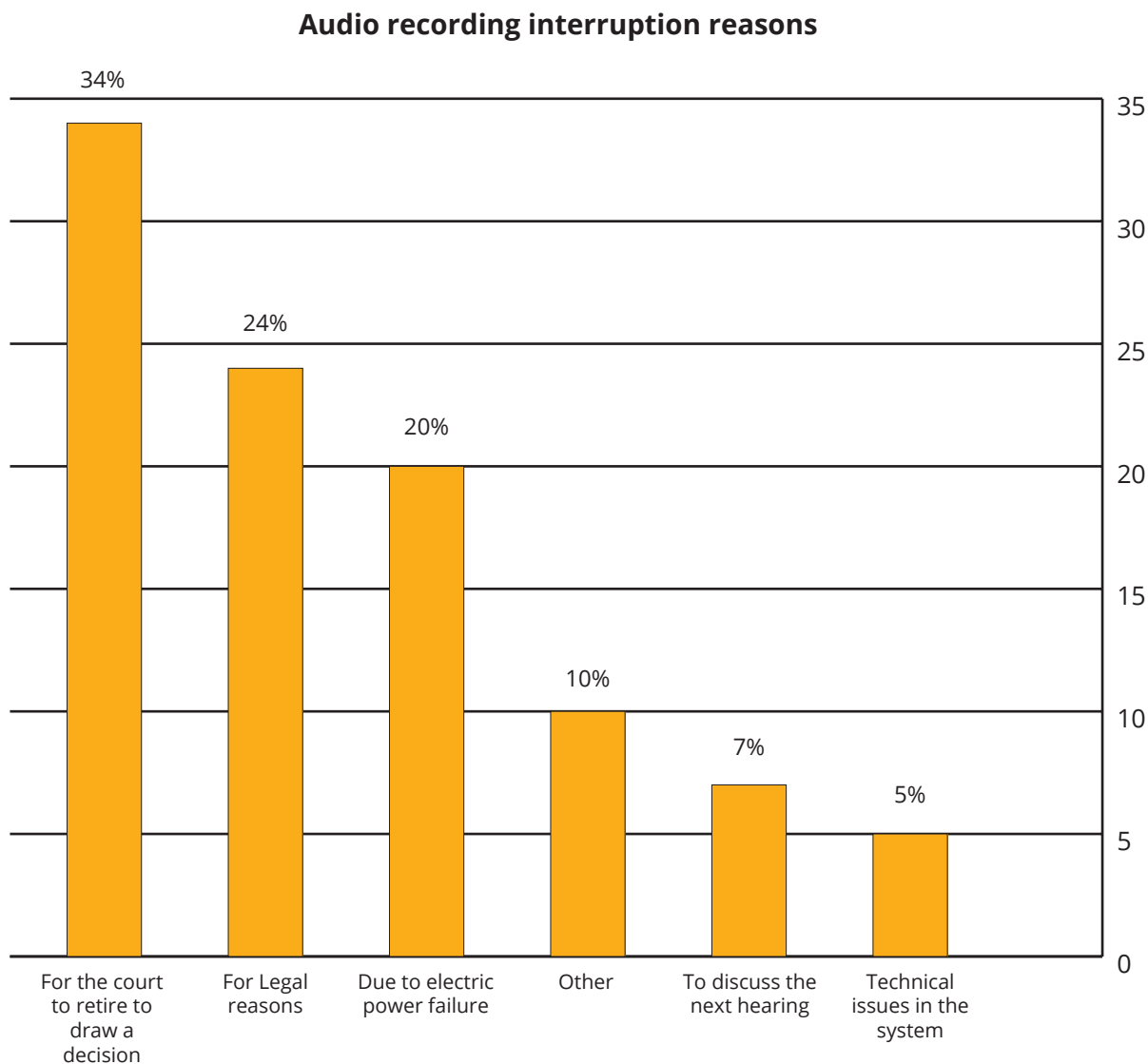
In addition, interviews with court staff also identified other needs for new job positions in the court. The Korça First Instance Administrative Court is concerned with the lack of an employee that can guarantee the safety of the judge, safety and order in the courtroom, and safety in the court. Furthermore, the Tirana First Instance Administrative Court does not have a job position that would assist the judge in the courtroom.

Interruption of the digital audio recording system

The trial hearing monitoring process has shown that in approximately 5% of the cases (278 out of 5437), the DAR system was interrupted during the hearing. The reasons for these interruptions were numerous. Mostly they are related to the court retiring to deliberate on a decision or other legal reasons. However, there have also been cases when the interruption has been a consequence of power

failures (20%). Some other reasons for the interruption are the discussion of the date for the next hearing, or other technical issues. The chart below provides a ranking of the reasons for the interruption based on percentages.

Chart No. 20 Monitored reasons for the interruption of the audio recording

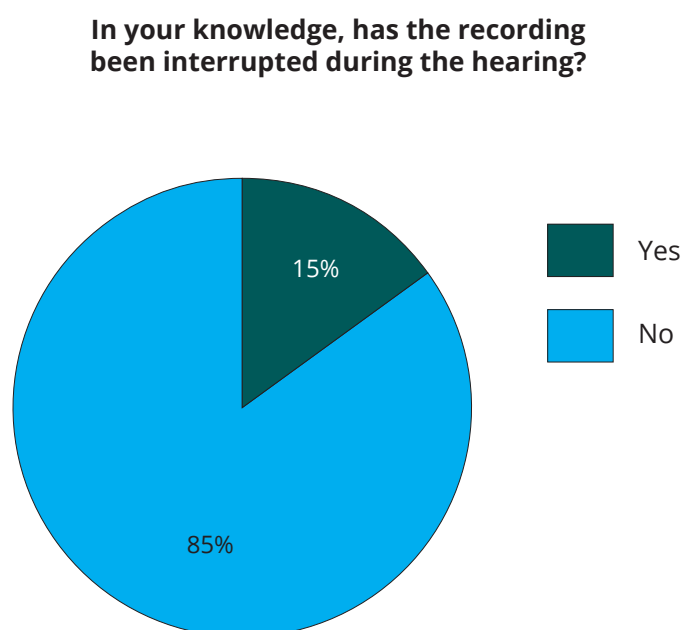


This paragraph analyzes the data shown in the chart above. As regards the interruption of trial hearings for legal reasons, they are mainly related to the judges panel retiring to the counseling room or to deliberate on cases; when minors related sensitive issues, state secrets, or issues of witness or defendant safety are discussed during the hearing pursuant the relevant legal provisions. However, cases when the parties have requested the interruption and the court has accepted providing a reasoned decision have also been noted. The chart also shows cases of power failures or technical issues. But hearings have also been interrupted without a legal reason to keep statements/discussions that should have been part of the audio recording from being reflected, such as discussions on the next hearing date. Even though this happened in only 20 (or 7%) out of the 287 hearings during which the DAR system was interrupted, we believe that it infringes on the transparency of the trial hearing

and that it should not happen.

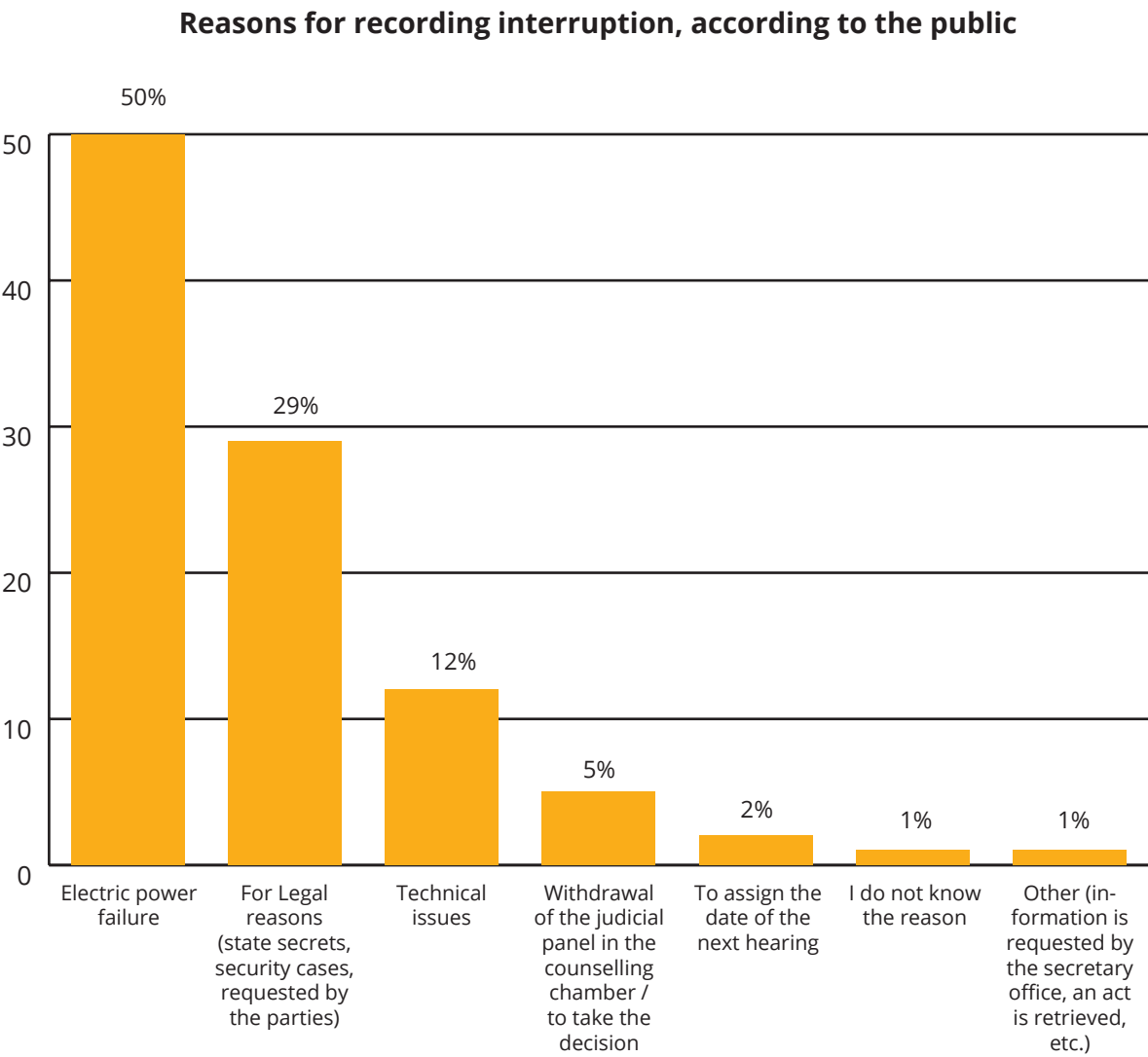
Parties and court users were also asked regarding the audio recording interruptions and they provided their experiences. The majority of the interviewees at the national level (85%) reported that during the hearings they attended there were no DAR system interruptions, however 15% of them reported such interruptions.

Chart No. 21 – Data from interviewed parties and court users on DAR system interruptions



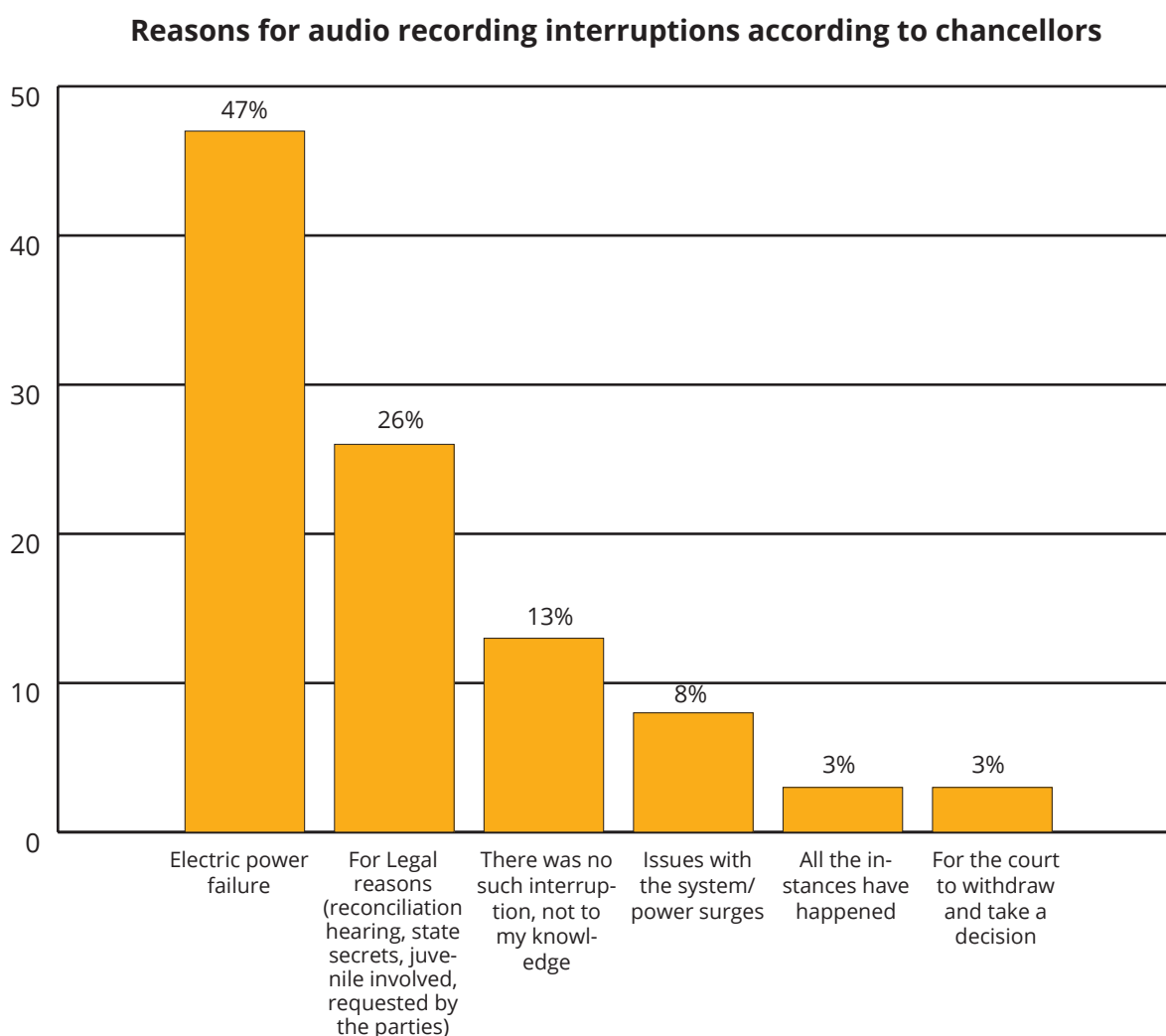
The category of interviewees that responded affirmatively to the question on DAR system interruptions, also responded on the reasons for the interruptions. These responses are shown in the “What was the reason for interrupting the audio recording” chart. From the responses of the parties/users, the main reason for the interruption of the DAR system was electric power failure.

Chart No. 22 – Reasons for audio recording interruptions according to interviewed parties and court users



Court chancellors, IT staff, and court secretaries were also asked regarding audio recording interruptions.

The majority of court chancellors reported frequent cases of audio recording interruptions resulting from electric power failures. The chart below shows that 47% of the interviewees at national level have identified power failures as the main reason for audio recording interruption. At the consultation round table, the ZABGJ reported that power failures cannot be a reason for audio recording interruptions, because with the exception of 1 or 2 courts, all others are equipped with power generators. According to the ZABGJ, courts should take measures for this not to happen, because from the budget point of view, courts have been provided with all means to this end. In 26% of the cases, audio recording during the hearings came as a result of discussion of sensitive issues related to minors, witness safety, etc.

Chart No. 23 – Reasons for audio recording interruptions according to chancellors

This paragraph details the findings shown in the chart above, disaggregated according to the monitored courts. Namely, power failures have been reported as causes in the interviews conducted with the staff of the First Instance Administrative Courts of Gjirokastra, Tirana, Shkodra, the Durrës Appellate Court, the Appellate Serious Crimes Court, the Appellate Administrative Court, the High Court, the District Courts of Berat, Elbasan, Gjirokastra, Kavaja, Kukës, Kurbin, Lezha, Lushnja, Pogradec, Puka and Tropoja. With regard to this issue, the Vloa Appellate Court reported that this court faces frequent power failures. Rarer interruptions and failures were reported by the Korça Appellate Court, while the Shkodra District Court reported issues resulting from power voltage fluctuations. In the meantime, the Mat District Court and the Tirana District Court have reported defects in their DAR systems. Interruptions of the hearings for one or more legal reasons, such as discussion of sensitive issues related to minors, discussion of witness safety, state secrets, and when interruptions are requested by the parties and accepted by the court by way of a reasoned decision were reported by the Vloa Appellate Court, the District Courts of Dibra, Fier, Saranda, Vloa, Kruja, Korça, and Përmet, the

First Instance Serious Crimes Court, and the Vlora First Instance Administrative Court. No interruptions were reported by the Korça and Durrës First Instance Administrative Courts and the Gjirokastra and Tirana Appellate Courts.

As noted above, interviews with court secretaries were also conducted in the framework of this initiative. They were also asked regarding the audio recording interruptions. Accumulatively in all courts, 53% of the interviewees reported that they had come across cases of audio recording interruptions, while 28% of them reported no such cases. Interviewed court secretaries also responded of the reasons for audio recording interruptions. According to them as well, power failures are the most frequent reason for DAR system interruptions.

