FINAL REPORT

Grant Name: Monitoring of District Courts of Durres, Shkoder, Sarande, Elbasan, Pogradec, Vlore, Appellate Court of Gjirokaster, Tirana High Crimes Court, and Appellate Court of Tirana.

Grant Number: No. 2

Grant Start Date: September, 1, 2008

Grant End Date: December, 31, 2008

1.1 EXECUTIVE SUMMARY

Monitoring of District Courts of Durres, Shkoder, Sarande, Elbasan, Pogradec, Vlore, Appellate Court of Gjirokaster, Tirana High Crimes Court and Appellate Court of Tirana.

Overall goal of the project is monitoring the level of transparency within the Albanian judiciary system.

Objectives:

- Increasing transparency in court
- Monitoring the level of enforcement regarding the right to information and access to official documents law.
- Monitoring the level of transparency regarding the financial expenditures within the judiciary system.
- Monitoring the level of transparency regarding the procedures and judiciary practices.

1.2 PLANNED VS. ACTUAL OUTPUTS

1.2.1 Set Up Phase and Training of Monitors

1.2.1.1 Planned: CDDI hired 9 persons who submitted requests for information. These persons submitted those requests to the 9 District Courts selected. CDDI instructed and assisted the persons selected to conduct the monitoring in completing and submitting information requests to the respective courts. CDDI showed how to complete a request for information, making sure it included all elements necessary to provide the answer and guide them on how and where to submit the information requests. The people who have already worked with CDDI and who were presented as CDDI's staff submitted the information requests to the 9 selected courts.

Although the Rule of Law Program had already signed an agreement with the High Council of Justice, which included the District Courts mentioned above, we still were not mentioning this, and tried the system the way it was working for the citizens, that is why we submitted requests for information, based on Albanian law 8503.

1.2.1.2Actual: The Center for Development and Democratization of Institutions chose 9 persons to conduct the monitoring based on their CV-s and previous experiences regarding the monitoring process. The names of monitories are:

1. Bledar Kocerri
2. Erion Stermilli
3. Dorina Zhavarra
4. Amela Zhabjaku
5. Ergys Zhabjaku
6. Dorina Tusha
7. Mirsad Uruci
8. Gesi Hoxha
9. Fiori Bezati

CDDI signed a Contract of Service that lasted 2 months with the monitoring persons, in which they were clearly explained the duties and responsibilities of each party in this process, the duration of the contract as well as the payment that they get for their part of the job.

There were 2 meetings in CDDI's office with the 9 monitors, and in both these meetings there was a representative of the Rule of Law Project.

During the first meeting CDDI's Legal Expert explained to the participants:

- The Project and its objectives.
- The "Right to Information for Official Documents" Law.
- The monitoring as a process and the institutions that were going to be monitored.
- Moreover they were given time to think about questions or requests that they may have in relation to the information of the public.

CDDI and the monitors organized a first meeting in Late September to discuss the requests for information to be sent to 9 Courts of Albania. Participants in the first meeting were CDDI's staff (legal expert Violeta Plumbi, Data Analyzer Dorina Xhaxhiu, a representative of USAID, Enton Dimi as well as the 9 monitors. The first meeting was a brainstorming session, thinking about different directions of the Courts of Albania. Some of the monitors are journalists which asked each other about the spiciest subjects regarding the Albanian courts as if they were writing an article for a newspaper. This proved to be a very important and helpful strategy because the journalists had different interests which became the basis of the requests for information.

During the second meeting, under the guidance of the legal expert (Violeta Plumbi) and the active participation of the monitoring persons the requests that were to be sent to the District Courts were chosen. To choose the requests for information we considered the specifics of the Courts, because there were three types of Courts, District Courts, Appellate Courts and The High Crimes Court. In the end it was concluded that the requests should be:

