

Muja Law brings you the following issue of the *Legal Update* in relation to the measures taken in Albania to control the spread of COVID-19.

The Council of Ministers in Albania has published the Normative Act No. 9, dated 25.3.2020 "*On special measures in the field of judicial activity, during the duration of the state of the epidemic caused by COVID-19*" (hereinafter referred to as the "*Normative Act*"). It was recently published in the Official Journal No.50, dated 25.03.2020

The Normative Act is intended to guarantee the right to a due process in the judicial and prosecutorial activity for the duration of the epidemic situation caused by the spread of COVID-19.

Some of the most important aspects of the Normative Act are as follows:

Special measures

Court hearings in administrative, civil and criminal cases, scheduled before all courts, are adjourned until the conclusion of the epidemic caused by the spread of COVID-19.

From the date of entry into force of the Normative Act until the end of the epidemic situation caused by the spread of COVID-19, the deadlines for filing lawsuits, filing complaints and conducting any procedural action in administrative, civil and criminal matters shall be suspended, as provided in the Normative Act. When deadlines begin during the suspension period, they are postponed until the end of the epidemic.

Exemptions

The provisions of the Normative Act shall not apply in the following cases:

- a) In administrative matters, with an object of securing a lawsuit, in the event that the court finds that the examination after the time limit set forth in this Normative Act may cause serious and irreparable harm to the parties;
- b) In family matters, with an object the care, obligations and respect of juvenile rights, custody and adoption, safeguards against domestic violence, the exercise of parental responsibility, custody and alimony, and civil matters in which, exceptionally, the Court considers that their delayed hearing may cause serious and irreparable harm to the parties;

c) In criminal matters related to the validity of the arrest in flagrante or detention, the assignment, verification of the terms and conditions of the assignment and security needs, the substitution, revocation, merging or termination of the security measures of the "arrest in prison" or "home arrest", when the arrested, defendants or their defense counsel request to be examined, as well as in criminal matters related to the determination of a "preventive seizure" security measure;

ç) In criminal cases, in which the maximum duration of detention in remand expires during the period of suspension;

d) In criminal cases of an urgent nature, because of the need to obtain the evidence. Urgency is assessed by the court hearing the case;

dh) In criminal cases of juveniles in conflict with the law, when the measure of arrest or detention has been applied to them;

e) In any other criminal case where the defendant is detained on remand or is serving a sentence of imprisonment, if the defendant or his defense counsel seeks the continuation of the trial.

Safety measures

During the duration of the epidemic situation caused by the spread of COVID-19 and with the aim of limiting the adverse effects on judicial activity, the councils and the judicial administration bodies of each court, according to their competences established by law and in the function of enforcing the by-laws issued by the responsible authorities, adopt specific organizational measures for the conduct of court hearings, necessary to avoid crowding in court premises and inside courtrooms, as well as close contacts between individuals concerning:

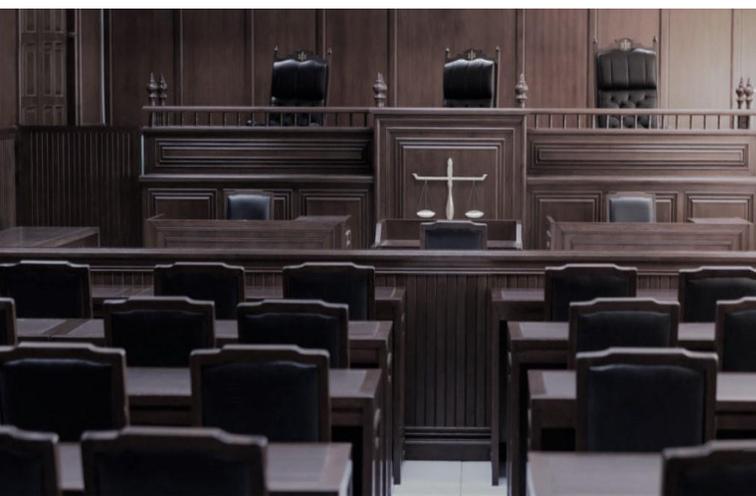
a) Restricting public access to the court premises by guaranteeing, in compliance with the rules laid down for that purpose, only the access of individuals who are required to carry out urgent activities;

b) Regulating access to services, by reservation, also by telephone or electronic communication, ensuring that users may use the services within a specified time, and adopting any measures deemed necessary to avoid crowds;

c) The establishment of binding guides on the restriction and manner of movement of persons. The guides are published on the court's and Council's webpage;

ç) Closed-door proceedings of all public hearings;

d) Conducting hearings on the basis of documents in administrative and civil matters, in which the presence of the parties is not required, through the use of electronic means of communication for the presentation of procedural acts and the making of a decision by the court.



Remote participation in court hearings

The participation of convicted persons or any other person with a "jail arrest" security measure and their legal representatives in all hearings during the duration of the epidemic shall be ensured, where possible, by remote audiovisual interconnection, by using appropriate software for this purpose.

The mode of interconnection at a distance shall in any case ensure the mutual visibility of persons present in both interconnected places and the possibility of being heard by all parties. If some defendants are expected to attend, each of them must be placed in a position to be able to see and hear the others.

The General Directorate of Prisons and the High Judicial Council are charged with providing the necessary tools and software for securing remote interconnection.



Entry into force

The Normative Act has entered into force immediately.



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contact@mujalaw.com

Muja Law Office

Bulv. Gjergj Fishta, Pall. 36, Zyra 14, pranë Gjykatës së Rrethit Gjyqësor Tiranë
1001 Tirana

Albania

Mob: +355 69 28 28 562

Web: www.mujalaw.com

Muja Law is a family-run law office where we work hard for the success of our clients and to provide excellence in legal service. Our roots go back to 2001 when our Managing Partner, Krenare Muja (Sheqeraku), opened her law practice office in Tirana, Albania. Krenare's son Eno joined her in 2014, and the other son Adi entered the practice in 2019. What started in Tirana as a small, family-run law office has grown and flourished in the community for the last 20 years. The office consists of various respected and talented lawyers who possess outstanding educational and community service backgrounds and have a wealth of experience in representing a diverse client base in various areas of the law.

The office is full-service and advises clients on all areas of civil, commercial and administrative law. With significant industry expertise, we strive to provide our clients with practical business driven advice that is clear and straight to the point, constantly up to date, not only with the frequent legislative changes in Albania, but also the developments of international legal practice and domestic case law. The office delivers services to clients in major industries, banks and financial institutions, as well as to companies engaged in insurance, construction, energy and utilities, entertainment and media, mining, oil and gas, professional services, real estate, technology, telecommunications, tourism, transport, infrastructure and consumer goods. In our law office, we also like to help our clients with intermediary services, as an alternative dispute resolution method to their problems.

While we have grown over the past 20 years and become recognized as one of Albania's leading law offices, we are grounded in the essence of "who" we are and "where" we started. We understand the importance of family, hard-work, and dedication.

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