Chart No. 24 –Data from interviews with court secretaries on DAR interruptions

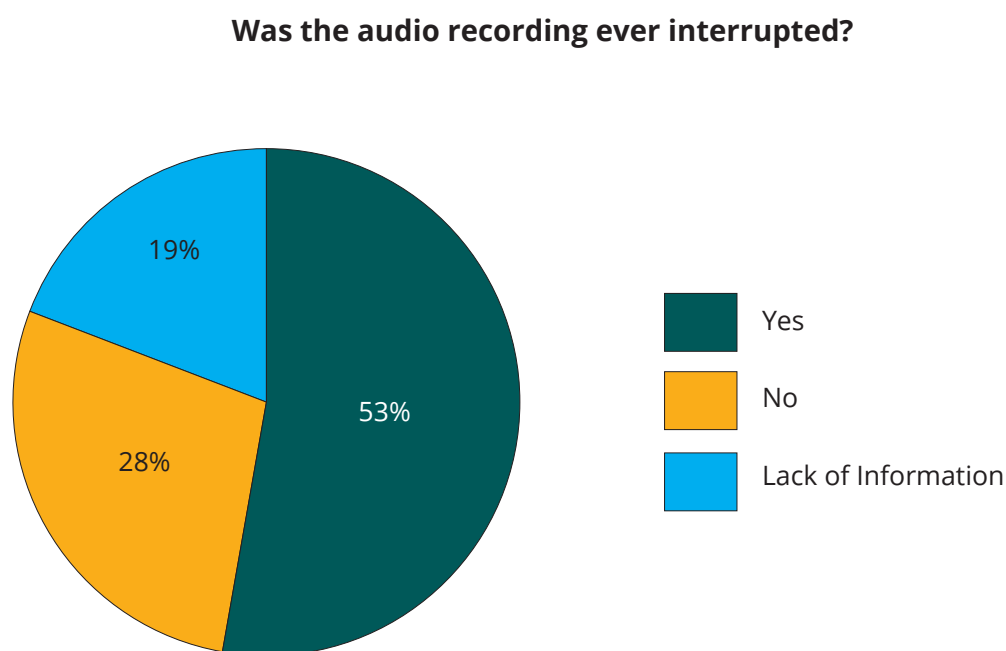
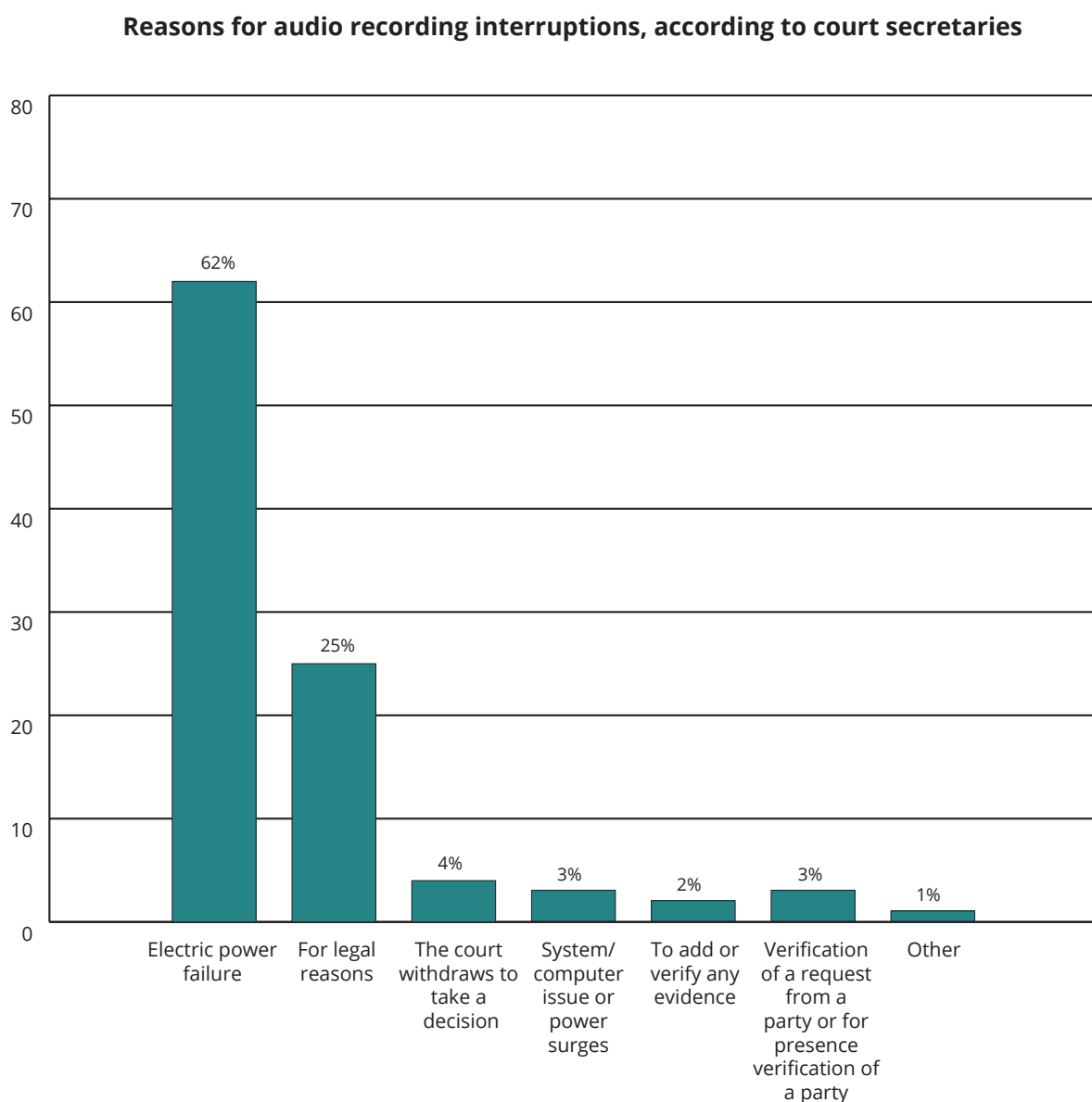


Chart No. 25 –Reasons for recording interruptions reported by court secretaries

Court chancellors were also asked about the support staff that has provided their assistance for the functioning of the audio recording system and the responses were uniform, noting that the IT staff and court secretaries were always on standby.

Technical defects (malfunctions) and issues with keeping audio minutes

Court secretaries were asked regarding any difficulties encountered during the use of the DAR system. Out of the 145 interviewees, 35 of them (24%) reported to have encountered difficulties.

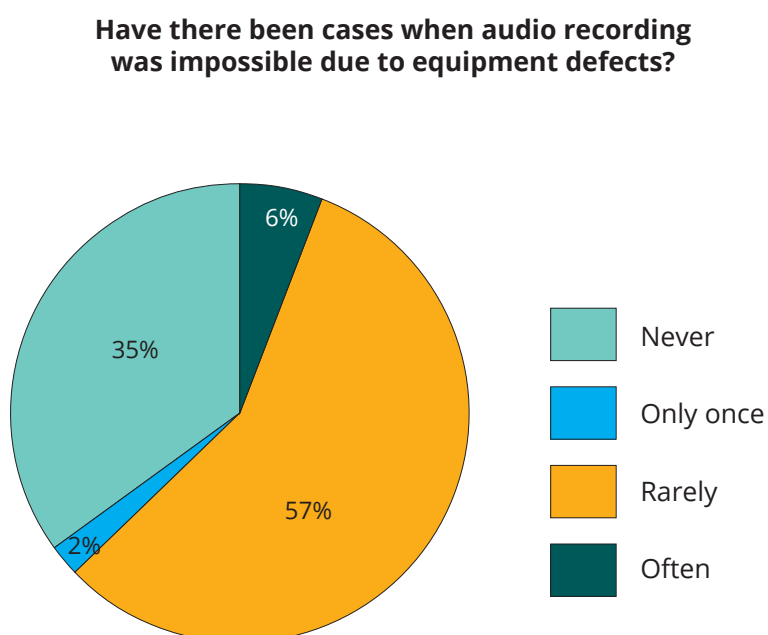
The Tirana First Instance Administrative Court reported that regardless of the input of the content during the hearing, the system did not save the relevant information. The same issue was reported by the First Instance Serious Crimes Court, where during a trial hearing there was no recording even though the FTR (audio recording) had been turned on. The same concern was also raised by the District Courts of Tirana and Kurbin. In a considerable number of cases, mainly in the High Court and the Tirana Appellate Court, and much less frequently in the Tirana and Fier District Courts, blockages or suspensions of the DAR system were noted. At the Tirana District Court, the Durrës Appellate Court, and the Dibra District Court, power failures and power voltage fluctuations have resulted in DAR system interruptions.

The Vlora District Court raised a complaint that the system does not allow writing in the subsequent row.

Interviews with chief judges have shown that the lack of integration of the audio recording in the ICMIS system and the court secretaries having to work on both systems simultaneously remain an issue.

In addition, court staff was also asked whether defects had been identified during recording sessions. While 35% of the court staff has never come across technical defects, and 59% of them have come across them only once or rarely, 6% of the secretaries reported that they have often come across recording interruptions because of a technical defect. These findings are shown in the chart below:

Chart No. 26 – Audio recording system technical defects (malfunctions)



Rare defects have been noted in almost all courts, but they were resolved by the IT staff. This was reported by both the interviewed IT staff and the chancellors and court secretaries. The secretaries of the Tirana District Court, Tirana First Instance Administrative Court, and Fier District Court were the ones who identified such defects more frequently. In the overwhelming majority of cases technical defects were a result of power failures or voltage fluctuations, with some cases of physical defects of the mixer or because of equipment cable disconnections.

According to the interviewed IT staff, some of the most frequent issues were power failure, voltage fluctuations, damaged cables, microphone malfunctioning, overloaded networks that have resulted to malfunctioning mixers, issues with transferring recordings, software issues, etc. The Shkodra Administrative Court reported that one of its software issues is related to a blocked clock, which results in the interruption of the recording.

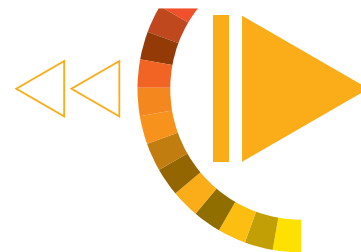
When mixers malfunctioned or got damaged, procedures were put in place to replace them as soon as possible by contacting the ZABGJ (OAJB). This has resulted in the replacement of damaged cables and microphones. It should be mentioned that the interviews with chief judges identified the need for spare equipment in case of major defects or malfunctioning equipment, mixers, microphones, etc. as regards software issues, the interviews with the IT staff found that in order to resolve these issues, usually a restart of the software is undertaken. In addition, when power failures have caused damages, the CD writer was replaced.

The interviewed IT staff in all courts reported that they implement testing, configurations, reconfigurations, diagnostics, and repair of defects on time. Moreover, they help with the training of secretaries and assist them as system users.

The draft report consultation round table also identified the need for maximum DAR system protection from possible cyber attacks. To this end, the recorded audio information should be possibly saved on CDs or other physical media that is not vulnerable to cyber attacks. Maintaining a duplicate or backup of the audio minutes is important, because damage to or loss of the minutes impacts the validity of the judicial process. Regarding this issue, the round table made recommendations for further investment in the central digital audio recording server and for continuous training of the IT staff and court secretaries on the efficient employment of the options provided by the system, in order to avoid problems related to lack of software features knowledge and to protect the DAR system and the digital audio recording archives from cyber attacks.

Chapter V

Obtaining an audio recording copy and transcripts

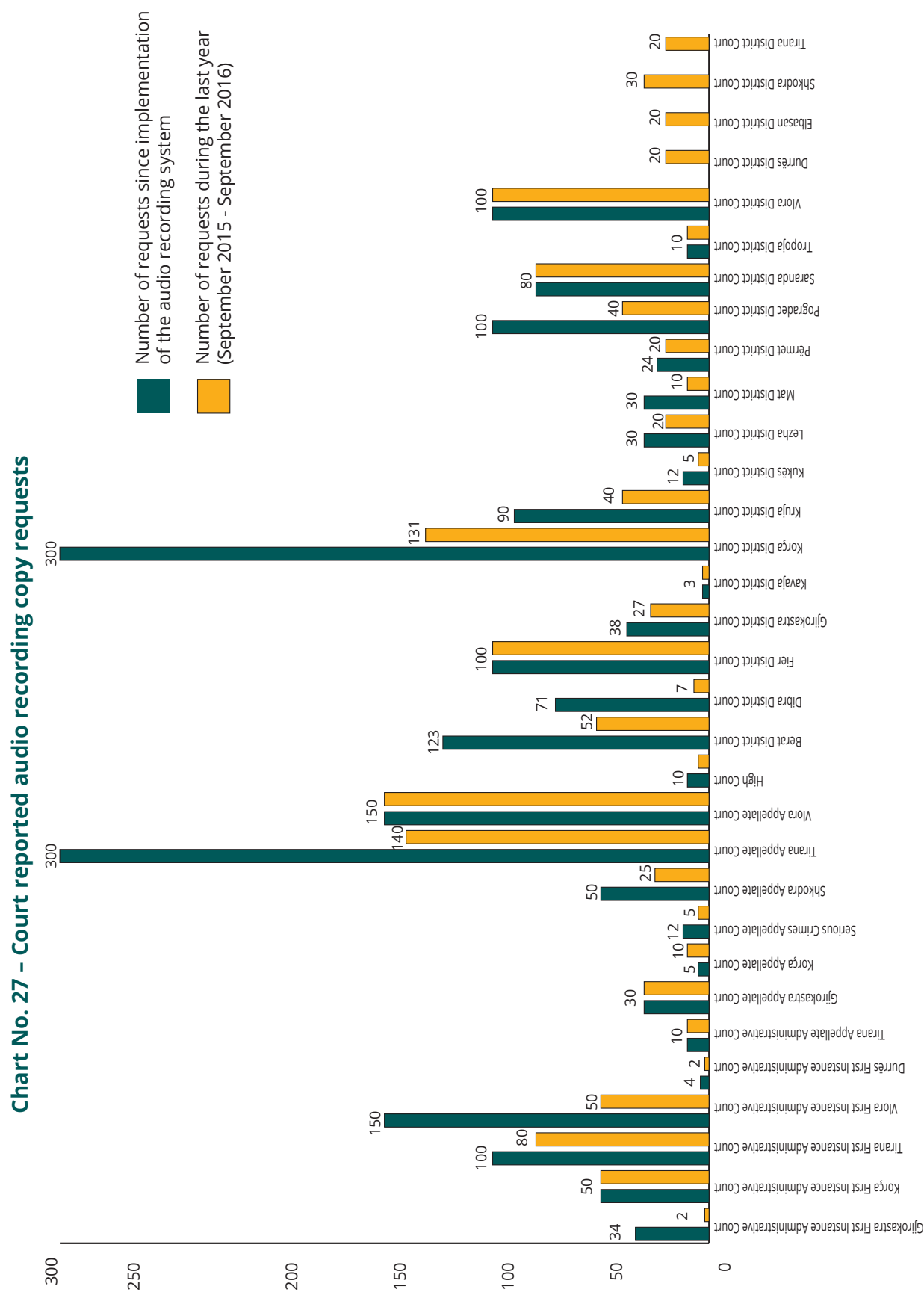


One of the monitored aspects was the efficiency and usefulness of using the DAR system for the parties and the judges panel. In this framework, the interviews with the court staff and users gathered data on the requests for copies of audio recordings and complete or partial transcripts of the trial hearing.

When asked on the requests' volume (number) by parties to obtain audio recording copies on CDs, since the implementation of the audio recording system, chancellors responded as shown below:

- a) There have been **many requests** at the Vlora First Instance Administrative Court, the Tirana and Vlora Appellate Courts, and the Fier, Tirana, and Vlora District Courts.
- b) There have been **regular requests** at the Tirana First Instance Administrative Court, the Durrës Appellate Court, the Korça, Kruja, Kurbin, Përmet and Pogradec District Courts.
- c) There have been **some requests** at the Shkodra First Instance Administrative Court, the Gjirokastra, Shkodra, and the Serious Crimes Appellate Courts, and the Berat, Dibra, Durrës, Elbasan, Lezha, Lushnja, Mat, Saranda and Shkodra District Courts.
- d) There have been **few requests** at the Gjirokastra, Korça, Durrës First Instance Administrative Courts, the Tirana Appellate Administrative Court, the High Court, and the Gjirokastra, Kavaja, Kukës, Puka and Tropoja District Courts.

The staff of these courts has also provided information on the number of requests to obtain DAR electronic copies, which are shown in the chart below:



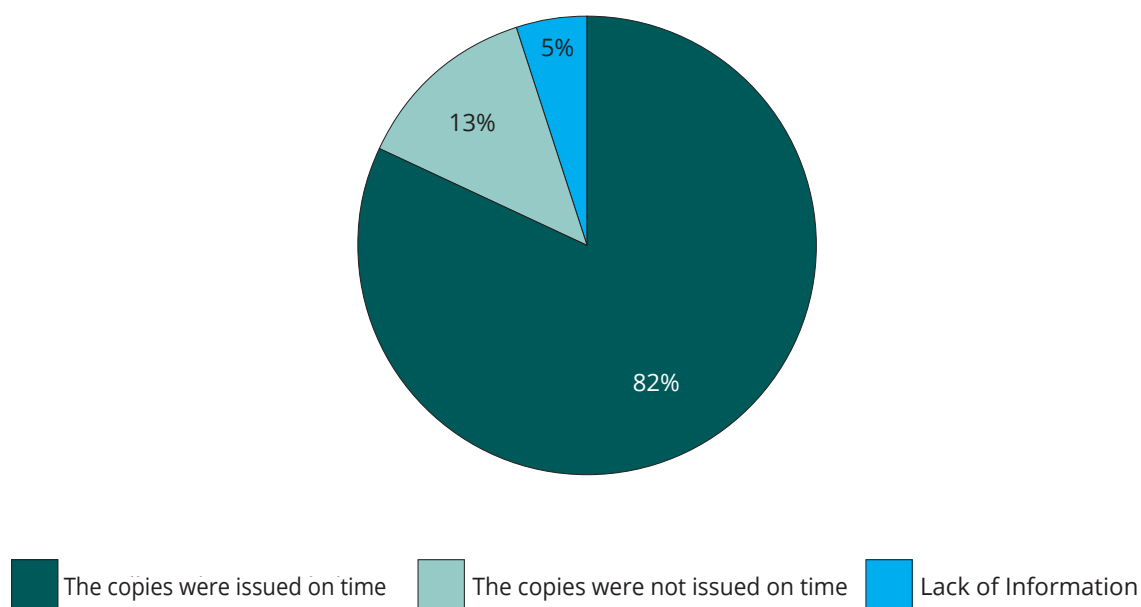
Note: It was not possible to gather information on requests since the implementation of the audio recording system for the District Courts of Durrës, Shkodër, Elbasan, Tirana, Kurbin, Puka and Lushnjë, the Appellate court of Durrës, the First Instance Serious Crimes Court and the Shkodër First Instance Administrative Court. It was not possible to gather information on the number of requests for the period between September 2015 and September 2016 in the District Courts of Kurbin, Puka and Lushnjë, for the First Instance Serious Crimes Court Shkodër First Instance Administrative Court.

The interviews with chancellors and court secretaries found that CD copies have been provided within the deadlines and that the parties lodged no complaints for delays. In addition, the responses of the parties confirmed that they had brought no claims regarding the fees for obtaining audio recording copies, with the exception of the Durrës District Court and the Tirana First Instance Administrative Court.

Court secretaries were asked whether in their knowledge audio recording copies were provided on time (24 hours after payment of the fee for cases with a final decision and 48 hours for ongoing trials) during the previous year (September 2015 – September 2016). In some of the courts compliance with this deadline was not possible. This is true for the First Instance Administrative Courts of Korça, Shkodra and Durrës, the Tirana Appellate Administrative Court, the Appellate Courts of Durrës, Tirana, Vlora, the First Instance and Appellate Serious Crimes Court, the High Court and the District Courts of Dibra, Durrës, Elbasan, Fier, Gjirokastra, Kavaja, Kurbin, Lushnja, Përmet, Saranda and Tirana. These responses are in compliance with the data from interviews with court users, who were asked whether the court has issued CD copies on time. According to the interviewees, in the majority of cases (82%) this deadline has been met, but 13% of them responded negatively.

Chart No. 28 – Data from interviews with court users regarding the obtaining of audio minutes copies on CDs

Were the copies issued on time (24 hours after the payment of fee for cases with a final decision and 48 hours for ongoing trials)?

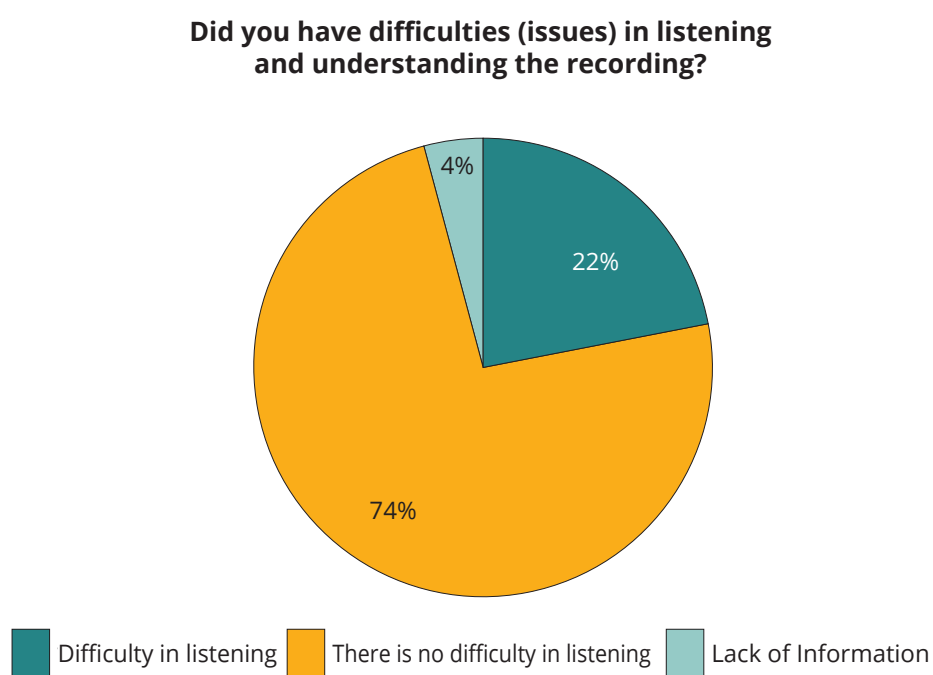


The court staff was asked whether the parties had brought any claims regarding the clarity or understandability of the audio recording on CD. In the overwhelming majority of courts there were no such complaints. In three courts, respectively the Dibra and Pogradec District Courts and the Tirana Appellate Court, there were claims brought regarding the clarity/understandability of the recording. In these cases, the PC that was used to listen to the CD did not have the adequate software to read the recording or the recording was not audible (volume was too low or there was background noise).

The IT staff in some courts, such as Shkodra and Tirana Appellate Courts and Saranda District Court, has also identified cases where the recording was not audible (low volume or too much background noise). The interviews with court secretaries found that the same concern was also raised in the District Courts of Tirana, Berat, and Tirana First Instance Administrative Court. In addition, the IT specialist of the Tirana District Court has also identified that the audio minutes were missing a part of what was said during the hearing.