1. How much was the financial budget of 2007 for the Court and how has it been spent according to the voices? (sent to 9 courts)
2. What is the number of penal, administrative, civil, familiar, merchant etc. cases that are heard by a Judge during one month? (sent to 8 District Courts and Appellate Court)
3. What is the number of penal cases heard by a Judge during a month? (sent to 1 Court-High Crimes Court)
4. The report of the work analysis for the year 2007. (sent to 9 courts)
5. Are there any administrative measures to be taken against the Judges of the Court? If yes, what are they, the names of the judges that have been subjected to such measures and the reasons why?
6. What is the number of the divorced couples and their names for the time period January-June 2008?
7. What is the number of those who have been sentenced to life imprisonment and their names, for the first 6 months of 2008 (January-June). (sent to 1 court-High Crimes)
8. What is the amount in liters of the fuel that has been spent by the chauffeur of the Court chairman during the time period January-June 2008 specified according to the months? (sent to 9 Courts)
9. What is the number of supplemental decisions in penal trials and what is the number of these decisions during the 6 months period January-June 2008? (Sent to 9 courts).
10. The organizational structure of the Court and its personnel including judges, secretaries etc.
11. What is the income that the court has had during 2007 coming from the payments for the services that the court offers? (Sent to 6 courts- districts).
12. Expenses for travel services out of town or out of the country of the chairman of the court, vice chairmen, judges or other staff, divided according to January-June 2008. (Sent to 3 courts- appellate and High Crimes).

This way the requests that were to be sent to the courts were divided into two groups:

1. The delicate requests for information involved financial records, The names of divorced couple, expenses for fuel of the Driver of the Chairman of the Court, expenses for travel out of town or country for chairmen, judge or other staff, etc (see below questions no. 1,6,7,8,12);

2. Non delicate requests are all the rest of questions (see below questions no. 2, 3, 4, 5, 9, 10, and 11)

1.2.1.2 Comment:

The objective of this activity is the level of enforcement of the "Right to Information for Official Documents" Law for 9 chosen courts. This activity was made possible in full accordance with the project timetables.

1.2.2 Requesting Information from the Court

1.2.2.1 Planned: CDDI with its monitors submitted requests regarding the procedures, judiciary practices and financial expenditures of 9 selected District Courts. There were about 9 requests for information for each court. Although the monitors had previously worked with CDDI in several monitoring cases, we provided another two hours training for them to discuss the problems which the judiciary system is facing nowadays in Albania as well as the objectives of the project.

1.2.2.2. Actual: After the requests were chosen CDDI prepared the forms and the envelopes for the monitors. Afterwards they sent the envelopes by Post Office paying the necessary postal tariffs.

After the requests for information had reached their destination the monitors received some reactions from the courts such as: calling the monitor asking for a reason why they needed the information, for whom the information was or how they were going to use it. The reactions came from the District Courts of Durres and Saranda, and also from the Appellate Court of Tirana, a reaction which contradicts article 3 of the "Right to Information of the Public for Official Documents" Law, where it says that "Every Person has the right to request information for official documents, without being obliged to explain the motives". The monitors, who were trained by CDDI, answered back that they were simple citizens and that they didn't have to explain their reasons.

Supported by the "Right to Information of the Public for official Documents" Law, article 11, the time period for answers to requests for information says, "The Public Authority answers the request in 40 days starting from the day it was received. …" after this period CDDI analyzed the answers to the requests for information.

From the analysis of the answers received from the monitored Courts results the following:

- The requests for information were sent to the Courts by post office on 17.09.2008- 02.10.2008

- The answers that came from the courts were made during above mentioned time period, the 40 days that the institution has at its disposal to compile the answer for the requested information.
- The requests for information have been addressed for the General Secretaries of the courts and the answers of these requests were also signed by the General Secretaries of the courts.
- The Courts that have given the requested information are 5; District Courts of Saranda, Vlora, Shkoder, Pogradec and the Appellate court of Gjirokaster.
- Four courts have not answered during the time period specified by Law; District Courts of Durres, Elbasan, Appellate Court of Tirana and the High Crimes Court in Tirana.

- In total, the number of the requests for information for the courts was 81 requests, from which have been answered only 29 requests, while 52 have remained unanswered.
- From 29 answers that have been delivered for the requests for information. Only 12 answers were complete and in accordance with the request, while 17 answers were incomplete.
- The Courts have not legally justified the reasons why the answers being delivered to the requestor were incomplete, in contradiction with the article 7, the ways to give information, where it says, "The requestor should be given a copy of the official document, which he/she requests to be informed with..", of the "Right to Information of the Public for Official Documents".
- Divided according to the courts the answers to the requests for information are as follow;

    - District Court of Durres 0 answers;
    - District Court of Shkoder 6 incomplete answers
    - District Court of Elbasan 0 answers;
    - District Court of Pogradec 8 answers, from which 4 complete and 4 incomplete
    - District Court of Saranda 5 answers, from which 2 incomplete answers and 3 complete ones
    - District Court of Vlora 5 answers, from which 2 incomplete answers and 3 complete answers.
    - The Appellate Court of Gjirokaster 5 answers, from which 3 incomplete and 2 complete answers
    - The Appellate Curt of Tirana 0 answers
    - The High Crimes Court of Tirana 0 answers

Understanding this analysis:

- The term "complete" means that the answers have been returned in accordance with the requests for information delivered to the court.
- The term "incomplete" means that the answer has been returned not in accordance with the request for information delivered to the court.