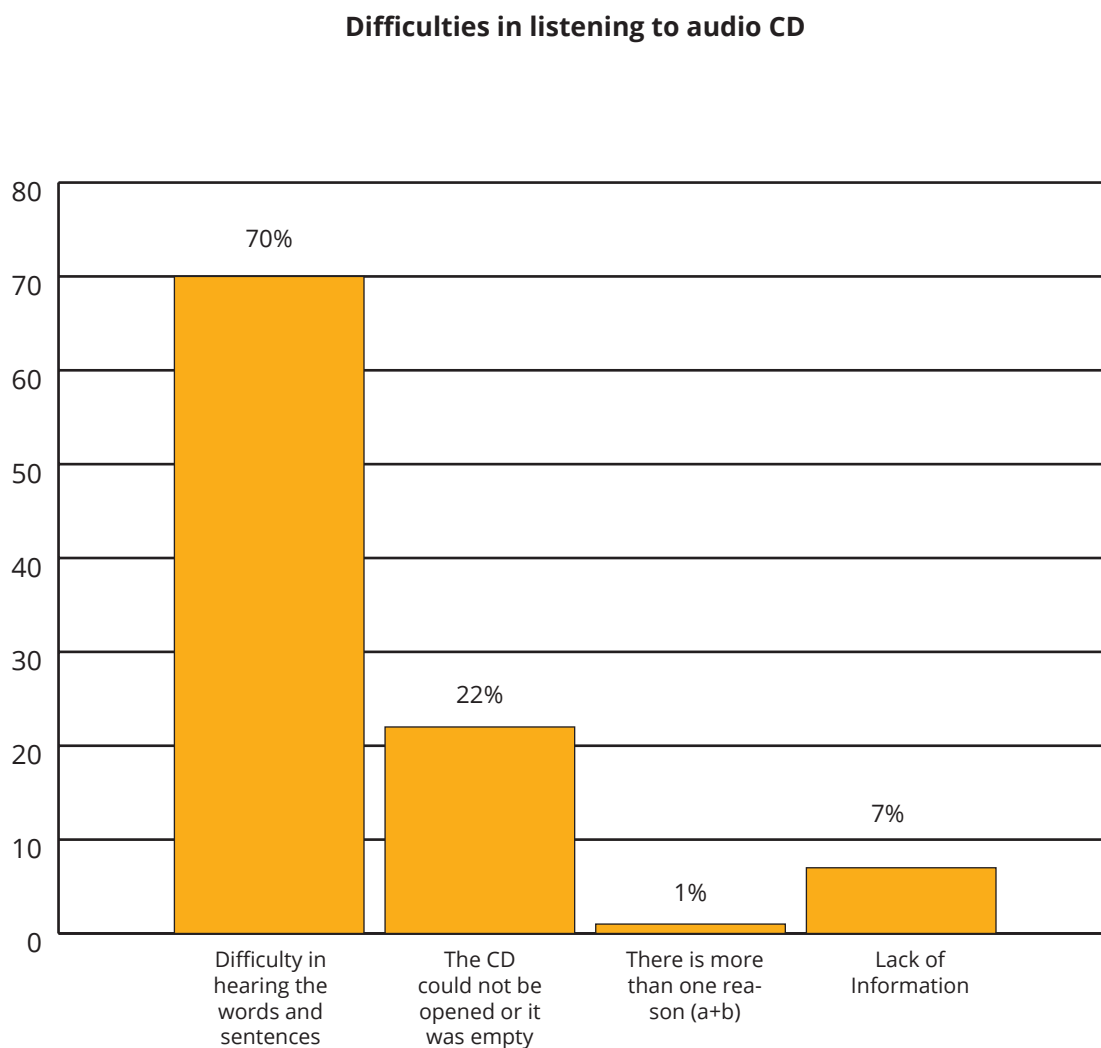
The interviewed public was also asked about the clarity or understandability of the audio recording in the CDs obtained from the courts. 637 out of all the interviewees had obtained an audio recording CD from the courts, and the majority of them (74%) had not encountered any difficulties. 141 individuals, or 22% of this category that had obtained these CDs, had encountered difficulties in accessing or listening to the content of the CD.

Chart No. 29 – Data from court users regarding the clarity and understandability of the audio minutes CDs



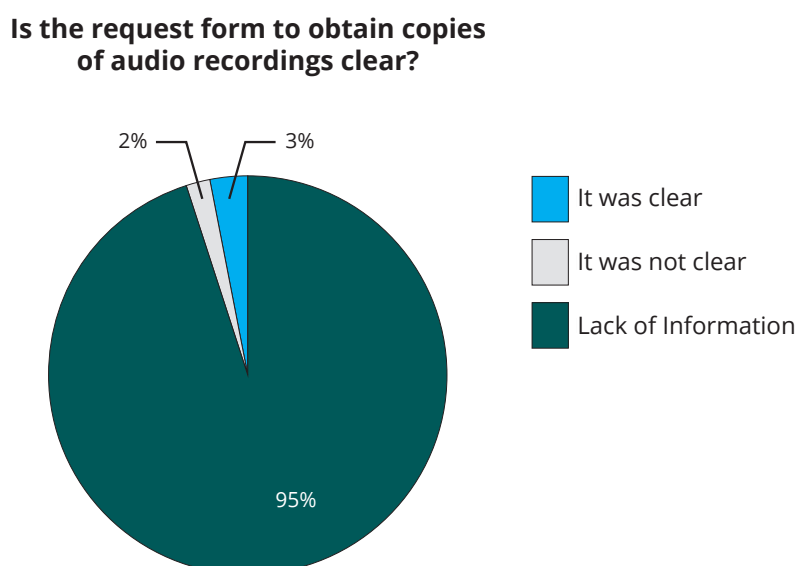
Interviewed individuals who had encountered difficulties in accessing or listening to the audio minutes on CD provided clarifications on the type of difficulty encountered. The relevant percentages at national level are shown below. The majority of the difficulties was related to difficulties in hearing words and sentences. These data once more stress the need for the parties to be instructed to speak clearly into the microphone, or the continuous training of the court staff on efficiently using the DAR system.

Chart No. 30 – Data from court users regarding audio CD listening difficulties



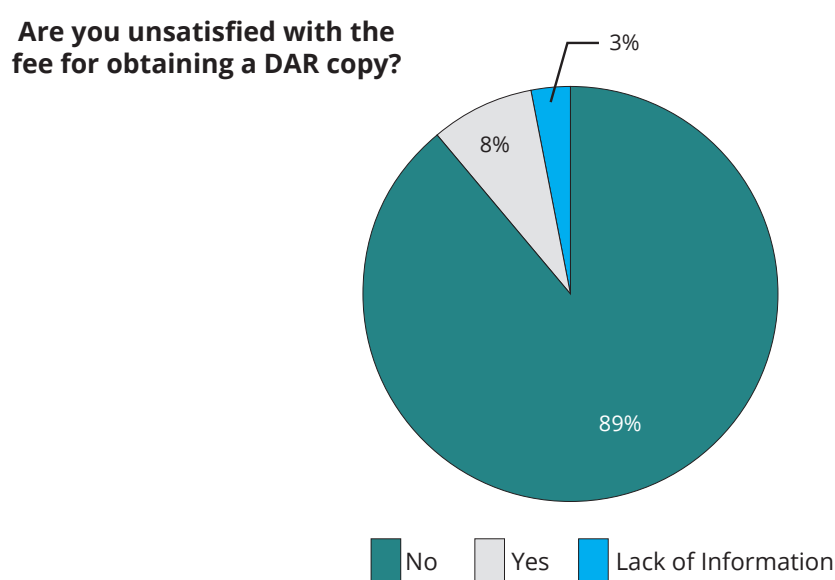
Among other things, court users were asked about the clarity of the request form to obtain electronic copies of the audio recording, if they had had such an experience. The chart below shows responses from the interviews, with 95% of the interviewees finding this form very clear and only 2% of the interviewees considering it not clear.

Chart No. 31 – Data from court users regarding the clarity of the request form for audio recordings



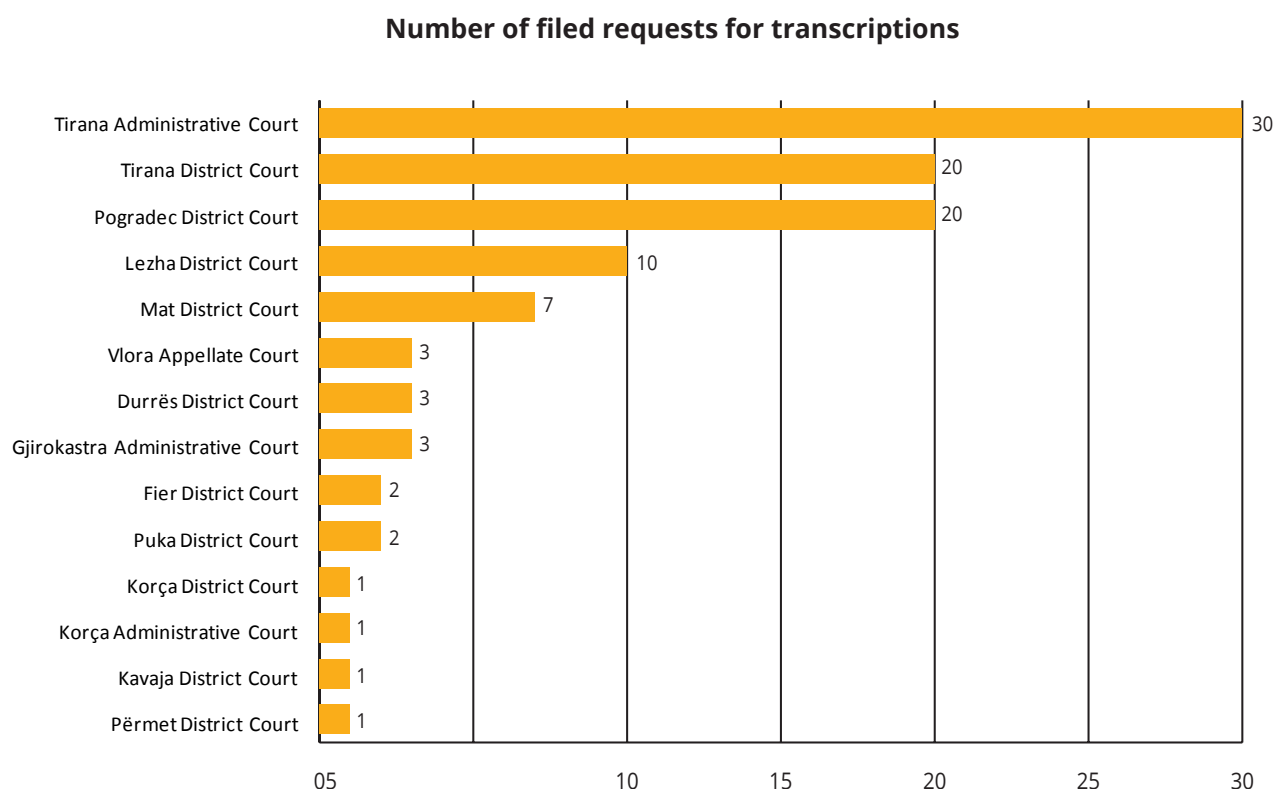
Moreover, court users were asked about their opinion regarding the fee to obtain a DAR copy. 89% of the interviewees did not express dissatisfaction with the fee, while 8% of them expressed their dissatisfaction. In these cases, the interviewees expressed their complaints about the high cost, especially for unemployed court users. Some of them also complained on the commission that is paid to the bank and the time spent to pay the fee at a bank, and suggested that the CD expenses should be covered by the court.

Chart No. 32– Data on court users' feelings about the fee to obtain a DAR copy

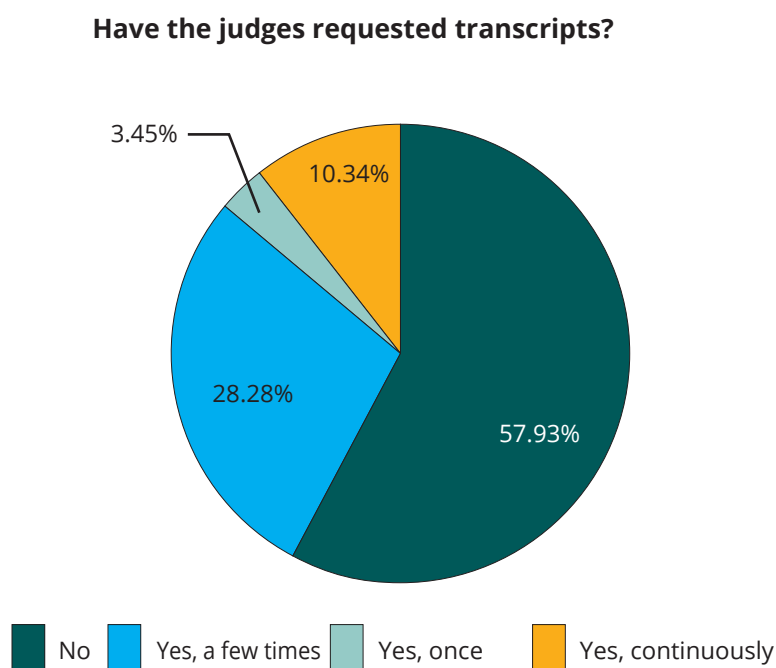


The monitoring also focused on gathering information on requests for transcriptions. During the interviews with the court staff, some of the courts provided statistical data on the number of these requests by the parties or other interested individuals, which show that the number of these requests is low. The data are shown in the chart below.

Chapter No. 33 – Statistical data from the court staff on requests to obtain transcripts from litigants/other interested persons



The interviews conducted with court secretaries' yielded information on the frequency of requests for transcripts filed by the member of the judges panel themselves. The responses show that these requests have been filed sometimes or regularly at the Tirana and Durrës First Instance Administrative Court, the Appellate Administrative Court, the Appellate Courts of Durrës, Gjirokastra and Tirana, the First Instance and Appellate Serious Crimes Court, the District Courts of Berat, Durrës, Elbasan, Fier, Gjirokastra, Lezha, Lushnja, Pogradec, Puka, Saranda, Tirana, Tropoja and Vlorë.

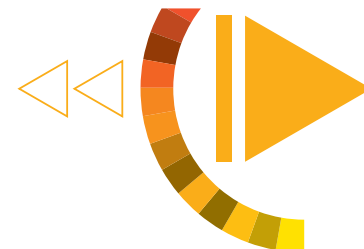
Chart No. 34 – Statistical data from court staff regarding requests for transcripts

The parties did not report any complaints regarding the transcripts. However, when the chancellors were asked whether they had identified any issues with the transcripts, some of them noted that there are challenges, because the parties do not speak into the microphone. The court secretaries informed the chancellors about these challenges. The courts do not have transcription experts. To date, some courts have assigned IT specialists to write the transcripts and they have encountered issues with the legal terminology used and the identification of the speaker, because they were not present in the courtroom during the hearing. As regards the identification of the speakers, the arguments presented by the IT staff do not stand, because the speaker is identified through the microphone they use. The IT staff has been trained on this issue. In addition, relevant instructions are provided in the system user manuals, which are in Albanian and have been made available to the court IT staff.

The court secretaries of some courts complained that transcribing is very difficult and requires time. They also noted that there are no employees tasked with transcribing and no transcription experts either. According to them, in some cases the transcription cannot be written down, because there is voice overlapping in the recording. Other times the parties and rarely even the judges speak too fast.

In order to overcome these challenges, some of the participants recommended the establishment of a department or a special structure in each court with the adequate and specialized staff for the transcription of audio minutes.

These issues again show the need for continuous court staff training on the features offered by the DAR system software, which allow the track to be slowed down if the parties are speaking too fast and to separate the channel of the speakers if there is overlap of speakers talking simultaneously. In addition, the need to inform participants on how to take the floor and speak when the DAR system is in use, is noted once more.



Chapter VI

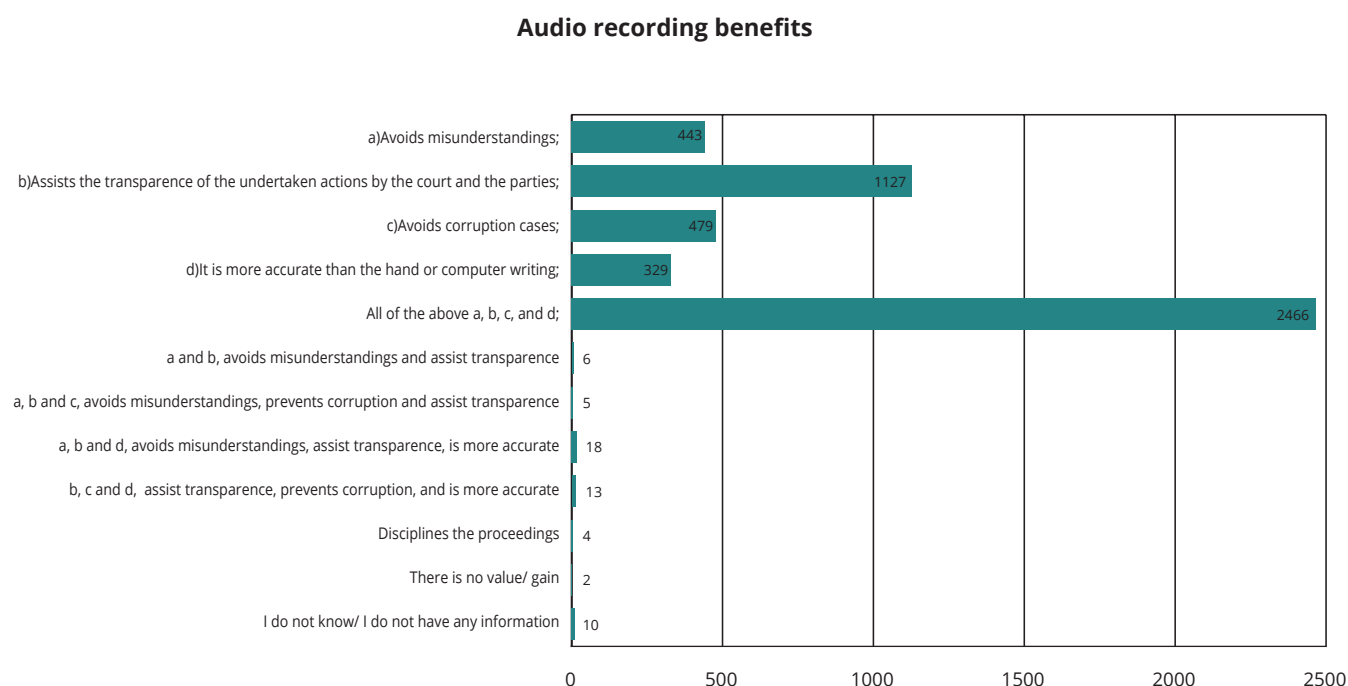
Court staff and users assessment and suggestions for the DAR system

During the interviews with the court staff and users, the monitors gathered information on their perceptions and assessment of the importance of the DAR system and the needs that should be addressed for its improvement.

The most important comments and assessments about the DAR system made by chief judges are reflected in the following paragraph: *"The program works very well and has been useful to the daily work of judges and court secretaries" ... "The usage of the audio recording system in the court not only increases transparency and public trust, but also helps the judicial economy and improves the quality and accuracy of the minutes. The integration of this system into the ICMIS system is necessary to make the process more efficient" ... "The court audio recording system is a revolution in the Albanian justice system. It brings the standards of our system up to par with other developed EU countries" ... "The HCJ has requested that we include in the monthly periodic information the information on the functioning of the audio recording system. Since 2014 we have been reporting to the HCJ on the use of the system. This helps us in checking delays in the start of trial hearings and we are able to check the exact time a hearing started in order to minimize delays".*

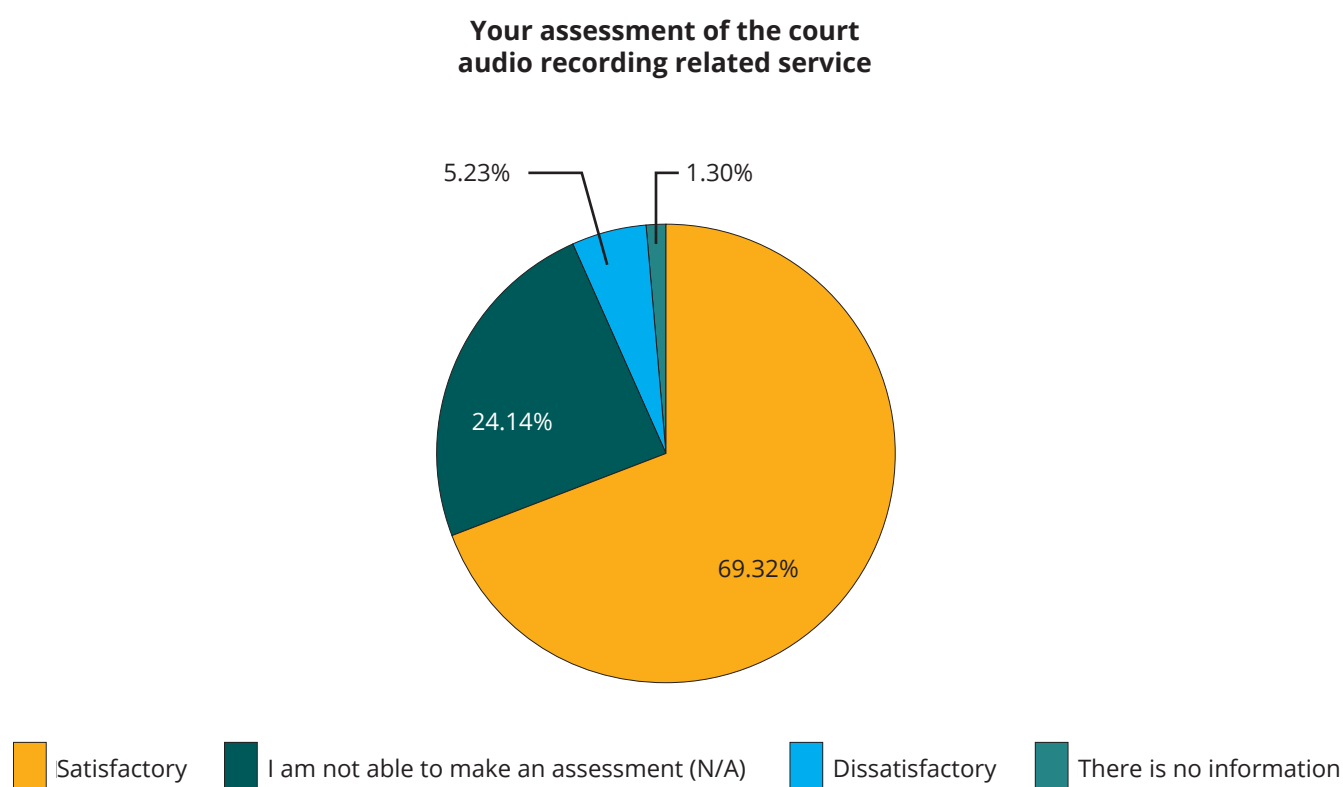
Court users have mostly noted that audio recording avoids misunderstandings, helps the transparency of the actions taken by the courts and the parties, prevents corruption, and is more accurate when compared to the typewritten or handwritten minutes. More detailed data are shown in the chart below:

Chart No. 35 – Data from court users regarding DAR benefits



Interviewed court users were asked to make an assessment of the court audio recording related service. At national level, 69% of the interviewees responded that this service is satisfactory, 24% were not able to make an assessment, and only 5% said that the service is unsatisfactory. Data for each court are provided in Annex 6 of this report.

Chart No. 36 – Data from court users regarding their assessment of the Court DAR related service



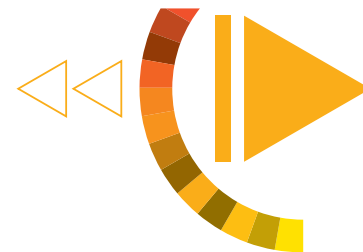
During the interviews with the court staff, the court secretaries made a number of suggestions on improving their audio recording related work. The majority of the suggestions were related to making the transcription process easier, such as assigning the task to someone else other than the court secretary, who is specialized and can undertake this process, equipping the court with the adequate tools to carry out the transcription, ensuring participation of court staff in continuous training with the engagement of DAR and transcription field experts, and the reduction of notes taken during the hearing. Other suggestions are related to the increase of the number of courtrooms and their equipment with the necessary DAR infrastructure to improve the existing DAR infrastructure. Regarding the facilitation of court secretaries' work during the audio recording process, the suggestion made is related to making a note in the system only for the time when the speaker talks and then to make a reduced summary. In addition, court secretaries suggested the adoption of easier methods to write audio minutes on a CD, because it is a process that takes too much time, considering their workload. As regards the improvement in the court DAR infrastructure, their suggestions are related to guaranteeing audio recording throughout the hearing without interruptions, and to taking measures for the system not to get blocked. Moreover, if the system stops working, they suggest that a warning sign

should automatically be displayed on the PC screen, and that the electrical network be improved in courts and that there be more microphones in the courtrooms.

During their interviews, the IT staff also made some mainly technical suggestions about the use and the improvement of the DAR system functioning. **Firstly**, they suggested that the IT be enabled to repair the court internal network. **Secondly**, they suggested that continuous training for court IT staff be organized, in order to achieve better quality results in the use and maintenance of the system. They specifically suggested training on software reinstallations or database software troubleshooting and repairs. **Thirdly**, they suggested periodic meetings between the IT specialists of all courts to unify work practices with the audio system and to exchange good practice. **Fourthly**, they suggested improved hardware, support and repairs in case of unrecoverable malfunctioning and storage solutions for audio system backups. **Fifthly**, they suggested measures be taken to minimize and reduce problems in the audio recording system resulting from power failures. It was specifically suggested that the courtroom electrical grid be separated from the rest of the court and be fitted with the necessary infrastructure so that power failures do not result in audio system interruptions. **Sixthly**, they suggested undertaking periodic audio system equipment checks and verifications to prevent and precede equipment malfunctioning. In addition, they suggested that courtroom DAR equipment be replaced every three years and that FTR software be updated. **Seventhly**, they suggested that audio recordings should be given to the parties on CDs that are numbered, have a logo and other unmodifiable court information. **Lastly**, they suggested that necessary interventions and improvement be undertaken to provide safety for the audio recording system.

Chapter VII

Conclusions



A public trial hearing is one of the most important due process aspects, while the implementation of the DAR system in the courts is a binding legal requirement that guarantees high level documentation accuracy of the trial hearing, enhances transparency and efficiency, and improves court administration.

The usage of the digital audio recording system is regulated in the Civil and Criminal Procedure Codes. In the framework of the Justice Reform, amendments to the Criminal Procedure Code were adopted, which have improved and clarified the provisions on the DAR system use during the criminal process. However, regardless of these improvements, it has been noted that Article 118 of the Civil Procedure Code starts the provision with the rule that the hearing chair should ensure that the minutes of the trial hearing and any other judicial procedural act undertaken outside of the hearing, be kept by way of audio or audiovisual recording. Situations in which the minutes cannot be kept by way of this system are exempted from this rule. In the meantime, Article 115 of the Criminal Procedure Code has reflected both the rule and the exemption within the same sentence, providing that "When possible, acts of the trial hearing and any other act undertaken out of the hearing shall be documented by way of audio or audiovisual recording." From this perspective we note that the Civil Procedure Code provides a clearer and more comprehensive legal regulation, ensuring better legal guarantees for the obligation to use DAR.

There is also a specific regulation in Law No. 49/2012 "On the Organization and Functioning of Administrative Courts and Judgment of Administrative Disputes". In addition, more detailed rules on how to keep the trial hearing minutes by way of audio recording are set forth in Instruction No. 353, dated 03.09.2013 of the Minister of Justice.

The report is composed of general macro level and micro level findings aggregated according to the courts, in order for each court to have the opportunity to evaluate its challenges and opportunities for highly efficient courtroom usage and RDA system use.

The draft report was initially consulted at the round table on 15 May 2017 with all monitored courts and the presence of a part of the chief judges, chancellors, and IT staff from these courts. Moreover, the report was also shared electronically with all courts and they were allowed the appropriate time to make comments and suggestions for the further improvement of the report.

The goal of this highly dynamic and intensive monitoring exercise, which for the first time covered all courts in the country, was the gathering of quantitative and qualitative data on courtrooms and DAR system's usage. A detailed monitoring process plan with relevant dates and methodology for each separate monitoring session and the interviews was developed for the implementation of this initiative. The preliminary assessment prior to the start of monitoring, which took into account the data generated by the PAKS+ system, found that for the September 2015 to June 2016 period, 29% of the courts had audio recorded 100% of their trial hearings.

Trial hearing recording with the DAR system has been an important step to increase judicial transparency in Albania. This conclusion is very often made clear by the data gathered during this monitoring which covered all 38 courts in the country.

The most important comments and assessments about the DAR system made by chief judges are reflected in the paragraph below:

“The program works very well and has been useful to the daily work of judges and court secretaries” ... “The use of the audio recording system in the court not only increases transparency and public trust, but also helps the judicial economy and improves the quality and accuracy of the minutes. The integration of this system into the ICMIS system is necessary to make the process more efficient” ... “The court audio recording system is a revolution in the Albanian justice system. It brings the standards of our system up to par with other developed EU countries” ... “The HJC has requested that we include in the monthly periodic information the information on the functioning of the audio recording system. Since 2014 we have been reporting to the HJC on the use of the system. This helps us in checking delays in the start of trial hearings and we are able to check the exact time a hearing started in order to minimize delays”.

The AHC monitors undertook this monitoring exercise between January and March 2017 and monitored a total of 5437 trial hearings, interviewed 4929 court users and all chief judges, chancellors, IT staff, and 37% of the court secretaries in the 38 courts of the country.

The data reported by the monitors show that the majority of the hearings (93% of the monitored hearings) were held in a courtroom. As regards the hearings that were not held in a courtroom (7% of the total monitored hearings), the monitors were able to gather information that in 29% of the cases there were no freecourtrooms.

The reported data show a very small number of parties that during the hearing complained about it not being held in a courtroom. Nationally, this only happened in 0.2% of the monitored trial hearings. In a very small percentage of the monitored hearings, namely 2%, the participants were obligated to leave the judges' chambers as a result of lack of space.

Parties and court users were asked whether they had been present in hearings held in both courtrooms and chambers, and whether they noticed any differences between them, such as in the behavior of the parties or the judges. Approximately 39% of the interviewees responded that they noticed changes and provided comments on what they perceive as the way of holding a hearing in both cases. According to them, the main changes are related to elements such as the judges panel ethics and solemnity that are better respected in the courtroom, transparency which is higher in the courtroom, better implementation of judicial procedures and the due process are more guaranteed when the hearing is held in the courtroom, etc.

27 out of the 38 courts confirmed that they hold 100% of the hearings in courtrooms. This was reported by the High Court, the Administrative Court of Shkodra, Vlora, Tirana, the Appellate Administrative Court of Tirana, the Appellate Court of Shkodra, Tirana, Vlora, Durrës, Gjirokastra, Korça, the First Instance and Appellate Serious Crimes Court, and the District Courts of Dibra, Gjirokastra, Korça, Kruja, Kukës, Kurbin, Lezha, Lushnja, Përmet, Pogradec, Puka, Saranda, Tropoja, Vlora and Mat. More than 70% of the hearings are held in courtrooms in the District Courts of Fier and Kavaja, and the Korça Administrative Court, while more than 50% (half of the hearings) are held in courtrooms in the Durrës and Berat District Courts. As a result of the insufficient number of courtrooms compared to judges, 60% of the hearings are held in a courtroom in the Shkodra District Court. Similarly, less than 50% of the hearings are held in a courtroom in the Durrës Administrative Court. The Tirana District Court reported that 25% of the hearings are held in a courtroom due to the wide gap between the number of judges and courtrooms. A low percentage is also reported by the Elbasan District Court for the same reason.

The factors leading to challenges in courtroom usage can be divided in two main groups, namely in objective and subjective factors. The objective factors are the infrastructural restrictions of the buildings used by a considerable number of courts, the majority of which do not have a sufficient number

of courtrooms. Positive developments in this regard are the new investments in infrastructure, such as the inauguration of the new Shkodra Appellate Court building and the new, almost completed building that will house the Elbasan District Court. Subjective factors are related to courtroom usage efficiency, length of hearing, and the organization and planning of work in the court.

As regards the DAR system use, the total percentage of hearings audio recorded with the system in all the courts in the country was 91.5%. However, this percentage differs from court to court.

In total, in all courts, only a small percentage of the monitored hearings (only 8.5%) were not audio recorded with the DAR system. For hearings that were held without the use of the DAR system, the monitors present in the courts sought, whenever possible, to identify the reason why the hearing was not recorded. Complete information on why the DAR system was not used was collected for 95.9% of the hearings held without the use of DAR.

It resulted that in 15.2% of the cases, the DAR system was not used while the hearing was being held in a courtroom. The reasons reported are related to the nature of the trial hearing such as cases dealing with minors or in cases of reconciliation hearings, preliminary hearings, or due to equipment malfunctioning, issues with internet service provider or electric power failures. The reasons for not using the DAR system in the rest of the hearings held in a courtroom were not clear.

In addition, the persons present in the courthouse were also asked whether all hearings of their case were recorded or not with the DAR system. 72% of them responded that the hearings where they were parties or participants were audio recorded, while 28% responded that the DAR system was not used.

The monitoring shows that in the majority of the cases (85% of the hearings) the court secretary has ensured prior to the start of the hearing that the parties and other participants were seated at the assigned places to allow audio recording. The interview sample (court secretaries) said that in 91% of the cases the participants are regularly informed by the hearing chair, while this happens on occasion in only 6% of the cases.

Asked whether the information provided to the parties on the audio recording prior to entering the hearing is sufficient or whether better awareness raising and preliminary information are required, the majority of interviewed chief judges (74%) responded that the information is sufficient. The need to inform and make parties and court users aware of the DAR system has risen as a result of the issues identified in judicial proceedings, in which often the parties are not disciplined. This was clearly noted in the interviews held at the Kruja District Court, Shkodra District Court, Vlora Appellate Court, and Vlora and Berat District Courts.

The hearing monitoring process found that in the majority of the cases (95%) there were no digital audio recording interruptions during the hearing. In 5% of the cases the audio recording was interrupted during the hearing. In these cases, the data show that for the most part audio recording was interrupted in compliance with the legislation. However, there have been sporadic cases in which the hearing was stopped without legal motive, not to reflect certain statements/discussions that should be part of the audio recording, such as discussions on the date of the next hearing. The interruption of the digital audio recording system threatens transparency and due process of the law.

Chancellors in the majority of the courts reported that the cause for the audio recording interruptions were power failures. Interviewees at national level also noted power failures as the main reason

for audio recording interruption. During the round table for the consultation of this report, the ZABGJ reported that power failures and lack of power cannot be a reason for the DAR system interruption, because with the exception of 1 or 2 courts, all other courts have been equipped with power generators.

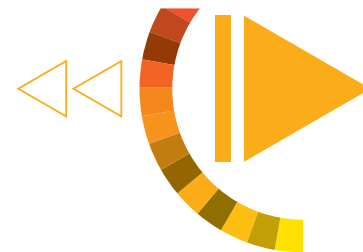
When asked about the DAR system, court secretaries responded that 53% of them during their work had encountered cases of audio recording interruptions, while 28% of them had had no such occurrences.

As regards the volume of requests by parties to obtain audio recording copies on CDs since the implementation of the audio recording system, the majority of the courts have had many, some or regular requests for audio recording copies. The public interviewed in the courthouses was asked on the clarity or understandability of the audio recording on the CDs issued by the courts. 13% (637) of all interviewees has had an experience with obtaining audio recording CDs from the courts. Out of these, 437 individuals had not encountered any difficulties, while 141 individuals had encountered difficulties in accessing or listening to the content of the CD. 95% of the interviewees that had requested to obtain CDs declared that the request form was very clear, and only 2% of the interviewees responded it was not clear. 89% of the individuals that had obtained CDs stated that they had not complaints regarding the fee charged to obtain CDs, while 8% expressed dissatisfaction.

During the interviews with the court staff, a part of the courts provided statistical data on the number of requests for transcripts of the audio minutes by the litigants or other interested persons, which show that this number is relatively low. Court secretaries of the First Instance Administrative Courts of Tirana and Durrës, Appellate Administrative Court, Appellate Courts of Durrës, Gjirokastra and Tirana, First Instance and Appellate Serious Crimes Court, and the District Courts of Berat, Durrës, Elbasan, Fier, Gjirokastra, Lezha, Lushnja, Pogradec, Puka, Saranda, Tirana, Tropoja and Vlora confirmed that these requests are submitted sometimes or regularly by the judges panel or members of the panel. No complaints by the parties on the transcripts were reported, while the interviewed court staff noted that they face difficulties in carrying out the transcription, because the parties are not clearly heard, there is voice overlapping, the parties and rarely the judges speak too fast, there is a lack of human resources necessary to conduct the transcription, etc. The identification of these issues shows the inadequate knowledge of the DAR system features, because the system provides possibilities to slow the track down if the participants are speaking too fast or to separate the channel of one specific speaker if there is an overlap, or if speakers are talking simultaneously. The court secretaries themselves complained that transcription is difficult and takes too long.

Chapter VIII

Recommendations



We would like this report to assist justice institutions in improving the issues identified. The findings and recommendations of this report are also submitted to the High Council of Justice, the Ministry of Justice, the Ministry of Finance, the Assembly of the Republic of Albania, etc. in the hopes that they will drive policy and strategy development, or financial support to overcome the challenges courts encounter in their work to utilize courtrooms and use the audio recording system in 100% of the cases. The round table held on 15 May 2017 where this report was consulted, identified a series of recommendations, a part of which are reflected in this chapter.

I. To increase the level of courtroom usage investment in construction infrastructure is required at the courts, which would help in also resolving other technical and DAR related issues. Investments in existing and new buildings should aim at a number of courtrooms in compliance with the court case load and number of judges.

II. The new judicial map, which is a competence of the High Judicial Council, will have a special impact on the improvement of the courtroom infrastructure situation. It was recommended that upon completion of the new judicial map, new high capacity buildings be constructed with the relevant infrastructure and modern technology. The construction of these buildings was especially recommended for large courts, such as the one in Tirana DC, which will have a wide territorial jurisdiction.

III. Increased courtroom usage efficiency was recommended for courts that have insufficient courtrooms. In this regard, better time management was recommended for judges and judges' panels to increase the time efficiency of courtroom usage during trial hearings. Periodic monitoring/studies by chief judges with the assistance of support staff to assess trial hearing length in courtrooms are encouraged. This would help in taking effective internal organization measures to improve courtroom usage. It was also recommended that trial hearings not be scheduled only within a narrow timeframe, as this would increase demand for courtrooms and would lead to unmet needs. Proportional scheduling of hearings throughout the week within a court would improve courtroom usage and DAR system use levels.

IV. In addition, better organization and planning within the courts that have courtroom insufficiencies were also recommended. More concretely (specifically), it was recommended that planning focuses on maximum courtroom usage to avoid at all costs hearings in chambers, while courtrooms are free. It was suggested that hearings should be held between 08:30 and 15:00 hours and that hearings be proportionally held throughout the week. The PAKS+ software for the administration of trial hearings calendar, installed in all courts, could help in better planning of hearings and usage of courtrooms. There should be clearer criteria for judges for holding certain number of trial hearings in the courtroom and not left to their discretion. In this case, when the court has insufficient courtrooms, priority should be given to trial hearings with litigants and witnesses, which should be transparent and public.

V. The monitoring found that the practices vary by court and in some cases preliminary hearings are not recorded with the DAR system. In this regard, we recommend that any contact of the court with the parties in the process, even preliminary hearings, be documented by way of the DAR system, when this is possible. This recommendation is in line with the procedural law, which provides for the DAR system minutes also for any other judicial procedural act undertaken out of the hearing.

VI. When the hearing is not held in the courtroom, or when for various reasons it is not recorded with the DAR system, we recommend that the reason for not holding the hearing in a courtroom and/or the reason for not recording the hearing with the DAR system be noted by the court secretary under the direction of the judges panel chair in the written minutes of the hearing.

VII. We also suggest that based on the legislation in force the court should continue to provide a proper direction to the parties on the use of microphones and speaking clearly.