Comments:

The objective of this activity is the measuring of the level of transparency and enforcement of the "Right to Information for Official Documents" Law for 9 chosen courts. This activity is in realization process and is going in full accordance with the project timetables.

1.2.3. Administrative Appeal

1.2.1.1 Planned: Based on project the deadlines introduced by Albanian Law on Access to Documents, requests got a time of three months, which included submission of the requests to the courts mentioned above and if they didn't get any answers then we were going to submit the administrative appeal.

1.2.1.2 Actual

CDDI proceeded with Administrative Complaints for 9 monitored Courts. There were 70 Administrative Complaints in total, from which 53 complaints were made for the requests for information that did not receive any answers at all, while 17 complaints regarded the incomplete answers that the Courts had sent for the requests for information. The requests for information were prepared in envelopes from CDDI and the monitors sent them by post Office in each of the monitored courts.

The waiting period for the answers to the requests for information from the courts according to the Code of the Administrative Procedures was 30 days. CDDI and the monitories waited for 30 days for the answers to be returned. During this time there were reactions by means of calling, from the District Court of Saranda, the Appellate Court of Gjirokastra, the Court of High Crimes in Tirana, reactions which consisted in asking the monitor reasons why they needed the information, for whom it was or how they were going to use it.

After the conclusion of the timeframe of 30 days, which was put at the institution's disposal to answer the Administrative complaints, the Legal Expert and Data Analyzer made an account of all the received answers from which it resulted that;

- The administrative complaints were sent to the courts from 07.11.2008 to 15.11.2008, in the name of the chairman of the court, in accordance with the Code of Administrative Procedures.

- From 53 Administrative Complaints sent to the courts, there were 19 answers, while 34 complaints were not answered at all.

- From 19 Administrative Complaints that were answered, 9 of the answers were part of the group of administrative complaints which were compiled because of the incomplete answering of the requests for information, while other 10 answers belonged to the group of the requests for information that were not answered at all.

- There are no answers at all even after the administrative complaints from the District Courts of Elbasan and Durres, and the Appellate Court of Tirana. These three courts have been silent regarding the requests for information, which clearly contradicts the article 10, the time period for the non acceptance of the request, where it says, "The Public Authority decides the full or partial non acceptance of the requests for information for 15 days starting from the delivery date…", of the "Right to Information of the Public for Official Documents".

- Divided according to the Courts the Administrative Complaints and answers are as follow;

  - District Court of Durres 9 complaints; 0 answers
  - District Court of Shkoder, 9 complaints, from which 6 complaints without answers and 3 with answers
  - District Court of Elbasan 9 complaints; 0 answers
  - District Court of Pogradec 5 complaints with answers
  - District Court of Saranda 6 complaints, from which 2 complaints without answers and 4 complaints with answers
  - District Court of Vlora, 6 complaints, from which 4 complaints without answers and 2 complaints with answers.
  - The Appellate Court of Gjirokastra 7 complaints without answers
  - The Appellate Court of Tirana 9 complaints, 0 answers
  - The Court of High Crimes in Tirana 9 complaints, 0 answers

Understanding this analysis:

- The term "without answer", means that the court has not answered the request for information, not even after the administrative complaints.
- The term "answer" means that the court has answered after the administrative complaints.

1.2.1.3 Comments

The objective of this activity was the measuring of the level of transparency and enforcement of the "Right to Information for Official Documents" Law for 9 chosen courts. This activity is in realization process and is going in full accordance with the project timetables.

1.2.4 Present Findings and Make Suggestions for Improvements

After the conclusion of the time period of the Administrative Complaints, CDDI started analyzing the data gathered from the 9 monitored courts during both the project phases, the first phase, compiling the requests for information and the second phase administrative complaints. The data was analyzed two ways, firstly the data was analyzed from the point of view of delicate and non-delicate questions; while secondly the data was analyzed on the basis of the types of the questions, specifying them as: - financial questions; - administrative questions– procedure questions.