VIII. We recommend that the courts have better coordination with the ZABGJ in continuously addressing all the needs related to courtroom and the DAR system usage. In this regard, it is important for the ZABGJ to continue providing all of its support for correctly assessing and addressing the needs of the courts for logistical and financial support.

IX. We recommend that all courts not currently equipped with power generators, install a high capacity generator to avoid any impacts on the hearing's audio recording from any power failures or voltage fluctuations. With regard to the power failures, the separation of the courtroom electrical grid from the rest of the court and the equipment of the courtrooms with the relevant infrastructure to avoid impact to the audio recording system by power failures were suggested.

X. Awareness raising among court users and the public on the importance of hearings held in a courtroom and its recording with the DAR system, in accordance with the legislation in force, is paramount. It is also recommended that justice system governance bodies be very active in the organization of media awareness raising campaigns to improve such awareness. In the framework of the new organization of the judiciary, the enhancement of court staff with employees that could also provide assistance in informing the public and the parties in the judicial process is also recommended.

XI. The round table that consulted this report also identified the need for maximum protection of the DAR system from any internal or external damage, including potential cyber attacks. This requires the recorded information to be saved on CDs or other physical media, if possible. Backing a duplicate of the audio minutes up is important, because damage to the minutes or loss thereof impacts the validity of the judicial process. Further investment in the central digital audio recording system server and the organization of training for IT staff and court secretaries to safeguard the DAR system and the audio recording archives are recommended. A better cooperation should be established with the National Agency of Information Technology where is housed the DAR central server.

XII. Efforts should be made to improve the digital audio recording system court infrastructure. For this, the improvement of the hardware, support and repair in case of unrepairable defects, and audio system storage and backup is recommended. In addition, periodic checks and verifications of the audio system equipment are recommended to prevent cases of equipment malfunctioning, in addition to periodic replacement of DAR equipment in the courtrooms and updates to the FTR software. Despite that from the IT Specialists are followed all the necessary procedures for the Backup of the data, it is important that the other institutions that are part of this process, such as the National Agency of Information Technology, where it is housed the DAR central server, to cooperate by offering technical assistance to the courts when needed.

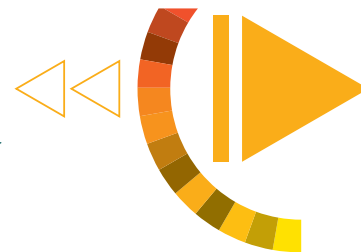
XIII. When the judge or the parties request transcripts of the DAR recorded minutes, logistical support with specialized human resources is required in all the courts in the country. We suggest that courts that have a high number of requests consider the possibility to engage external specialized experts to transcribe minutes, according to the requests for transcripts submitted by the judges panel and the number of requests from interested parties and approved by the court.

XIV. Continuous training with the IT staff and court secretaries on the efficient and professional use of the audio recording system is recommended, along with incentivizing them to participate in activities or round tables aimed at good practices exchanges within the country or abroad.

XV. It is also recommended that other needs of specific courts regarding the lack of security staff or of employees to direct the parties and the public in the courtroom and assist the judge in keeping order be addressed.

ANNEX 1

Legal framework on keeping minutes by way of audio equipment and courtroom usage



Keeping minutes by way of audio equipment

Civil Procedure Code

Article 118

"The hearing chair should ensure that minutes of the trial hearing and any other judicial procedural act undertaken out of hearing, are kept by way of audio or audiovisual recording." Furthermore, this article sets forth that should it not be possible to keep minutes by way of audio or audiovisual recording, minutes should be kept by taking down an accurate typewritten or handwritten summary. In the same Article, the Code also sets forth that "The minutes shall be a component of the judicial file and shall be kept as long as the file".

Article 119

"The transcription of minutes kept by way of audio or audiovisual recording shall be prepared by the court secretary, or technicians contracted by the court acting under the supervision of the court secretary." The Article continues by setting forth that "The transcription of the minutes shall be prepared when: a) is requested by the members of the judges panel; b) is requested in writing by the litigants or other interested persons, and this request is approved by the trial hearing chair, and upon payment of the fees set for this service, which shall be defined by order of the Minister of Justice."

Article 77

"...upon payment, the secretary shall issue copies of the developed acts, recordings made with audio or audiovisual recording equipment, full or partial transcripts of the latter, and authentic extracts of the acts developed in typewriting or handwriting.

The Criminal Procedure Code in force during the monitoring period

Article 115

"Documentation of acts shall be done by way of minutes. The minutes shall be kept by the court secretary, in full or summarized, by stenograph, other technical means, and when these are not available in handwriting. 3. When the minutes are a summary, a phonographic reproduction should also be made, and when conditions allow, an audiovisual reproduction should be made when it is necessary".

Criminal Procedure Code amended in 2016

Article 115

Hearing minutes

1. Procedural acts undertaken during the hearing, and any other procedural act undertaken out of the hearing, shall be documented by way of audio or audiovisual recording of the hearings. The recording shall start and end simultaneously with the trial hearing.
2. The trial hearing recording shall be done by the court secretary under the guidance and supervision of the judges panel chair.
3. Should it not be possible to keep minutes by way of audio or audiovisual recording, it shall be kept by making an accurate typewritten or handwritten summary under the supervision of the judges panel chair.
4. The minutes shall indicate: a) place, year, month, day, and time of start and end of hearing; b) composition of the court; c) name of prosecutor; ç) identification information of the defendant and personal information necessary to identify him/her, identification information of the defense counsel, accusing victim, private parties and their representatives; d) identification information of the persons

participating in the trial; dh) when appropriate, reasons for absence of parties, their representatives and persons summoned to participate in the trial hearing.

5. The minutes should describe procedural acts undertaken during the trial and reflect in summary: a) all parties requests and claims; b) accurate reflection of the title of each adduction, memory, or final conversation submitted in writing by the parties, showing also the number of pages; c) questions and statements of the persons participating in the trial, including witnesses and experts; ç) evidence collected, including the contents of submitted written evidence, audio tapes, film rolls; d) all decisions and orders issued by the court during the trial;

6. Should the minutes be kept in summarized typewritten or handwritten form and one of the parties requests that parts of its statements or those of the other party be included in the minutes, the court should take the request under consideration.

7. Written memories presented by the parties in support of their requests or conclusions, shall be attached to the minutes.

8. Should the minutes be kept in summarized typewritten or handwritten form, it shall be signed at the bottom of each page by the secretary and at the end of the document by the judges panel chair and it shall be included in the case file. The minutes shall be a component of the case file and shall be preserved as long as the case file is.

9. Should the minutes be kept by way of audio or audiovisual recording, the recording shall be stored in the relevant electronic software application and shall be preserved as long as the case file is.

10. The parties shall have the right to request a copy of the recording and typewritten or handwritten minutes at any time against relevant fees."

Article 116

Transcription of minutes kept by way of audio or audiovisual recording

1. Transcription of minutes kept by way of audio or audiovisual recording shall be done by the court secretary or by technicians contracted by the court for this function under the supervision of the court secretary, correctly indicating the entire content of the recording.

2. The transcript shall be signed by the court secretary and the person preparing it.

3. Transcription of the minutes shall be done when: a) requested by members of the judges panel; b) requested in writing by the parties in the trial and this request is approved by the judges panel chair and fees set for this purpose and determined by order of the Minister of Justice have been paid. Should the minutes' transcript be requested after the conclusion of the trial, the Chief Judge shall decide on the request.

4. The transcription of the recording may be done for all hearings of a trial, for specific hearings, or for parts thereof, based on the request of the person requesting the transcript. Should they be prepared during the trial, the transcript documentation shall be attached to the case file and shall be a component thereof.

5. The above provisions shall apply to the documentation of procedural activities during the preliminary investigation phase, when possible."

Article 122

Invalidity of minutes and recording

1. The typewritten or handwritten minutes shall be invalid when there is suspicion on the identity of the persons participating or when the signature of the employee preparing it is missing.

2. The recording with audio or audiovisual means shall be invalid for those parts of the recording that are not understandable."

Law No. 35/2017 dated 30.3.2017 "On Some Additions and Amendments to Law No. 7905, dated 21.3.1995, "Criminal Procedure Code of the Republic of Albania", as amended

Article 115

Hearing minutes

1. When possible, procedural acts undertaken during the hearing, and any other procedural act undertaken out of the hearing, shall be documented by way of audio or audiovisual recording of the hearings. The recording shall start and end simultaneously with the trial hearing.
2. The trial hearing recording shall be done by the court secretary under the guidance and supervision of the judges panel chair.
3. Should it not be possible to keep minutes by way of audio or audiovisual recording, it shall be kept by making an accurate typewritten or handwritten summary under the supervision of the judges panel chair.
4. The minutes shall indicate:
 - a) place, year, month, day, and time of start and end of hearing;
 - b) composition of the court;
 - c) name of prosecutor;
 - ç) identification information of the defendant or other personal information valid to identify him/her, identification information of the defense counsel, accusing victim, private parties and their representatives;
 - d) identification information of the persons participating in the trial;
 - dh) when appropriate, reasons for absence of parties, their representatives and persons summoned to participate in the trial hearing.
5. The minutes should describe every procedural act undertaken during the trial and reflect in summary:
 - a) all parties requests and claims;
 - b) accurate reflection of the title of each adduction, memory, or final conversation submitted in writing by the parties, showing also the number of pages;
 - c) questions and statements of the persons participating in the trial, including witnesses and experts;
 - ç) evidence collected;
 - d) all decisions and orders issued by the court during the trial;
6. Should the minutes be kept in summarized typewritten or handwritten form and one of the parties requests that parts of its statements or those of the other party be included in the minutes, the court should take the request under consideration.
7. Written memories presented by the parties in support of their requests or conclusions, shall be attached to the minutes.
8. Should the minutes be kept in summarized typewritten or handwritten form, it shall be signed at the bottom of each page by the secretary and at the end of the document by the judges panel chair. The minutes shall be a component of the case file and shall be preserved as long as the case file is.
9. Should the minutes be kept by way of audio or audiovisual recording, the recording shall be stored in the relevant electronic software as long as the case file is.
10. The parties shall have the right to request a copy of the recording and typewritten or handwritten minutes at any time against relevant fees.

Article 116

Transcription of minutes kept by way of audio or audiovisual recording

1. Transcription of minutes kept by way of audio or audiovisual recording shall be done by the court secretary or by technicians contracted by the court for this function under the supervision of the court secretary, correctly indicating the entire content of the recording.
2. The transcript shall be signed by the court secretary and the person preparing it.
3. Transcription of the minutes shall be done when:

- a) requested by members of the judges panel;
 - b) requested in writing by the parties in the trial and this request is approved by the judges panel chair and fees set for this purpose and determined by order of the Minister of Justice have been paid. Should the minutes' transcript be requested after the conclusion of the trial, the chief judge shall decide on the request.
4. The transcription of the recording may be done for all hearings of a trial, for specific hearings, or for parts thereof, based on the request of the person requesting the transcript. Should they be prepared during the trial, the transcript documentation shall be attached to the case file and shall be a component thereof.
5. The above provisions shall apply to the documentation of procedural activities during the preliminary investigation phase, when possible.

Law No. 49/2012 "On the Organization and Functioning of Administrative Courts and Judgment of Administrative Disputes"

Article 34

"The trial hearing shall be held pursuant to the articles of the Civil Procedure Code, when those provisions are in compliance with this Law. It should be noted that Article 3 of this Law sets forth that the administrative court shall, based on the nature of the case, review the case verbally in trial hearing or based on written acts in the counseling room.

Article 49

"Review of complaint in the Appellate Administrative Court shall, as a rule, be done based on documentation in the counseling room. It further continues "The judges panel chair shall prepare the report and schedule the date and time for reviewing the case in the counseling room, and shall order the notification of the parties. The court secretary shall normally notify the parties on the composition of the judges panel, the date, time, and place of the case review at least 15 days prior. The parties shall have the right to present the court with written adduction regarding the reasons brought in the complaints and counter complaint until 5 days prior to the review. The court secretary shall keep minutes of the case review in counseling room."

Instruction No. 353, dated 3.9.2013 of the Minister of Justice "On Defining Detailed Rules on Keeping, Storing, and Archiving Trial Hearings Audio Minutes"

Article 4

Audio recording of the trial hearing

1. The audio recording of the trial hearing shall be done by the court secretary under the guidance and supervision of the judges panel chair, using special digital recording equipment.

Article 6

Judges panel chair

1. The judges panel chair shall supervise the trial hearing recording process, and to this end, shall instruct the court secretary and shall order the parties, their representatives and the participants in the trial hearing. 2. To ensure the recording process, the judges panel chair shall among others: a) inform at the start of the hearing all persons present that the proceedings shall be electronically recorded; instruct the parties to speak clearly into the microphone, to answer verbally and to avoid gestures or head movements, because these gestures cannot be recorded; c) ensure that the recording is done

in compliance with the rules of this Instruction and that it contains the required information; ç) decide on the minutes being kept in other ways, in the cases provided for in this instruction; d) decide to interrupt or restrict access of recording, in cases when sensitive issues related to minors, state secret, financial data of the parties, witness or defendant safety matters are discussed or when such an interruption or restriction is requested by the parties and allowed by the court by way of a reasoned decision, in compliance with the relevant provisions of the procedural law in force.

Article 7

Court Secretary

1. The court secretary shall be responsible for: a) initiating the recording equipment; b) complete and accurate trial hearings recording; c) signing summarized notes (index – log notes) accompanying the audio recording; ç) transcribing audio recordings when this is required; d) archiving recordings; and dh) issuing verified copies of the original recording in unmodifiable format on the CDs preliminarily provided by the parties, and of the verified copies of the original notes, upon full payment of the relevant fee pursuant to the legislation in force. 2. The court secretary shall undertake the duties set forth in Paragraph 1 of this Article pursuant

Article 9

Equipment technicians

In specific cases and when necessary, the court secretary shall be assisted in the completion of his/her duties of recording trial hearings and transcribing, by persons with technical knowledge, who are not part of the court staff, but have been contracted for this function. In any case, the court secretary shall supervise the recording and transcription processes and shall be responsible for them.

Article 11

Preparatory measures prior to trial hearing

Before the start of the trial hearing, besides the duties set forth in the legislation in force, the court secretary shall take all relevant measures to ensure that the recording equipment is duly functional. Among others, the court secretary shall: a) check that all equipment is plugged in and supplied with power; b) check that all equipment is connected to the respective UPS batteries and that the generator is in working conditions and ready to be initiated should there be a power failure; c) check that all microphones are connected to the respective channels; ç) ensure that the parties and other participants are seated in their respective seats to enable audio recording; d) ensure that necessary means to keep minutes in alternative methods are available, when this is necessary.

Article 19

Issuing recording copies to parties

1. Should the parties wish to obtain a certificated copy of the original recording, they shall submit a request to the court secretary. 2. The court secretary shall issue certificated copies of the original recording on read only CDs, and certificated copies of the original notes, as available by the trial hearing chair, upon full payment of the fee set pursuant to the legislation in force. 3. Blank CDs should be provided by the parties. 4. The abovementioned copies of the originals shall be provided within 24 hours if the trial has been concluded and 48 hours after the payment is executed when the trial is ongoing. 5. Should the request of the parties to obtain certificated copies of the original recording be refused, the hearing chair shall provide reasoning for the decision and this reasoning shall be made available to the requesting party. 6. Any addition information requested by the parties shall be reviewed pursuant to the legislation in force regulating relations between the court and the public.

Article 22

Transcript preparation

1. The recording transcript shall be prepared by the court secretary or the audio technicians contracted by the court, who shall act under the supervision of the court secretary, when: a) it is requested by the members of the judges panel; B) it is requested by the litigants or other interested persons, upon condition that they reason this request in writing and when this request is approved by the trial hearing chair and the fees set for this purpose have been paid.

Unifying Criminal Decision No. 2 dated 27.04.2015 of the High Court Joint Colleges

With this decision, the Criminal College raised the following issue for discussion by the Joint Colleges:

1. Should the minutes of the trial hearing kept by way of audio and audiovisual recording, as the act documenting the proceedings of the trial hearing, be considered in compliance with Article 115 and subsequent articles of the Criminal Procedure Code?

IV. Reasoning of the High Court Joint Colleges (extract of the unifying decision)

29. The Joint Colleges note that the issue that may cause misunderstanding or misinterpretation on what constitutes minutes or the method for keeping minutes, is the signing of the minutes as a legal element of the document, and the lack of which causes invalidity pursuant article 122 and 345/2 of the Criminal Procedure Code. The legal requirement of "obligation to sign", which could lead to the argument that the minutes are invalid when not signed by the staff that prepared them, is applicable only when minutes are taken in writing. Thus, this argument does not restrict or avoid audio and audiovisual recording as alternative means.

30. Taking into account that Article 115 of the Criminal Procedure Code sets forth that the minutes should be kept by way of available technical means, and that the provision on the signing of the document only refers to written minutes, the conclusion is that the "signing rule" is not applicable to audio or audiovisual recording and thus the provisions of Article 122 and Article 345/2 of the Criminal Procedure Code, are only applicable when the minutes are kept in writing. In this context, the lack of notes or transcripts when the main means selected for the documentation of the procedural activities is audio or audiovisual recording, should be considered an irregularity that can be rectified upon the initiative of the court or the interested parties by requesting the notes or the transcript of the relevant parts of the audio or audiovisual recording.

31. In response to the question raised for unification, the Joint Colleges have reached the conclusion that trial hearing minutes kept by way of audio and audiovisual recording not only are in compliance with Article 115 and subsequent articles of the Criminal Procedure Code, but being set forth as one of the minute keeping methods, these recordings enhance effectiveness and efficiency and guarantee the transparency of trial hearings, while completely and autonomously fulfilling the procedural activity documenting function.

32. Taking into account that the Joint Colleges have considered minutes kept by way of the audio and audio technical means in compliance with the procedural law, the Colleges believe it would be necessary to consider the possibility of the courts to understand and facilitate the efficient use of the audio and audiovisual minutes. This is especially done for the "trial hearing minutes", which is the main subject of the question raised for unification, and to resolve the recourse brought to the Joint Colleges.

33. The documentation of procedural activities by way of the audio or audiovisual technical means should be done pursuant the due process principle provided for in Article 42 of the Constitution and Article 6 of the European Human Rights Conventions. This means that when the court believes it is necessary upon its own discretion or the request of the parties, in addition to the secretary keeping notes synchronized with the audio or audiovisual minutes, it should also have available, when required, the transcript of the relevant parts that are considered necessary for the purposes of the trial and the exercise of human rights enjoyed by the parties.

34. The Joint Colleges believe that the fact that the sole hearing minutes, kept by way of audio or audiovisual recording, are an alternative and main means of documenting procedural activities, the lack of complete reflection or description of the witness testimony or other evidence in the form of statements, should not be considered by the appellate judge as a cause for invalidity, which would lead to the overthrowing of the first instance decision. In these cases, the appellate court, even upon its own initiative, should obtain the transcription of the audio or audiovisual recording, in order to make its internal opinion and to fulfill its main function of delivering justice.

35. In addition, the Joint Colleges believe that when a method of keeping trial hearing minutes by way of effective means is provided, keeping trial hearing minutes by way of summarized manuscripts is less effective method than complete forms of hearing proceedings documentation. In the cases when the first instance court proceeds with keeping minutes by way of summarized transcripts, the court should reason in detail the reasons that dictated the selection of the less efficient documentation method in place of the alternative audio or audiovisual recording minutes. The reasons should be only objective reasons, such as: the minutes were not kept by way of the main method as a result of technological impossibilities, lack or unforeseen malfunctioning of the systems, power failures, etc. ...

On courtrooms

Civil Procedure Code

Article 173

Closed doors trials

Pursuant to Article 26 of this Code, trial of cases completely or partially behind closed doors shall be allowed upon reasoned decision of the court, only when: a) there is a necessity to keep state secret or public order; b) trade secrets and inventions the disclosure of which would threaten interests protected by law are discussed; c) circumstances from the intimate and private life of the parties and other participants in the proceedings are disclosed.

Only the parties, their representatives, the witnesses, experts, and other persons permitted by the court shall be allowed to attend closed door trial hearings. The attendance of minors under the age of 16 shall not be allowed, except when they are summoned by the court. The decision to hold a closed door trial shall be announced publicly.

Article 178

Ensuring order and peace during the hearing

The trial hearing chair shall ensure order and peace during the hearing. He/she shall have the right to order the removal of individuals disturbing the hearing order and peace from the courtroom. When the prosecutor or lawyer does not abide by the instructions of the hearing chair, the court

shall inform the respective prosecution or bar steering committee organizations and shall request that disciplinary measures be taken. The court may postpone the hearing until a new prosecutor or lawyer have been assigned to the case.

Criminal Procedure Code in force during the monitoring period

Article 341

Hearing chair

1. The hearings shall be chaired by the chair. His/her orders on keeping order and peace shall be obligatory to all the parties and participants and enforceable by the police. Those that obstruct the normal progress of the hearings shall be removed upon order of the chair and shall be fined up to ALL 10,000 when they do not comply. The order shall not be appealed.
2. When a Criminal act is perpetrated in the courtroom, the prosecutor shall proceed in compliance with the law, and when the case may be, shall order the arrest of the author.

Law No. 35/2017, dated 30.3.2017 "On Some Additions and Amendments to Law No. 7905, dated 21.3.1995, "Criminal Procedure Code of the Republic of Albania", as amended

"Article 341

Hearing chair

1. The hearings shall be chaired by the judges panel chair. His/her orders on keeping order and peace during the hearing shall be obligatory to the parties and participants in the trial.
2. The chair shall have the duty to take measures to guarantee respect for the court authority, trial solemnity, and safety in the courtroom, and to avoid any insults, threats, or other attacks by the parties and other participants in the trial.
3. Should the defendant, the defense counsel, the witness, the expert, or the interpreter does not abide by the order of the court to maintain the order and the peace, and they insult the authority of the court, or act in a manner that threatens the solemnity of the trial, the chair shall warn them of the consequences. Should the individual continue to be disorderly and not abide, the court may fine him/her up to ALL 30,000. Repetition of the infringement shall be cause for removal from the courtroom.
4. The above order may be appealed in writing within 3 days. The appeal shall be reviewed in the counseling room by the same court. Should the court consider it reasonable, it shall strike the fine. No appeals shall be allowed against the decision to strike the fine.
5. The decision to impose a fine shall be an executive title.
6. The court shall inform the bar association or the relevant institution or entity for experts and interpreters about the inadequate behavior.
7. Should the actions of the prosecutor infringe on the rules of the trial hearing, the court shall reprimand him/her, and shall notify the chief prosecutor in case of repeated infringement.
8. Other participants in the trial who do not abide by the orders of the chair on maintaining order and peace, or who insult the authority of the court, shall be reprimanded by the chair and should they not respect the order of the court, they shall be removed from the courtroom by order of the chair and when considered necessary, fined up to ALL 30,000."

Decision No. 238/1/b, dated 24.12.2008 of the High Council of Justice "On the Solemnity of the Trial and the Special Attire of the Judge".

Article 2

Location of the trial

All judicial proceedings, when possible, shall be held in courtrooms adequate for the nature of the

case in question.

All courtrooms should, among others, be equipped with the following elements indicating judicial solemnity:

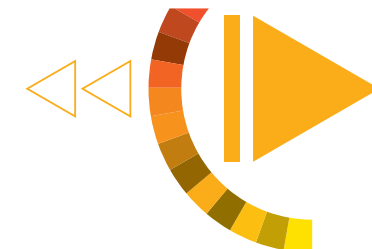
- the coat of arms of the Republic of Albania positioned on the upper part of the wall behind the bench of the court,
 - the national flag, positioned to the right of the courtroom beside the bench of the court,
 - a wooden or other material barrier serving as a separation between the area of the courtroom reserved for the public and the area where the litigants in the trial sit.
- All courtrooms should be equipped with a specific witness, expert, and interpreter stand.

Order No. 358, dated 5.9.2013 of the Minister of Justice "On the trial hearing minutes' transcript fees for audio or audiovisual recording minutes"

1. Fees for trial hearing minutes transcripts, when the transcripts are provided based on the request of the litigants or other interested persons, shall be as below:
 - a) Transcription of a fragment of the trial hearing minutes –ALL 500;
 - b) Transcription of the trial hearing minutes in full –ALL 1500.
2. Transcripts requested by the judges panel shall not be subject to fees.
3. Litigants or other interested parties shall be issued the trial hearing minutes' transcript only upon verifying the payment of the transcript fee.
4. The first instance courts and the appellate courts shall be charged with the implementation of this order.

Order No. 359, dated 5.9.2013 of the Minister of Justice "On storing and archiving the minutes of the trial hearing or other procedural activities undertaken out of the hearing"

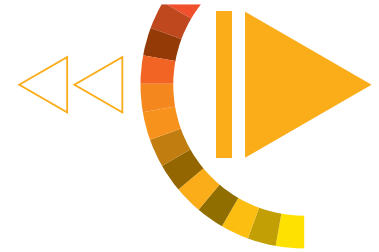
1. The minutes of the trial hearing or other procedural activities undertaken out of the hearing, kept by way of audio or audiovisual recording, or by way of an accurate typewritten or handwritten summary shall be stored as a component of the case file and shall be preserved as long as the case file.
2. Rules for storing and archiving minutes kept by way of audio or audiovisual recording, shall be set forth in Instruction No. 353, dated 3.9.2013 of the Minister of Justice "On determining detailed rules on keeping, storing and archiving trial hearing audio minutes".
3. The minutes kept by way of a typewritten or handwritten summary shall be preserved in the case file and shall be archived following the chronological order of the case file acts, based on the signature of the court secretary and the seal of the court. Written explanations and claims brought by the parties, to support their requests and conclusions may be attached to these minutes, pursuant article 172 of the Civil Procedure Code.
4. The parties, third parties, and interested individuals summoned by the court may obtain copies of the minutes archived in the case files, of the audio or audiovisual recordings, of the complete or partial transcripts of the latter, and authentic extracts of the typewritten or handwritten acts upon payment of a fee and permission of the court pursuant the rules set forth in article 77 of the Civil Procedure Code.
5. In any case, the right of the parties and the public to have knowledge of the case file, shall also include the right to have knowledge of the trial hearing minutes.
6. The first instance and appellate courts shall be charged with the implementation of this order.



ANNEX 2

DAR System Usage Percentage in June 2016

Court Group	Category according to percentage	Court	No. of Courts
1	Courts audio recording 100% of trial hearings	Gjirokastra Appellate Court	11
		Korça Appellate Court	
		Kukës District Court	
		Korça District Court	
		Vlora Appellate Court	
		Serious Crimes Appellate Court	
		Durrës Appellate Court	
		Tirana Appellate Court	
		Gjirokastra District Court	
		Përmet District Court	
		Shkodra Appellate Court	
2	Courts audio recording more than 90% of trial hearings	Saranda District Court	9
		Pogradec District Court	
		DibraDistrict Court	
		Vlora District Court	
		Lezha District Court	
		Kruja District Court	
		Mat District Court	
		Lushnja District Court	
		Puka District Court	
3	Courts audio recording less than 90% of trial hearings	Kavaja District Court	16
		Tirana Administrative Court	
		Berat District Court	
		First Instance Serious Crimes Court	
		Fier District Court	
		Kurbin District Court	
		Shkodra Administrative Court	
		Korça Administrative Court	
		Shkodra District Court	
		Tropoja District Court	
		Durrës District Court	
		Vlora Administrative Court	
		Tirana Appellate Administrative Court	
		Tirana District Court	
		Elbasan District Court	
		Durrës Administrative Court	
4	Courts audio recording trial hearings, but without generating reports	Gjirokastra Administrative Court	2
		High Court	
Total			38



ANNEX 3

Forms used in the study

FORM 1

QUESTIONNAIRE REGARDING TRIAL HEARINGS TO BE FILLED OUT BY THE MONITOR¹⁰

This questionnaire was developed in the framework of the “Working together for open and transparent court hearings in Albanian courts of all levels” initiative, supported by the USAID Justice for All Project. This initiative is implemented by the Albanian Helsinki Committee.

Its aim is to collect data and to identify issues related to courtroom usage and the use of the audio recording system in courts. Data collected in this questionnaire will be part of the national study that will be presented to the High Justice Council and the Minister of Justice, so that maximum audio recording and courtroom usage are guaranteed for complete transparency during judicial proceedings in the country. This step aims at improving public trust of the courts and the justice system in general.

Monitor's name and last name: _____

Date of monitoring: _____

GENERAL INFORMATION¹¹

Court	
Number of courtrooms in use (where a hearing is being held) at the moment the monitor arrives?	
Does this system function in each courtroom (room) of the court??	Yes No
Does the audio system function in the room where the hearing is being held?	Yes No

INFORMATION ON THE HEARING BEING MONITORED

1. Type of trial being monitored:

- General civil case, trial with litigants
- Family case, trial with litigants
- Commercial case, civil trial with litigants
- General civil case, trial without litigants (single party)
- Family case, trial without litigants (single party)
- Commercial case, trial without litigants (single party)
- Criminal trial;
- Administrative trial;

¹⁰ Questions are based on Instruction No. 353, dated 3.9.2013 “ON DETERMINING DETAILED RULES ON KEEP-ING, STORING AND ARCHIVING AUDIO RECORDED TRIAL HEARING MINUTES” of the Ministry of Justice. Trial hear- ing digital audio recording equipment is used to record civil, administrative, and criminal trial hearings, held in the facilities of the court where trial hearings are held in all the first instance and appellate courts of Albania.

¹¹ “General information” is only filled out for the first hearing monitored.

2. Is this the first hearing of the trial?

- a. Yes
- b. No

3. At what phase of the trial is the monitoring taking place?

- a. Preliminary phase
- b. Trial hearing
- c. Closing conclusions
- d. Final Decision

4. Is the hearing being audio recorded?

- a. Yes
- b. No (If not, jump to Question No. 13: If the hearing is not being audio recorded, explain the reason why it is not)

5. If yes, did the court secretary ensure before the start of the hearing that the parties and the participants were seated at their respective places to enable the audio recording?

- a. Yes
- b. No (If not, please explain why): _____
- c. I don't know (Please explain): _____

6. When the hearing is audio recorded, does the hearing chair inform all those present regarding the recording at the start of the trial hearing?

- a. Yes, regularly.
- b. Yes, in some cases.
- c. No
- d. I don't know (please explain): _____

7. Were the parties instructed to speak clearly into the microphone and to answer verbally, avoiding gestures of head nodding, since these gestures cannot be captured by the recording?

- a. Yes
- b. No

8. Did the parties ever call to attention the other parties, and did they inform the hearing chair on this?

- a. Yes
- b. No

9. Did the judge hear the witnesses or other individuals present with the audio recording?

- a. Yes
- b. No

10. If yes, are the witnesses being instructed to speak clearly and to answer verbally into the microphone?

- a. Yes
- b. No

11. Are the judges making efforts to avoid background discussions that could interfere with the audio recording?

- a. Yes
- b. No

12. Was the recording ever interrupted during the hearing?

- a. Yes
- b. No

12.1 If yes, indicate the reason below:

- a. Sensitive minors related issues were discussed during the hearing;
- b. State secret was discussed during the hearing;
- c. Parties financial information was discussed during the hearing;
- d. Witness safety issues were discussed during the hearing;
- e. Defendant safety issues were discussed during the hearing;
- f. When this is requested by the parties and allowed by the court with a reasoned decision, in compliance with the relevant provisions of the procedural law in force;
- g. Power failure;
- h. Other, describe _____

13. If the hearing is not being audio recorded, explain the reason why?

- a. The recording equipment is malfunctioning
- b. There is no power
- c. There are no free courtrooms
- d. Other reasons (specify) _____

14. If the hearing is being held in judge's chamber, were some of the participants (persons present) excluded?

- a. Yes (specify, were they excluded because of limited space or other reasons?)
- b. No
- c. I don't know (please explain) _____

15. If the hearing was held in the judge's chamber, did any of the participants complain about it being held in chambers and not the courtroom?

- a. Yes
- b. No
- c. I don't know (please explain) _____

16. Were there any party complaints regarding the usage of courtrooms?

- a. Yes (explain) _____
- b. No

17. Have the parties ever raised complaints regarding the audio recording?

- a. Yes (specify): _____
- b. No

Other Notes:

Monitor signature _____

Date: _____

FORM 2

COURT USER QUESTIONNAIRE

Notes for the monitor/interviewer

You should make the objective of the interview, the length of time and other related details clear to the interviewees, such as:

This questionnaire is being administered in the framework of the “Working together for open and transparent court hearings in Albanian courts of all levels” initiative, supported by the USAID Justice for All Project. This initiative is implemented by the Albanian Helsinki Committee.

Its aim is to collect data and to identify issues related to courtroom and audio recording system usage in courts. Data collected in this questionnaire will be part of the national study that will be presented to the High Justice Council and the Minister of Justice, so that maximum audio recording and courtroom usage are guaranteed for complete transparency during judicial proceedings in the country. This step aims at improving public trust of the courts and the justice system in general.

This interview will take approximately 10 minutes. The interviewee will be kept anonymous. You should request permission to use quotes in the final report, and if consent is given, a note of this consent should be made. (The consent form is attached herein and will be given to the person interviewed).

1. Interviewee sex:

- a. Male
- b. Female

2. Is the interviewee part of a specific ethnic or religious group, or a disabled person (or other vulnerable groups)?

- a. Yes
- b. No

2.1 If yes, indicate group

- a. Minorities
- a. Religious community
- b. Domestic violence victim
- c. Disabled person
- d. Other, specify_____

3. What is the role (status) of the interviewee?

- a. Plaintiff
- b. Defendant
- c. Witness
- d. Expert
- e. Person damaged by the criminal offence
- f. State institution representative / legal department employee part of the process
- g. Prosecutor
- h. Lawyer (publicly appointed or private counsel)
- i. Other, specify_____

4. Do you have previous experience with audio recording?

- a. Yes
- b. No

5. Have you ever been present in a hearing that was audio recorded?

- a. Yes
- b. No

6. Were all the hearings of your trial(s) audio recorded?

- a. Yes
- b. No

7. If you have attended more than one hearing, how many of them were audio recorded?

- a. None
- b. Some (few)
- c. Many
- d. All

8. In your experience in this court, what type of hearings are audio recorded more?

- a. Civil
- b. Criminal
- c. Administrative

9. If you were present in both courtroom and in chambers hearings, can you tell us about any changes between them? Are there changes in the behavior of the parties or the judges? If yes, please explain _____

10. Have you ever been present in a hearing being held in chambers, while the courtroom was not being used? Was it free?

- a. Yes
- b. No

10.1 If yes, explain the reason for holding the hearing in chambers? _____

11. Have you ever been asked to give a testimony or be heard during a hearing?

- a. Yes
- b. No

12. If yes, were you instructed on the use of the microphone and the audio recording system, or the place where you should sit and speak from?

- a. Yes
- b. No

13. In your knowledge, has the audio recording ever been interrupted during the hearing?

- a. Yes
- b. No

14. If yes, indicate one of the reasons below:

- a. sensitive minors related issues were discussed during the hearing;
- b. state secret was discussed during the hearing;
- c. parties financial information was discussed during the hearing;
- d. witness safety issues were discussed during the hearing;
- e. defendant safety issues were discussed during the hearing;
- f. when this is requested by the parties and allowed by the court with a reasoned decision, in compliance with the relevant provisions of the procedural law in force;
- g. power failure (frequent);
- h. power failure (rare);
- i. power failure (only once);
- j. Other, describe _____

15. Have you ever requested a copy of the audio recording from the court?

- a. Yes
- b. No (If “No”, Jump to Question 27)

16. If yes, is the form that must be filled out to request audio recording copies clear (intelligible) to you?

- a. Yes
- b. No

17. If you do not understand the form, please indicate what is not clear

18. If you have filled the form out, do you have any suggestions to make the instructions easier to understand?

19. If you have submitted a request, did the court grant your request to obtain copies of the audio recording?

- a. Yes
- b. No

20. If the court did not grant the request, please explain why, and describe the response that the court provided. Was the court decision reasoned?

21. If yes, (the court issued the copies) were they provided in time (24 hours after the payment for cases where a final decision has been delivered, and 48 hours for ongoing trials)?

- a. Yes
- b. No

22. If the Court did not provide the copies within the deadline, please explain why and describe the response of the court.

23. If you have requested audio recording copies, did you have any complaints regarding the financial cost for obtaining audio recording copies?

- a. Yes
- b. No

24. If you had complaints, please explain what kind of complaint?

25. If you obtained audio recording copies, did you have any difficulties (issues) with listening to and understanding the recording?

- a. Yes
- b. No

26. If yes, what was the problem with the recorded CD?

- a. The CD was not easily accessible from the PC or other electronic devices;
- b. Words and sentences were inaudible;
- c. Other (explain): _____

27. Please evaluate the court service regarding the audio recording?

- a. Satisfactory
- b. Unsatisfactory
- c. I am not able to make the evaluation

28. In your opinion, what are the benefits of audio recording?

- a. It avoids misunderstanding;
- b. Helps with the transparency of actions undertaken by the court and the parties;
- c. Prevents corruption;
- d. It is more accurate (correct) than handwriting or computer typing
- e. a, b, c and d;
- f. Other (explain): _____

29. In your opinion, what are the benefits of using courtrooms?

- a. They are more comfortable, because there is more room to sit;
- b. It helps the transparency of actions undertaken by the court or the parties;
- c. It prevents corruption;
- d. It is more serious and professional;
- e. a, b, c and d;
- f. Other (explain): _____

30. Do you have any comments that we may quote in our reports (Consent form attached)?

Interviewee: _____

Date: _____

FORM 3 CHANCELLOR QUESTIONNAIRE

CLARIFICATIONS FOR INDIVIDUALS INTERVIEWED IN THE COURTS

This questionnaire is being administered in the framework of the “Working together for open and transparent court hearings in Albanian courts of all levels” initiative, supported by the USAID Justice for All Project. This initiative is implemented by the Albanian Helsinki Committee.

Its aim is to collect data and to identify issues related to courtroom and audio recording system usage in courts. Data collected in this questionnaire will be part of the national study that will be presented to the High Judicial Council and the Minister of Justice, so that maximum audio recording and courtroom usage are guaranteed for complete transparency during judicial proceedings in the country. This step aims at improving public trust of the courts and the justice system in general.

This interview will take approximately 15 to 20 minutes.

CHANCELLOR QUESTIONNAIRE

COURT _____

Questions on Courtroom Usage

1. How many courtrooms does your court have? _____
2. How many trial hearings are held in courtrooms and how many in chambers?
 - a) 100%, all in courtrooms
 - b) more than 70% held in courtrooms
 - c) more than 50% (half of all hearings) held in courtrooms
 - d) a small portion (5-10%) are held in chambers
 - e) other, specify _____
3. What type of hearing is held more often in courtrooms?
 - a) Preliminary hearings
 - b) Civil trial hearings
 - c) Criminal trial hearings
 - d) Security measure (bail) hearing
 - e) Any type of hearing
4. Are there any issues with courtrooms and their usage?
 - a. Yes
 - b. No

If yes, specify: _____

Questions on audio recording

5. When the hearing is audio recorded, has the court provided assistance with support staff for the implementation of the audio recording function by the court secretary?
 - a) Yes (Specify position of the staff member providing support and whether support needs are met) _____
 - b) No

6. In how many cases was the audio recording of the hearing impossible as a result of malfunctioning equipment?

- a) Often
- b) Rarely
- c) Only once
- d) Never

If there were any cases, could you specify the reason?

7. What measures did you take in cases of malfunctions?

8. In your knowledge, has the audio recording ever been interrupted during the hearing? If yes, indicate one of the reasons below:

- a. Sensitive minors related issues were discussed during the hearing;
- b. State secret was discussed during the hearing;
- c. Parties financial information was discussed during the hearing;
- d. Witness safety issues were discussed during the hearing;
- e. Defendant safety issues were discussed during the hearing;
- f. When this is requested by the parties and allowed by the court with a reasoned decision, in compliance with the relevant provisions of the procedural law in force;
- g. Power failure (if this has happened, are these failures frequent in your court Yes/No);
- h. Other, describ _____

Questions on obtaining CD and transcript copies

9. Have the parties requested audio recording copies on CD since the implementation of the audio recording system?

- a) Many
- b) Regularly
- c) Some
- d) Few
- e) Other, specify _____

10. Were verified copies of the original recording issued on read only CDs that had been preliminarily provided by the parties after full payment of the relevant fee?

- a. Yes
- b. No

11. If yes, what has been the approximate number of these requests since the implementation of the audio recording system? _____

12. What was the approximate number of these requests during the last year (September 2015 – September 2016)? _____

13. If no, (no issued copies), what was the reasoning of the court?

14. Were these copies issued on time (24 hours after the payment for cases where a final decision has been delivered, and 48 hours for ongoing trials)?