1.2.4.1 From the analysis of the answers of the requests for information according to the following categories, results that;

1. The delicate requests for information involved:

a. Financial records.

This question was answered by:

- District Court of Shkoder, not completely
- District Court of Saranda, completely
- District Court of Durres, did not answer
- District Court of Elbasan, did not answer
- District Court of Pogradec, completely
- District Court of Vlora, completely
- Appellate Court of Gjirokaster, completely
- Appellate Court of Tirana, did not answer
- High Crimes Court of Tirana, completely

Understanding this analysis:
- The term "completely" means that the court has answered in accordance with the request for information.
- The term "not completely" means that the court has answered referring to its web page, but the information could not be found in the page.

b. The names of divorced couple and the names of the persons that have been sentenced to life in prison, for the first 6 months of the year 2008

This question was answered by:

- District Court of Shkoder, not completely
- District Court of Saranda, not completely
- District Court of Durres, did not answer
- District Court of Elbasan, did not answer
- District Court of Pogradec, not completely
- District Court of Vlore, not completely
- Appellate Court of Gjirokaster, did not answer
- Appellate Court of Tirana, did not answer
- High Crimes Court of Tirana, did not answer

Understanding this analysis:
- The term "did not answer" means that the court has not answered.
- The term " not completely" means that the court has partially answered, meaning that it has answered only for the number of couples divorced during the first 6 months and persons that have been convicted for life, but without giving the names of the divorced couples or the convicted. This according to the law is an incomplete answer.

c. Expenses for fuel of the chauffeur of the Chairman of the Court.

This question was answered by:
- District Court of Shkoder, not completely
- District Court of Saranda, not completely
- District Court of Durres, did not answer
- District Court of Elbasan, did not answer
- District Court of Pogradec, not completely
- District Court of Vlora, not completely
- Appellate Court of Gjirokaster, not completely
- Appellate Court of Tirana, did not answer
-High Crimes Court of Tirana did not answer.

Understanding this analysis:
- The term "did not answer" means that the court has not answered.
- The term "not completely" means that the court has answered only partially, meaning only for the total amount of fuel spent.

d. Expenses for travel out of town or country for chairmen, judge or other staff and how much is the income that the court has had during 2007 from payments for services that have been offered to the citizens.

This question was answered by:
- District Court of Shkoder, not completely
- District Court of Saranda, completely
- District Court of Durres, did not answer
- District Court of Elbasan, did not answer
- District Court of Pogradec, completely
- District Court of Vlore, completely
- Appellate Court of Gjirokaster, not completely
- Appellate Court of Tirana, did not answer
- High Crimes Court of Tirana, completely.

Understanding this analysis:
- The term "did not answer" means that the court has not answered.
- The term "not completely" means that the court has answered only partially, meaning only for the total amount of fuel spent or that the requested information could be found on the web page. From the analysis of the page the information was not in it.

2. Non delicate request involved;

a. The report of the work analysis for the year 2007

This question was answered by:
- District Court of Shkoder, completely
- District Court of Saranda, completely
- District Court of Durres, did not answer
- District Court of Elbasan, did not answer
- District Court of Pogradec, completely
- District Court of Vlore, completely
- Appellate Court of Gjirokaster, completely
- Appellate Court of Tirana, did not answer
- High Crimes Court of Tirana did not answer.

Understanding this analysis:
- The term "did not answer" means that the court has not answered.
- The term "completely" means that the court has fully answered in accordance with the request for information.

b. Are there any administrative measures to be taken against the Judges of the Court? If yes, what are they, the names of the judges that have been subjected to such measures and the reasons why?

This question was answered by:
- District Court of Shkoder, completely
- District court of Saranda, did not answer
- District Court of Durres, did not answer
- District Court of Elbasan, did not answer
- District Court of Pogradec, completely
- District Court of Vlore, completely
- Appellate Court of Gjirokaster, did not answer
- Appellate Court of Tirana, did not answer
- High Crimes Court of Tirana did not answer

Understanding this analysis:
- The term "did not answer" means that the court has not answered.
- The term "completely" means that the court has fully answered in accordance with the request for information.

c. What is the number of penal, administrative, civil, familiar, merchant etc. cases that are inspected by a Judge during one month? And what is the number of penal cases inspected by a Judge during a month?