- a. Yes
- b. No

15. For what type of cases were copies requested?

- a) Civil
- b) Criminal
- c) Administrative
- d) Other _____

16. Have there been complaints regarding issuing delays?

- a. Yes
- b. No

17. If yes, what was the approximate number of complaints filed? _____

18. Have the parties made any claims regarding the clarity or understandability of the CD audio recording?

- a. Yes
- b. No

19. If yes, what was the issue?

- a. Recording was not audible (voice too weak or too much background noise)
- b. Incomprehensible words or sentences
- c. A part of what was said in the hearing was missing
- d. Other (explain)

20. Have the parties made any claims regarding the fee to obtain an audio recording copy

- a. Yes
- b. No

21. Have there been requests for transcripts of audio recorded hearings?

- a. Yes
- b. No

22. If yes, what was the approximate number of requests filed? _____

23. Were the transcripts made available when requested by interested parties?

- a. Yes
- b. No

24. If no, what was the reasoning (briefly)

25. Have you identified any issues regarding the fulfillment of the transcription function?

26. Have any claims been made regarding the accuracy of transcripts?

- a) Yes (Specify _____)
- b) No

27. If yes, what issue was identified?

- a. They were illegible
- b. Portions were missing?
- c. Other (explain)

Questions on the legal framework

28. Are there any legal limitations or gaps that create issues in fulfilling the duties and function of the court secretary in the framework of the audio recording?

29. Are there any legal limitations or gaps that create issues in fulfilling the duties and function of the chancellor in the framework of the audio recording?

30. Have you identified any issues regarding the implementation of Instruction of the Minister of Justice No. 353, dated 3.9.2013 "On determining detailed rules for keeping, storing and archiving audio recorded trial hearing minutes"?

31. Any issues regarding the periodic written reporting to the Minister of Justice regarding the implementation of this instruction in the court?

General questions

32. In your opinion, what are the benefits of audio recording?

33. Do you have any suggestions for improving the chancellor, court secretary, or IT staff function as regards audio recording?

34. Other comments _____

35. Any comments that may be quoted in our reports (consent form attached)?

FORM 4

CLARIFICATIONS FOR INTERVIEWEES

This questionnaire is being administered in the framework of the “Working together for open and transparent court hearings in Albanian courts of all levels” initiative, supported by the USAID Justice for All Project. This initiative is implemented by the Albanian Helsinki Committee.

Its aim is to collect data and to identify issues related to courtroom and audio recording system usage in courts. Data collected in this questionnaire will be part of the national study that will be presented to the High Judicial Council and the Minister of Justice, so that maximum audio recording and courtroom usage are guaranteed for complete transparency during judicial proceedings in the country. This step aims at improving public trust of the courts and the justice system in general.

This interview will take approximately 15 minutes.

COURT SECRETARY QUESTIONNAIRE

COURT _____

1. How long have you been employed in the position of court secretary in this court?

- a) 1 to 3 months
- b) months to 1 year
- c) 1 to 2 years
- d) 2 to 5 years
- e) more than 5 years

Questions on courtroom usage**1. How many courtrooms does your court have? _____****2. How many trial hearings are held in courtrooms and how many in chambers?**

- a) 100%, all in courtrooms
- b) more than 70% held in courtrooms
- c) more than 50% (half of all hearings) held in courtrooms
- d) a small portion (5-10%) are held in chambers
- e) other, specify _____

3. What type of hearing is held more often in courtrooms?

- a) Preliminary hearings
- b) Civil trial hearings
- c) Criminal trial hearings
- d) Security measure (bail) hearing
- e) Any type of hearing

4. If any, please identify issues regarding courtrooms and their usage.

Questions on audio recording

5. When the hearing is audio recorded, are all the persons present notified by the hearing chair at the start of the proceedings that the hearing will be audio recorded?

- a) Yes, regularly.
- b) Yes, in some cases.
- c) No

6. Are the parties instructed to speak clearly into the microphone, to answer verbally and to avoid gestures and head nodding as these gestures are not captured by the recording?

- a) Yes, always
- b) Yes, in the majority of the cases
- c) Yes, sometimes
- d) Yes, but very rarely
- e) No, it is not necessary because the parties know how to act
- f) No, never (Please specify reasons _____)

7. Have there been any cases when the parties were called to attention on the use of microphones by the hearing chair?

- a) Yes, always
- b) Yes, in most cases
- c) Yes, sometimes
- d) Yes, but very rarely
- e) No, never

If yes, specify why they were called to attention _____

8. Have there been cases when the parties have called other parties to attention on the use of the recording equipment, by asking the hearing chair to take measures?

- a) Yes, always
- b) Yes, in most cases
- c) Yes, sometimes
- d) Yes, but very rarely
- e) No, never

If yes, specify why they were called to attention _____

9. Have there been cases when the trial hearing audio recording was impossible because of malfunctioning equipment?

- a) Often
- b) Rarely
- c) Only once
- d) Never

10. If there were malfunctions, can you describe briefly what they were and what measures did you take in that case?

11. Has the recording ever been interrupted during the hearing? If yes, please indicate the reason below:

- a) sensitive minors related issues were discussed during the hearing;
- b) state secret was discussed during the hearing;
- c) parties financial information was discussed during the hearing;
- d) witness safety issues were discussed during the hearing;
- e) defendant safety issues were discussed during the hearing;
- f) when this is requested by the parties and allowed by the court with a reasoned decision, in compliance with the relevant provisions of the procedural law in force;
- g) power failure (if this has happened, are these failures frequent in your court Yes/No);
- h) other, describe _____

12. Have you encountered any problems while keeping hearing minutes by way of audio recording?

- a) Yes (explain _____)
- b) No

Questions on obtaining CD and transcript copies

13. Since the start of your employment in this court, have the parties requested copies of the audio recordings on CDs?

- a) Many
- b) Regularly
- c) Some
- d) Very few
- e) Other, specify _____

14. In your knowledge, have the parties requested audio recording copies on CD during the last year (September 2015 to September 2016)?

- a) Many
- b) Regularly
- c) Some
- d) Very few
- e) Other, specify _____

15. In your knowledge, were verified copies of the original recording issued on read only CDs preliminarily provided by the parties after the full payment of the relevant fee?

- a) Yes (Specify how many?)
- b) No

16. In your knowledge, were these copies issued on time (24 hours after the payment for cases where a final decision has been delivered, and 48 hours for ongoing trials) during the last year (September 2015 to September 2016)?

- a) Yes (Specify _____)
- b) No

17. Have the parties ever brought any claims regarding the accuracy or understandability of the audio recording on the CDs?

- a) Yes
- c) No

18. If yes, what was the issue?

- a. Recording was not audible (voice of speaker too low, or too much background noise)
- b. Words and sentences were not understandable
- c. A portion of what was said in the hearings was missing
- d. Other (explain) _____

19. Have the parties ever brought any complaints regarding the fee for obtaining audio recording copies?

- a) Yes
- c) No

20. Have the judges requested transcripts?

- a. Yes, once
- b. Yes, a few times
- c. Yes, regularly
- d. No

21. Have the transcripts been made available when they were requested by other interested parties?

- a. Yes (Specify _____)
- b. No

22. Have any issues been identified in relation to the transcription function?

- a) Yes (Specify _____)
- b) No

23. Have there any complaints been brought regarding transcript accuracy?

- c) Yes (Specify _____)
- d) No

Questions on the legal framework

24. Are there any legal constraints or gaps creating challenges in fulfilling the court secretary duties and functions as regards audio recording?

General questions

25. In your opinion, what are the benefits of audio recording?

26. Do you have any suggestions to improve the court secretary function as regards audio recording? _____

27. Other comments _____

28. Any comments that we may quote in our reports (consent form attached)? _____

FORM 5

EXPLANATIONS FOR INTERVIEWEES

This questionnaire is being administered in the framework of the “Working together for open and transparent court hearings in Albanian courts of all levels” initiative, supported by the USAID Justice for All Project. This initiative is implemented by the Albanian Helsinki Committee.

Its aim is to collect data and to identify issues related to courtroom and audio recording system usage in courts. Data collected in this questionnaire will be part of the national study that will be presented to the High Judicial Council and the Minister of Justice, so that maximum audio recording and courtroom usage are guaranteed for complete transparency during judicial proceedings in the country. This step aims at improving public trust of the courts and the justice system in general.

This interview will take approximately 10 minutes

IT STAFF QUESTIONNAIRE

COURT _____

1. How long have you been employees as an IT specialist in this court?

- a) 1 to 3 months
- b) 3 months to 1 year
- c) 1 to 2 years
- d) 2 to 5 years
- e) more than 5 years

Questions on courtroom usage

2. How many courtrooms does your court have? _____

3. How many hearings are held in the courtroom and how many in chambers?

- a) 100%, all held in courtrooms
- b) more than 70% are held in courtrooms
- c) more than 50% (half of the hearings) are held in courtrooms
- d) a small portion (5-10%) are held in chambers
- e) other, specify _____

4. What type of hearings are held more frequently in a courtroom?

- a) Preliminary hearing
- b) Civil trial hearing
- c) Criminal trial hearing
- d) Security measure (bail) hearing
- e) Any type of hearing

5. If any, identify issues related to courtrooms and their usage

Questions on audio recording

6. When hearings are audio recorded, what was the support you provided for the audio recording function?

7. Have there been any cases when the hearing audio recording was impossible, because of malfunctioning equipment?

- a) often
- b) rarely
- c) only once
- d) never

If yes, briefly explain what these cases were:

8. If there were malfunctions, what measures did you take in that case?

9. How would you rate the court infrastructure enabling the use and functioning of the audio recording system?

- a) Very good
- b) Good
- c) Weak
- d) Completely inadequate

10. What needs should be met in order to improve this infrastructure?

Questions on obtaining CD and transcript copies

11. In your knowledge, have the parties requested audio recording copies on CDs during the last year (September 2015 to September 2016)?

- a) Many
- b) Regularly
- c) Some
- d) Very few
- e) Other, specify _____

12. In your knowledge have verified copies of the original recording been issued on read only CDs preliminarily provided by the parties after the full payment of the relevant fee during the last year (September 2015 to September 2016)?

- a) Yes
- b) No
- c) I don't know

13. In your knowledge have there been complaints regarding the accuracy or understandability of the audio recording on the CDs?

- a. Yes
- b. No

14. If yes, what was the issue?

- a. Recording was not audible (speaker voice too low, or too much background noise)
- b. Words or sentences were not understandable
- c. Portions of what were said in the hearing were missing
- d. Other (explain)

15. In your knowledge, have transcripts of the audio recordings been requested?

- a. Yes
- b. No
- c. I don't know

16. If yes, which member of the court staff is involved in preparing transcripts?

- a. _____
- b. I don't know

17. Have you provided assistance in this process?

- a. Yes (specify type of assistance)
- b. No

18. Have any issues with the fulfillment of the transcription function been identified?

- a. Yes
- b. No
- c. I don't know

19. In your knowledge, have any claims been made regarding the accuracy of the transcripts?

- a. Yes
- b. No
- c. I don't know

20. If yes, what was the issue identified?

- a. Illegibility
- b. Missing portions
- c. Other (explain)

Questions on report development

21. How often are you required to generate courtroom and audio recording system reports?

- a) often
- b) rarely
- c) only once
- d) never

22. Do the indicators that you are required to include in your reports match with the automatically generated reports by the PAKS+ and DAR system, or you need to collect additional information?

- a) Yes
- b) No
- c) I don't know

23. Are there issues with the generation of PAKS+ and ICMIS, or ARK-IT system reports?

- a) Yes, explain _____
- b) No
- c) I don't know

General questions

24. Do you have any suggestions for improving the IT staff position regarding the audio recording function?

25. Other comments _____

26. Any comments that we may quote in our reports (consent form attached)?

FORM 6

EXPLANATIONS FOR INTERVIEWEES

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Its aim is to collect data and to identify issues related to courtroom and audio recording system usage in courts. Data collected in this questionnaire will be part of the national study that will be presented to the High Judicial Council and the Minister of Justice, so that maximum audio recording and courtroom usage are guaranteed for complete transparency during judicial proceedings in the country. This step aims at improving public trust of the courts and the justice system in general.

This interview will take approximately 15 minutes.

CHIEF JUDGE QUESTIONNAIRE

COURT _____

Questions on courtroom usage

1. **How many courtrooms does your court have?** _____
2. **How many hearings are held in courtrooms and how many in chambers?**
 - a) 100%, all hearings are held incourtrooms
 - b) more than 70% are held incourtrooms
 - c) more than 50% (half the hearings) are held in courtrooms
 - d) a small portion (5-10%) are held in chambers
 - e) other, specify _____
3. **What type of hearings are held more frequently in courtrooms?**
 - a) Preliminary hearings
 - b) Civil trial hearings
 - c) Criminal trial hearing
 - d) Security measure (bail) hearings
 - e) Any type of hearing

If any, identify issues related to courtrooms and their usage

Questions on audio recording

4. **What were the issues identified by the judges of your court regarding the disciplining of parties and management of the audio recorded hearings?** _____
5. **In your opinion, is the information on audio recording provided before the start of the hearing adequate, or is there a need for more awareness raising and preliminary information for the parties?**
 - a) Yes
 - b) No
 - c) I don't know

6. If better information is needed, what would be your suggestions in this regard?

7. Have there been cases when audio recording was impossible due to equipment malfunction?

- a) often
- b) rarely
- c) only once
- d) never

If yes, could you briefly elaborate on these cases?

8. What measures were taken in cases of malfunction?

9. If any, identify issues related to audio recording.

Questions on the legal framework

10. Are there any legal constraints or gaps creating challenges in the fulfillment of the Chief Judge function as regards audio recording?

11. Are there any legal constraints or gaps creating challenges in the fulfillment of the judge, chancellor, court secretary, or IT staff functions as regards audio recording?

12. Have you identified any issues with the implementation of Instruction No. 353, dated 3.9.2013 "On determining detailed rules for keeping, storing, and archiving audio recorded trial hearing minutes"?

13. Have you encountered any issues regarding the periodic written report to the Ministry of Justice on the implementation of this instruction in the court?

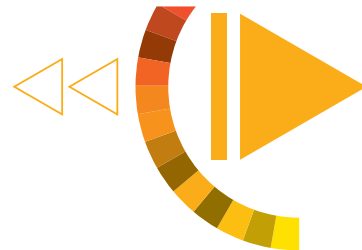
General Questions

14. In your opinion, what are some audio recording benefits?

15. Do you have any suggestions for improving the Chief Judge or the judge function as regards audio recording?

16. Other comments _____

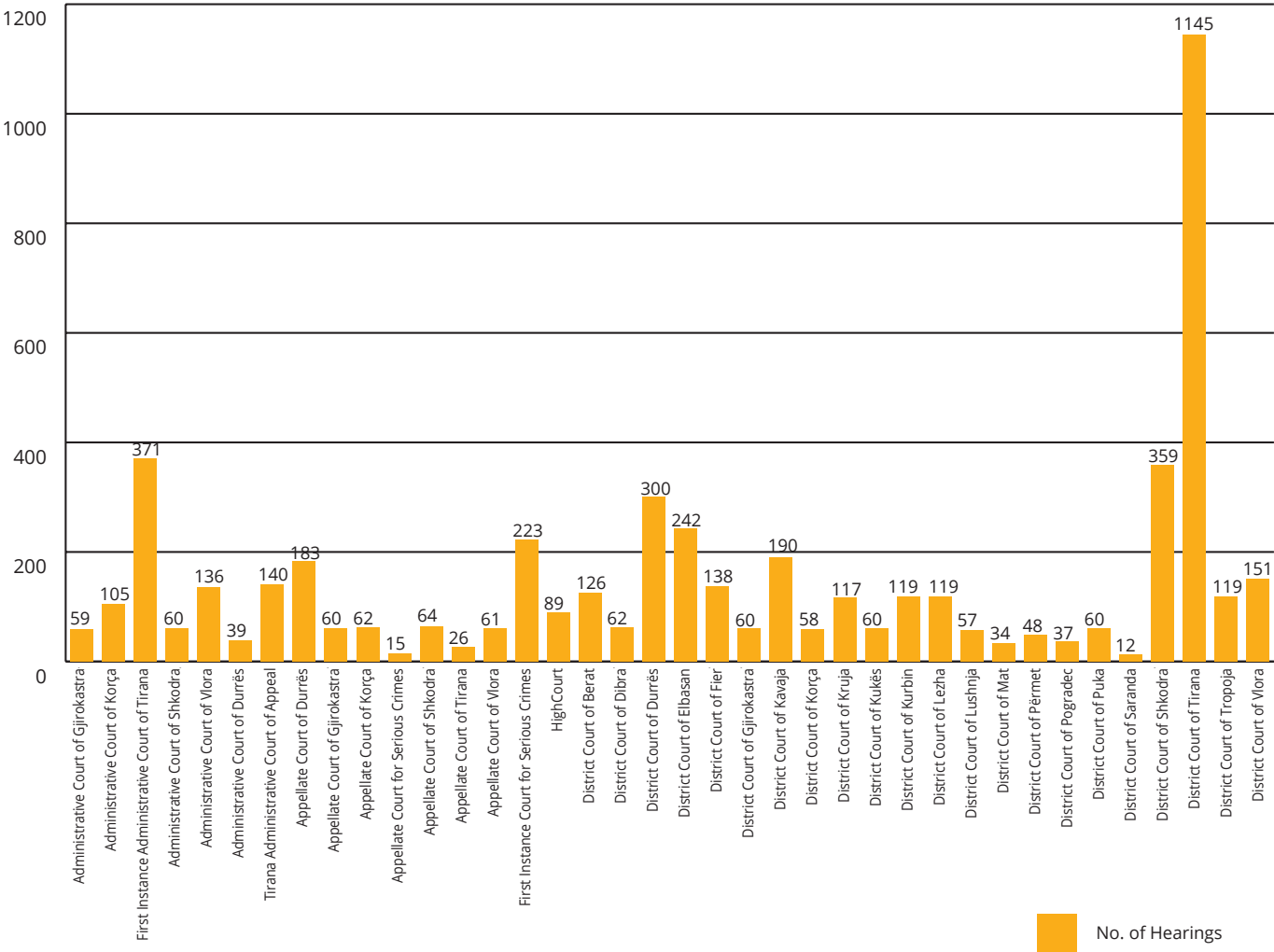
17. Any comments that we may quote in our reports (consent form attached)?



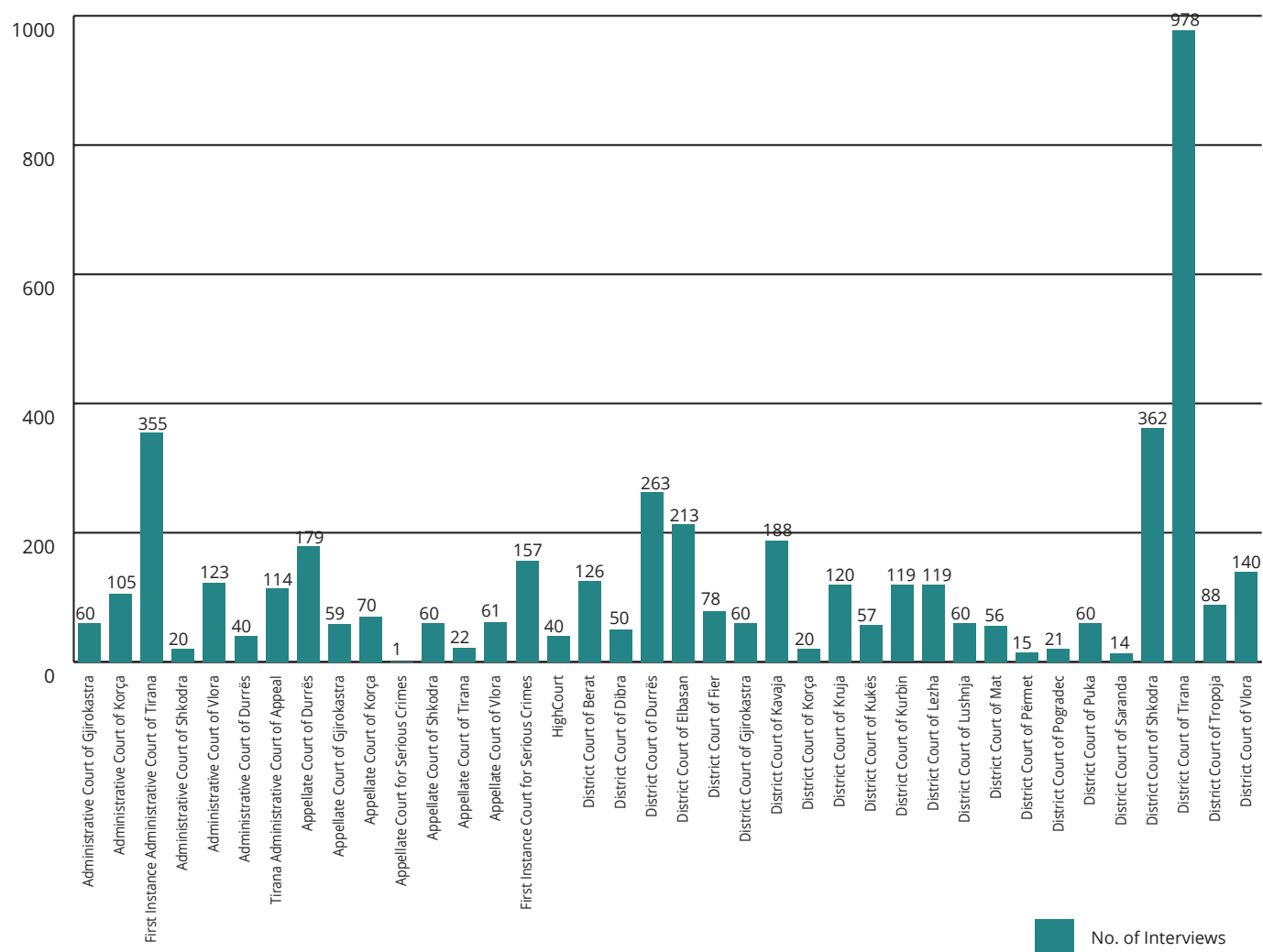
ANNEX 4

Volume of monitored hearings and interviews organized in each court

No. of Hearings

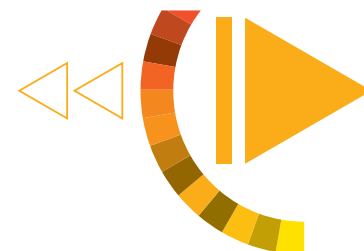


No. of Interviews



ANNEX 5

Interviews with court staff, courtroom capacity and usage



Courtroom capacity and usage percentage

Court	No. of court-rooms	Chief Judge	Chancellor	IT Specialist
Gjirokastra Administrative Court	1	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Korça Administrative Court	1	more than 70% held in courtrooms	more than 70% held in a courtrooms	more than 70% held in courtrooms
Tirana First Instance Administrative Court	7	Refer to monthly reports submitted to HJC	Preliminary hearings are held in chambers, while the rest in courtrooms	Preliminary hearings are held in chambers, while all trial hearings are held in courtrooms
Shkodra Administrative Court	2	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Vlora Administrative Court	2	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Durrës Administrative Court	1	Less than 50% held in a courtrooms	Less than 50% held in courtrooms	Less than 50% held in a courtrooms
Tirana Appellate Administrative Court	3	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Durrës Appellate Court	4	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Gjirokastra Appellate Court	2	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Korça Appellate Court	2	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Serious Crimes Appellate Court	2	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Shkodra Appellate Court	5	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Tirana Appellate Court	6	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Vlora Appellate Court	11	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
First Instance Serious Crimes Court	4	100%, all hearings in courtrooms	Every trial hearing is held with the audio system in the courtroom, with the exception of requests during the preliminary investigation phase, for which the investigation secret must be kept, such as requests for surveillance, etc.	100%, all hearings in courtrooms
High Court	3	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Berat District Court	4	more than 50% (half of hearings) held in courtrooms	more than 50% (half of hearings) held in courtrooms	more than 50% (half of hearings) held in courtrooms

Court	No. of court-rooms	Chief Judge	Chancellor	IT Specialist
Dibra District Court	4	100%, all hearings in courtrooms	100%, all hearings in courtroom	100%, all hearings in courtrooms
Durrës District Court	4	more than 50% (half of hearings) held in courtrooms	more than 70% held in courtrooms	more than 50% (half of hearings) held in courtrooms
Elbasan District Court	2	Only used by the 6 judges of the criminal court, with one courtroom per panel, approx. 35% of the hearings for each criminal judge.	10% in courtrooms	13% with Audio, 87% in chambers without audio.
Fier District Court	5	more than 70% held in courtrooms	100%, all hearings in courtrooms	more than 70% held in courtrooms
Gjirokastra District Court	4	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Kavaja District Court	3	Only execution orders, surveillance, and specific judicial process is not audio recorded, the rest are recorded without exceptions, i.e. more than 70%.	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Korça District Court	7	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Kruja District Court	3	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Kukës District Court	4	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Kurbin District Court	4	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Lezha District Court	4	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Lushnja District Court	4	100%, all hearings in courtrooms	more than 95 %	100%, all hearings in courtrooms
Mat District Court	3	More than 90% with audio, except criminal hearings to grant surveillance, reduction of sentence, civil requests to issue execution orders	more than 90%	100%, all hearings in courtrooms
Përmet District Court	2	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Pogradec District Court	4	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms
Puka District Court	3	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms

Court	No. of court-rooms	Chief Judge	Chancellor	IT Specialist
Saranda District Court	4	100%, all hearings in courtrooms	more than 70% held in courtrooms	more than 70% held in courtrooms
Shkodra District Court	6	60,14% in 2016	more than 70% held in courtrooms	more than 70% held in courtrooms
Tirana District Court	27	25%	25% in courtrooms	20% because of the wide gap between number of judges and courtrooms
Tropoja District Court	2	100%, all hearings in courtrooms	more than 70% held in courtrooms	98% held in courtrooms with audio recording
Vlora District Court	11	100%, all hearings in courtrooms	100%, all hearings in courtrooms	100%, all hearings in courtrooms

Issues regarding courtrooms and their usage in the monitored courts

Court	Chief Judge	Chancellor	IT
Gjirokastra Administrative Court	-	None	Lack of courtrooms
Korça Administrative Court	Only one courtroom	Yes, number of courtrooms is insufficient	There is only one courtroom, which makes the holding of hearings challenging
Tirana First Instance Administrative Court	None	None	None
Shkodra Administrative Court	None	None	None
Vlora Administrative Court	None	None	None
Durrës Administrative Court	Only one courtroom. Judges case load is high. One courtroom only means judges cannot use audio recording	Only one courtroom in the court	An issue is that the court has only one courtroom
Tirana Appellate Administrative Court	The Appellate Administrative Court is currently housed in a temporary adapted building and requires another courtroom.	None	None
Durrës Appellate Court	None	None	None
Gjirokastra Appellate Court	None	None	None
Korça Appellate Court	None	None	None
Serious Crimes Appellate Court	None	None	Issues related to microphones
Shkodra Appellate Court	None	None	None

Court	Chief Judge	Chancellor	IT
Tirana Appellate Court	None	None	The audio DMX device does not function during the hearing audio recording
Vlora Appellate Court	None	None	Issues encountered relate to the connection of the audio feed with the court server and some of the hearings are not stored in the server.
First Instance Serious Crimes Court	None	None	None
High Court	None	Yes, there are only 2 functional courtrooms with audio recording system. The Joint Colleges chamber requires a specific audio system, adapted to the type of chamber.	None
Berat District Court	None	None	Small number of courtrooms for 10 active judges
Dibra District Court	None	None	None
Durrës District Court	The main issue is the lack of courtrooms, because the Durrës District Court has 17 judges who preside over an average of 7-8 hearings daily and in many cases 12-15 hearings daily. This makes it impossible to hold all hearings in courtrooms, which would enhance the observance of the solemnity of the process on the one hand and would improve transparency of the justice system on the other.	None	None
Elbasan District Court	None	None	None
Fier District Court	None	None	The main issue is the lack of courtrooms in the court
Gjirokastra District Court	None	Yes, the number of courtrooms is insufficient	All hearings are recorded in our court. The issues are identified immediately so that all hearings can be recorded.

Court	Chief Judge	Chancellor	IT
Kavaja District Court	None	Yes, we have 3 judges and 2 delegated judges and we need more staff and courtrooms	None
Korça District Court	None	None	None
Kruja District Court	None	None	Until now we have had no problems with courtrooms. To reduce delays in the courtroom as much as possible, the solution would be to have one courtroom for every judge.
Kukës District Court	None	Yes, number of courtrooms is insufficient	None
Kurbin District Court	None	None	None
Lezha District Court	None	None	None
Lushnja District Court	The issue relates to the mixer and the microphone not being in sync	Yes, only in those cases where hearings were scheduled at the same time	None
Mat District Court	None	None	Sometimes the intranet is out of order
Përmet District Court	None	None	None
Pogradec District Court	Not only requests for surveillance hearings are held in the courtrooms of this court. In some cases, security measure (bail) hearings in absentia are held or hearings in hospitals or outside the court and procedural provisions outside the court	None	None
Puka District Court	None	None	During the winter there are power supply issues which cause the interruption of the audio system operation, and issues related to heating system as well.
Saranda District Court	None	None	Issues of connecting the audio with the server
Shkodra District Court	None	Yes, number of courtrooms is insufficient	Small number of courtrooms compared to cases being tried

Court	Chief Judge	Chancellor	IT
Tirana District Court	None	Yes, number of court-rooms is insufficient	Court secretary should identify in time the interruption of the recorder.
Tropoja District Court	None	None	None
Vlora District Court	None	None	None

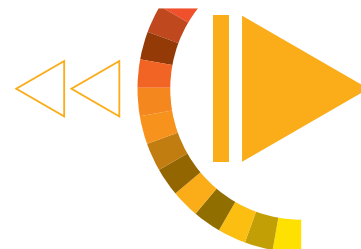
Type of cases/hearings heard in a courtroom

Court	Chief Judge	Chancellor	IT Specialist
Gjirokastra Administrative Court	Civil trial hearings	Civil trial hearings	Civil trial hearings
Korça Administrative Court	-	All hearing types	All hearing types
Tirana First Instance Administrative Court	Civil trial hearings	Civil trial hearings	Civil trial hearings
Shkodra Administrative Court	Preliminary hearings	All hearing types	All hearing types
Durrës Administrative Court	Administrative trial hearings.	Civil trial hearings	Civil trial hearings
Vlora Administrative Court	All hearing types	All hearing types	Civil trial hearings
Tirana Appellate Administrative Court	-	Civil trial hearings	Civil trial hearings
Durrës Appellate Court	All hearing types	All hearing types	All hearing types
Gjirokastra Appellate Court	All hearing types	All hearing types	All hearing types
Korça Appellate Court	All hearing types	All hearing types	All hearing types
Serious Crimes Appellate Court	All hearing types	criminal trial hearings	All hearing types
Shkodra Appellate Court	All hearing types	All hearing types	All hearing types
Tirana Appellate Court	All hearing types	All hearing types	All hearing types
Vlora Appellate Court	All hearing types	All hearing types	All hearing types
First Instance Serious Crimes Court	All hearing types	criminal trial hearings	All hearing types
High Court	All hearing types	All hearing types	All hearing types
Berat District Court	All hearing types	All hearing types	All hearing types
Dibra District Court	All hearing types	All hearing types	All hearing types
Durrës District Court	-	Civil trial hearings	All hearing types
Elbasan District Court	criminal trial hearings	criminal trial hearings	criminal trial hearings
Fier District Court	criminal trial hearings	All hearing types	All hearing types
Gjirokastra District Court	All hearing types	All hearing types	All hearing types

Court	Chief Judge	Chancellor	IT Specialist
Korça District Court	All hearing types	All hearing types	All hearing types
Kruja District Court	All hearing types	All hearing types	All hearing types
Kukës District Court	All hearing types	criminal trial hearings	All hearing types
Kurbin District Court	All hearing types	All hearing types	All hearing types
Lezha District Court	All hearing types	All hearing types	All hearing types
Lushnja District Court	All hearing types	All hearing types	All hearing types
Mat District Court	All hearing types	All hearing types	All hearing types
Përmet District Court	All hearing types	All hearing types	All hearing types
Pogradec District Court	Not only request for surveillance hearings are held in the courtrooms of this court. In some cases, security measure (bail) hearings in absentia are held or hearings in hospitals or outside the court and procedural provisions outside the court	All hearing types	All hearing types
Puka District Court	All hearing types	All hearing types	All hearing types
Saranda District Court	All hearing types	All hearing types	All hearing types
Shkodra District Court	Civil trial hearings	Security measure (bail) hearings	Security measure (bail) hearings
Tirana District Court	criminal trial hearings	All hearing types	criminal trial hearings
Tropoja District Court	All hearing types	All hearing types	All hearing types
Vlora District Court	All hearing types	All hearing types	All hearing types

ANNEX 6

User evaluations on court audio recording system related services



Court and audio recording service evaluation	Number of responses
Gjirokastra Administrative Court	59
Satisfactory	54
Unsatisfactory	2
I am not able to make an evaluation (N/A)	3
Korça Administrative Court	104
Satisfactory	94
Unsatisfactory	2
I am not able to make an evaluation (N/A)	8
Tirana First Instance Administrative Court	347
Satisfactory	281
Unsatisfactory	6
I am not able to make an evaluation (N/A)	60
Shkodra Administrative Court	61
Satisfactory	61
Vlora Administrative Court	123
Satisfactory	88
Unsatisfactory	12
I am not able to make an evaluation (N/A)	23
Durrës Administrative Court	96
Satisfactory	76
Unsatisfactory	2
I am not able to make an evaluation (N/A)	18
Tirana Appellate Administrative Court	110
Satisfactory	85
I am not able to make an evaluation (N/A)	25
Durrës Appellate Court	172
Satisfactory	79
Unsatisfactory	16
I am not able to make an evaluation (N/A)	77
Gjirokastra Appellate Court	55
Satisfactory	52
I am not able to make an evaluation (N/A)	3
Korça Appellate Court	70
Satisfactory	58
Unsatisfactory	1
I am not able to make an evaluation (N/A)	11
Serious Crimes Appellate Court	1
Satisfactory	1
Shkodra Appellate Court	59
Satisfactory	39

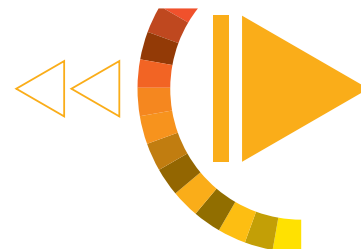
I am not able to make an evaluation (N/A)	20
Tirana Appellate Court	2
Satisfactory	2
Vlora Appellate Court	61
Satisfactory	60
I am not able to make an evaluation (N/A)	1
First Instance Serious Crimes Court	153
Satisfactory	100
Unsatisfactory	15
I am not able to make an evaluation (N/A)	38
High Court	39
Satisfactory	23
Unsatisfactory	4
I am not able to make an evaluation (N/A)	12
Berat District Court	124
Satisfactory	119
Unsatisfactory	2
I am not able to make an evaluation (N/A)	3
Dibra District Court	50
Satisfactory	50
Durrës District Court	261
Satisfactory	163
Unsatisfactory	20
I am not able to make an evaluation (N/A)	78
Elbasan District Court	211
Satisfactory	80
Unsatisfactory	56
I am not able to make an evaluation (N/A)	75
Fier District Court	115
Satisfactory	71
Unsatisfactory	1
I am not able to make an evaluation (N/A)	43
Gjirokastra District Court	56
Satisfactory	47
Unsatisfactory	4
I am not able to make an evaluation (N/A)	5
Kavaja District Court	187
Satisfactory	113
Unsatisfactory	11
I am not able to make an evaluation (N/A)	63
Korça District Court	20

Satisfactory	12
I am not able to make an evaluation (N/A)	8
Kruja District Court	120
Satisfactory	103
Unsatisfactory	1
I am not able to make an evaluation (N/A)	16
Kukës District Court	56
Satisfactory	50
Unsatisfactory	1
I am not able to make an evaluation (N/A)	5
Kurbin District Court	119
Satisfactory	84
I am not able to make an evaluation (N/A)	35
Lezha District Court	119
Satisfactory	84
I am not able to make an evaluation (N/A)	35
Lushnja District Court	60
Satisfactory	60
Mat District Court	56
Satisfactory	28
Unsatisfactory	4
I am not able to make an evaluation (N/A)	24
Përmet District Court	15
Satisfactory	13
Unsatisfactory	1
I am not able to make an evaluation (N/A)	1
Pogradec District Court	21
Satisfactory	11
Unsatisfactory	1
I am not able to make an evaluation (N/A)	9
Puka District Court	60
Satisfactory	58
I am not able to make an evaluation (N/A)	2
Saranda District Court	57
Satisfactory	12
Unsatisfactory	1
I am not able to make an evaluation (N/A)	44
Shkodra District Court	362
Satisfactory	279
Unsatisfactory	7

I am not able to make an evaluation (N/A)	76
Tirana District Court	985
Satisfactory	611
Unsatisfactory	83
I am not able to make an evaluation (N/A)	291
Tropoja District Court	89
Satisfactory	75
Unsatisfactory	2
I am not able to make an evaluation (N/A)	12
Vlora District Court	184
Satisfactory	123
Unsatisfactory	3
I am not able to make an evaluation (N/A)	58

ANNEX 7

DAR System Use 2016 and 2017



Court	Category according to percentage	Courts	No. of courts in 2016, according to DAR report	Percentage of courts in 2016, according to DAR report	Courts	No. of courts in 2017, according to monitoring	Percentage of courts in 2017, according to monitoring
1	Courts audio recording 100% of hearings	Gjirokastra Appellate	11	28.9%	Gjirokastra Appellate	20	52.6%
		Korça Appellate			Korça Appellate		
		Kukës District			Kukës District C.		
		Korça District C.			Korça District C.		
		Vlora Appellate			Vlora Appellate		
		Tirana Appellate			Tirana Appellate		
		Gjirokastra District C.			Gjirokastra District C.		
		Përmet District C.			Përmet District C.		
		Durrës Appellate			First Instance Serious Crimes		
		Appellate Serious Crimes			Gjirokastra First Instance Administrative		
		Shkodra Appellate			Tirana Appellate Administrative		
					Dibra District C.		
					Kavaja District C.		
					Lezha District C.		
					Kruja District C.		
					Lushnja District C.		
					Mat District C.		
					Pogradec District C.		
					Puka District C.		
					Vlora District C.		

Court	Category according to percentage	Courts	No. of courts in 2016, according to DAR report	Percentage of courts in 2016, according to DAR report	Courts	No. of courts in 2017, according to monitoring	Percentage of courts in 2017, according to monitoring
	Courts audio recording more than 90% of trial hearings	Saranda District C.	9	23.7%	Durrës District C.	12	31.6%
		Pogradec District C.			Berat District C.		
		Dibra District C.			Fier District C.		
		Vlora District C.			Kurbin District C.		
		Lezha District C.			Tropoja District C.		
		Kruja District C.			Appellate Serious Crimes		
		Mat District C.			Korça First Instance Administrative C.		
		Lushnja District C.			Tirana First Instance Administrative C.		
		Puka District C.			Shkodra Appellate C.		
					Durrës Appellate C.		
					High Court		
					Saranda District C.		

Court	Category according to percentage	Courts	No. of courts in 2016, according to DAR report	Percentage of courts in 2016, according to DAR report	Courts	No. of courts in 2017, according to monitoring	Percentage of courts in 2017, according to monitoring
3	Courts audio recording less than 90% of trial hearings	Shkodra First Instance Administrative	16	42%	Shkodra First Instance Administrative C.	6	15.8%
		Shkodra District C.			Shkodra District C.		
		Vlora First Instance Administrative C.			Vlora First Instance Administrative C.		
		Tirana District C.			Tirana District C.		
		Durrës First Instance Administrative C.			Durrës First Instance Administrative C.		
		Elbasan District C.			Elbasan District C.		
		Kavaja District C.					
		Tirana Administrative C.					
		Berat District C.					
		First Instance Serious Crimes C.					
		Fier District C.					
		Kurbin District C.					
		Korça Administrative C.					
		Tropoja District C.					
		Durrës District C.					
		Tirana Appellate Administrative C.					
4	Courts audio recording trial hearings, but that have generated no reports	Gjirokastra First Instance Administrative C.	2			0	0
		High Court					
		Total	38			38	