This question was answered by:
- District Court of Shkoder, did not answer
- District court of Saranda, did not answer
- District Court of Durres, did not answer
- District Court of Elbasan, did not answer

- District Court of Pogradec, not completely
- District Court of Vlore, did not answer
- Appellate Court of Gjirokaster, did not answer
- Appellate Court of Tirana, did not answer
- High Crimes Court of Tirana, not completely

Understanding this analysis:
- The term "did not answer" means that the court has not answered.
- The term "completely" means that the court has fully answered in accordance with the request for information.
- The term "not completely" means that the answer is not complete and in accordance with the request for information.

d. The organizational structure of the Court and its personnel including judges, secretaries etc.

This question was answered by:
- District Court of Shkoder, completely
- District Court of Saranda, not completely
- District Court of Durres, did not answer
- District Court of Elbasan, did not answer
- District Court of Pogradec, completely
- District Court of Vlore, did not answer
- Appellate Court of Gjirokaster, completely
- Appellate Court of Tirana, did not answer
- High Crimes Court of Tirana, completely

Understanding this analysis:
- The term "did not answer" means that the court has not answered.
- The term "completely" means that the court has fully answered in accordance with the request for information.
- The term "not completely" means that the answer is not complete and in accordance with the request for information.

e. What is the number of supplemental decisions in penal trials and what is the number of these decisions during the 6 months period January-June 2008?

This question was answered by:
- District Court of Shkoder, did not answer
- District court of Saranda, did not answer
- District Court of Durres, did not answer
- District Court of Elbasan, did not answer
- District Court of Pogradec, completely
- District Court of Vlore, did not answer
- Appellate Court of Gjirokaster, did not answer
- Appellate Court of Tirana, did not answer
- High Crimes Court of Tirana, did not answer

Understanding this analysis:
The term "did not answer" means that the court has not answered.
- The term "completely" means that the court has fully answered in accordance with the request for information.

1.2.4.2 *From the analysis of the answers to the requests for information based on the type of questions made, specifying them below, results that:*

1. financial questions include;

a. Expenses for travel services out of town or out of the country of the chairman of the court, vice chairmen, judges or other staff, divided according to January-June 2008.

- This question got full answers from the Court of High Crimes in Tirana and the Appellate Court of Gjirokaster, while the Appellate Court of Tirana did not answer.

b. What is the amount of fuel in liters that has been spent by the chauffeur of the Court chairman during the time period January-June 2008 specified according to the months?

- None of the 9 monitored courts has fully answered in relation to the amount of fuel spent by the chauffeur of the chairman of the court, specified according to the months.
- The answers were mostly general, giving the total amount of fuel spent, but without specifying according to the months.

c. How much was the financial budget of 2007 for the Court and how has it been spent according to the voices?

- This question got a complete answer by only 3 courts which have sent the information on the yearly budget 2007 and expenses according to the voices.
- The Court of High Crimes in Tirana and the District Court of Shkoder have answered that the information requested could be found on the Court's web site. Nevertheless after analyzing the Court's Websites results that this information is not in it.

d. What is the income that the court has had during 2007 coming from the payments for the services that the court offers?

- This question got full answers from 3 Courts, while the District Court of Shkoder has answered that the information requested could be found on the web site. From analyzing the web site this information is not in it.

2. Administrative questions include:

a. What is the number of penal, administrative, civil, familiar, merchant etc. cases that are inspected by a Judge during one month?

- This question got full answers from 2 Courts, Shkoder and Pogradec.
- District Court of Saranda has sent documents that ask the requestor to appear by the Court's Offices to receive the information requested via written documents.

b. What is the number of penal cases inspected by a Judge during a month?

- The Court of High Crimes in Tirana has answered that the requested information could be found on the Court's web page. From analyzing the site, results that this information is not in it.

c. The report of the work analysis for the year 2007?

- This question has received full answers from 4 Courts which have sent copies of the yearly budget of 2007.
- District Court of Shkoder has answered that the information requested could be found on the web page of the Court. From the analyzing of the page results that this information is not in it, the web page contains only the year 2004.

d. Are there any administrative measures to be taken against the Judges of the Court? If yes, what are they, the names of the judges that have been subjected to such measures and the reasons why?

- This question has received full answers only from 3 Courts, Shkoder, Pogradec and Vlore.

e. The organizational structure of the Court and its personnel including judges, secretaries etc. (sent to 9 courts).

- This question has received full answers from 2 courts, Shkoder and Pogradec and incomplete by the Appellate court of Gjirokaster.
- The Court of High Crimes in Tirana has answered that the information requested could be found on the web page of the Court. From analyzing the page results that this information is in it but without the names of personnel.
- District Court of Saranda has sent a document that asks the requestor to appear by the court's offices, and a court decision for disregarding the administrative complaint.

1.2.4.3 Procedure questions include:

a. What is the number of the divorced couples and their names for the time period January-June 2008?

This question has received incomplete answers from 3 courts, Saranda, Vlore and Pogradec which have supplied only the number of cases for divorce, while regarding the names of the couples they argue that the giving of the names invades the personal data of the persons that are subject of the trials. This argument is not supported legally by the "For the Protection of Personal Data" Law, because this law accurately specifies which is considered sensitive data for the person, and the name is not part of sensitive data but just a means of identification. We should also take into consideration that in many courts the lists of the divorce trials are published in web sites or even boards outside the court building, which make them accessible to the public. On the basis of the Constitution of the Republic of Albania, the court decisions are called in public, which means that in the court decisions there are names of both parties. These are easily findable, in web sites of every court that has one.

District Court of Shkoder has answered that the information could be found on the web page of the Court. From analyzing the page results that this information is not in it.

b. What is the number of those who have been sentenced to life imprisonment and their names, for the first 6 months of 2008 (January-June).

- The Court of High Crimes in Tirana has answered that the information requested could be found on the web page of the Court. From analysis of the page, results that the information could be found. It also results that the information found was partial because the request for information asked for names of the convicted persons as well.

c. What is the number of supplemental decisions in penal trials and what is the number of these decisions during the 6 months period January-June 2008?

- This question has received partial answer only from the District Court of Pogradec.

1.2.4.4 *Findings*

a. Final Conclusions:

1. The enforcement of the "Right to Information of the Public for Official Documents" Law is in a very low level, because:
The monitors, have been asked over the phone from representatives of the different courts about the reasons that pushed them to request this

information, why they needed it, whom did they represent etc. This action is contradictory to the article 3, of the "Right to Information of the Public for official Documents" Law, The Right to Information, where it says: "Every person has the right to request information for official documents that are about the activities of the state institutions and persons that exercise state functions, without being obliged to explain the motives.

There is a low level of answering the requests for information. So, from 81 requests for information only 29 have received answers and 52 have not received any answers at all. At this point, the monitored Courts have not respected the Constitution of the Republic of Albania, article 23, and the "Right to Information of the Public for official documents" Law, article 3, The Right to Information, where it says: "… … … The Public Authority is obliged to give any information regarding official documents …" not fulfilling their duty as a public authority in service of the broader population.

The quality of the answer to the requests for information is very low, so from 28 answers of the requests, only 11 were complete in accordance with the request for information, while 17 were not. The Courts have not legally justified the reasons of refusals to give information, which contradicts the article a), of the "Right to Information of the Public for Official Documents", Limitation, where it says: "… … … … … … If the limitation is only for a part of the information of the official document, the other part can not be refused to be given to the requestor.

The information that was taken out of web pages of the courts that had maintained that the information requested was going to be published in the site, were not updated.

Most Courts have not asked for payments for the information requested, except for 2 Courts which have their request contrary to the article 13, "The right to Information of the Public for official documents" Law, "Payments for Information Services", where it says:

> "… … … … … …This Cost includes only the material expenses for the service… … …", because they had to verify and specifying the price.

From all courts we will emphasize the District Court of Saranda, which has sent an appearance document for every administrative complaint, so that the monitors could appear by the court's offices to be heard during the administrative process. This path chosen by the District Court of Saranda has had a negative impact on the monitors creating obstacles for them to further continue with the process. This action undertaken by the Court is in contradiction with the principles of the "Right to Information of the Public for Official Documents" Law, principle that says that the public or public institutions should not be intimidated by ways or other actions which bring limitations for the persons that want to be informed on the activities of the budgetary institutions.

b. Recommendations

1. Training of the Court's Administration on the Law 8503, date 30.06.1999 "For the Right to Information of the Public for Official Documents" Law, "For the Protection of personal data".

2. It is necessary for the Albanian Judiciary System to have a manual on how to enforce and exercise the "Right to Information of the Public for Official Documents" Law.

3. Every Court of Albania should have an index or file-cabinet in each office for the storage of official documents that these institutions have.

1.2.4.5 *The Event Organized by CDDI*

On 06 February 2009, at Tirana International Hotel, CDDI organized the event that ended the project and made public the results and findings from the monitoring process, implemented by CDDI and financed by the Rule of Law Program, USAID.
This event gathered representatives such as Chairmen and Chancellors of all the Courts that were monitored under this Project, representatives of the Rule of Law Program, representative of USAID, representatives of the Ministry of Justice, High Council of Justice and the staff of CDDI.

The event started with an opening presentation by Frederick Yeager, Chief of Rule of Law Program, continuing with a presentation by the Executive Director of CDDI Ilir Aliaj. In his presentation Mr. Aliaj described the project, the purpose of the project being financed, and also described in detail the methodology followed by CDDI to realize the goal of the project. A very important part of the presentation of Mr. Aliaj was the analyzing of the results of the monitoring, discussed in the time aspect (respecting the timeframes) as well as the quality aspect (the quality of the answers by the 9 monitored Courts).

The last part of the event was dedicated to questions and discussions among the participants. The whole event developed on the basis of the reciprocal communication among representatives of the Courts, representatives of CDDI, and the Rule of Law program.

From the debate that was raised during the activity there were some very important questions from the participants, which were discussed and consulted widely. These questions were analyzed based on the "Right to Information of the Public for Official Documents" Law:

1. Can we give out the names of the divorced? The giving of the names of the divorced couples was considered by the chancellors as personal data, but when this was confronted with the "Right to Information of the Public for Official Documents" Law, and with the Constitution of the Republic of Albania, resulted that we are not dealing with personal data if we give the

names of the divorced couples. The Problem, as explained by the chancellors was that the number of divorcees was large and the preparation of such a list required time.

2. Can a document be created on the basis of the request for information? This was a sensitive question as well, because for some of the requests for information sent to the 9 monitored Courts, the chancellors had to prepare information that required a lot of work and elaboration of the data to be gathered by some sources. Once again referring to "The Right to Information of the Public for Official Documents" law, as well as the changes being made to this law, the officials should create information on the basis of the request for information.

3. Knowing the obligations specified by "The Right to Information of the Public for Official Documents" Law, the Chancellors understood that the rigorous honoring of this law required a special structure or a special person who's most important job and duty was the relationship with the public. For now this is the Chancellor's duty, who considered it very hard to answer by the standards specified by law because of their position and work load.

During his presentation Mr. Aliaj informed the participants regarding ways to improve the situation of the Albanian Judiciary System, making recommendations that have derived by the monitoring and asking for a feedback from the present. Thus, it was recommended:

a. Training of the Court's Administration on the Law 8503, date 30.06.1999 "For the Right to Information of the Public for Official Documents" Law, "For the Protection of personal data".

b. The officials Judiciary System should prepare a project manual for ways to enforce the above-mentioned law.

c. Preparation of an index or file-cabinet for the official documents that the officials working for the judiciary system manage and possess.

For the above recommendations the Court Chancellors argued that:

- The training of the administration of the Courts was necessary so that they could learn about their obligations and rights specified by "The Right to Information of the Public for Officials Documents" Law.

- The preparation of a project manual on how to use The Right to Information, by the Albanian Courts, is a necessity which would help the public officials of the administration in their jobs. Also, it would be very important to prepare a standard form for the requests for information.

- The preparation of a list of documents that the Court has specified while determining if it is a document that should be given to the public on the basis of the requests for information, or not, was considered as a very important recommendation which will help the Court in avoiding enough conflicts with the public and especially with the written and visual Media.

Comments, suggestions made from the participants:

1. Maybe it is necessary to appoint a press spokesman by every Court.

2. It is necessary for the Courts to compile a form for the citizens when they request information, including space for contact information.

3. The infrastructure of the Court is very weak and has an impact on the already low level of the Court regarding the enforcement of FIOA.

The participants had in their disposal copies of the laws, leaflets for the Right to Information, and other publications of CDDI regarding the Right to Information.

At the end of this meeting, the participants considered it as a very good possibility for us to discuss and open our minds on FOIA and as an opportunity for a future collaboration between judicial institutions and civil society. CDDI emphasized the availability for legal assistance any time, regarding the problems that can be met when the Right to Information Law is being enforced.