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LAW

No. 8588 of March 15, 2000

ON

**THE ORGANISATION AND FUNCTIONING
OF THE HIGH COURT OF THE REPUBLIC OF ALBANIA**

In reliance on articles 6, 81 point 2 letter “a” and 83 point 1 of the Constitution,
on the proposal of the Council of Ministers,

**THE ASSEMBLY
OF
REPUBLIC OF ALBANIA.**

DECIDED:

CHAPTER I

ORGANISATION AND FUNCTIONING OF THE HIGH COURT

**Article 1
Composition of the High Court**

The High Court is composed of seventeen judges.

**Article 2
Headquarters of the High Court**

The High Court has its headquarters in Tirana.

Article 3
Qualifications for appointment as a judge of the High Court

Judges of the High Court are appointed from among the judges who have seniority of no less than ten years or from among prominent jurists who have exercised this profession for no less than 15 years.

Article 4
Procedure of appointment of a High Court judge

A judge of the High Court is appointed by the President of the Republic after receiving the consent of the Assembly.

Article 5

The mandate of a judge of the High Court begins from the moment the decree of the President appointing him enters into force.

The mandate of the President of the High Court is calculated within the mandate of a judge in that court.

Article 6
Early termination of the mandate of a High Court judge

In the cases provided for in article 139 of the Constitution, the President of the High Court or any other member proposes to the Joint Colleges of the High Court to declare by a decision the termination of the mandate of the member of the court.

Article 7
President of the High Court

The High Court is represented by the President.

The President of the High Court has these duties:

- a) He chairs the Joint Colleges.
- b) He divides the judges into colleges.
- c) He attends to the normal functioning of the High Court.
- ç) He appoints and dismisses the legal assistants.
- d) He appoints and dismisses the personnel for auxiliary services.
- dh) He makes requests for the annual budget of the High Court and supervises its implementation.
- e) He approves the structure, personnel chart and internal rules of the High Court.

The President of the High Court also performs other duties provided by law.

In performing his duties, the President of the High Court is assisted by advisers and the auxiliary personnel.

Article 8

Replacement of the President

When the President of the High Court is unable to perform his duties, he is replaced by the Chairman of the Civil College in performing the duties provided in letters “a,” “c” and “dh” of article 7 of this law.

Article 9

Consultation with the judges

The President of the High Court consults with the judges, in particular with respect to:

- a) the structure of the High Court;
- b) the internal rules for the functioning of the High Court;
- c) the budget requests of the High Court;
- ç) the division of judges into colleges and their movement.

Article 10

The colleges

The High Court is organised into the Civil College and the Criminal College.

Military criminal cases are tried by the Criminal College, while cases of a commercial, administrative, family cases, labour cases and so forth are tried by the Civil College.

The President of the High Court, after taking the opinion of the judges, may move them from one college to the other, for reasons of workload and of the normal functioning of the court.

Article 11

Chairman of a college

The Chairman of a college is elected by its members by majority vote for a one year period, with the right of re-election.

Article 12

Competences of the colleges

The colleges of the High Court try appeals of judicial cases according to the rules provided in the Code of Civil Procedure and the Code of Criminal Procedure.

Article 13 Panels

The colleges of the High Court adjudicate in panels consisting of five judges.

When a panel cannot be formed with judges of the same college, it is filled with judges from the other colleges. These judges are designated by lot.

When the President of the High Court takes part in an adjudication, he chairs the panel. In all other cases, the panel is chaired by the chairman of the college and, in his absence, by the most senior judge.

Article 14 Cases tried by the Joint Colleges

The High Court adjudicates in the Joint Colleges:

- a) the cases provided in the Code of Civil Procedure and the Code of Criminal Procedure;
- b) appeals against decisions of the High Council of Justice;
- c) requests for the unification or amendment of the judicial practice;
- ç) other cases provided by law.

Article 15 Trial in the Joint Colleges

When the High Court adjudicates in the Joint Colleges, the President of the High Court chairs the session.

In his absence, the Chairman of the Civil College chairs the session.

When the High Court adjudicates in the Joint Colleges, two reporters are selected by lot, who, independently, prepare reports and submit them to the trial.

Article 16 Quorum

The Joint Colleges adjudicate when no less than two thirds of all the judges of the High Court take part.

The decision is taken by the majority vote of the judges who take part in the trial.

Article 17 Unification or amendment of judicial practice

The Joint Colleges unify or amend judicial practice when:

- a) it is requested by a college of the High Court;
- b) it is request by the President of the High Court;
- c) the Joint Colleges deem is necessary.

Article 18
Trial during the annual vacation

During the time of annual vacation, a necessary number of judges is designated by lot to adjudicate cases that, according to the law, are considered urgent.

Article 19
Decisions and their publication

Decisions of the High Court are announced with reasoning no later than 30 days from the date of the conclusion of the judicial examination.

Decisions of the colleges of the High Court, along with minority opinions, are published in the Periodical Bulletin of the High Court.

Decisions unifying or amending judicial practice are published in the next issue of the Official Journal.

Article 20
Legal assistants

A High Court judge has up to two legal assistants and a service person.

The legal assistants are selected by the judges of the High Court themselves from among jurists who meet the legal requirements for being appointed judges of first instance or appeal courts. They are appointed by the President of the High Court.

The legal assistants are entitled respectively to the salary of a judge of the first instance or the court of appeals.

A legal assistant is removed by order of the President of the High Court on the basis of the proposal of the respective judge.

When he is removed without good cause, he has only the right to be compensated for his damage, up to the amount of his annual salary.

Article 21
Duties of a legal assistant

Legal assistants study appeals and judicial files, prepare reports giving their opinion on pending cases, answer complaints, prepare necessary materials and perform every other task assigned by the High Court judge.

CHAPTER II STATUS OF A HIGH COURT JUDGE

Article 22

The salary of a High Court judge is equal to that of a minister, while the salary of the President of the High Court is 20 per cent higher than the salary of a judge of the court.

Article 23

A High Court judge and his/her spouse are entitled to a diplomatic passport until three years after the end of the mandate.

Article 24

The protocol treatment and health treatment of members of the High Court is the same as that of a deputy.

Article 25

On completing the mandate, according to the conditions provided in article 146 point 3 of the Constitution, a judge of the High Court is appointed judge in the court of appeals upon his request.

CHAPTER III ADMINISTRATION OF THE SERVICES OF THE HIGH COURT

Article 26 Chancellor of High Court

The Chancellor manages the auxiliary services within the High Court.

A jurist who has exercised the profession for not less than seven years is appointed Chancellor.

The Chancellor is appointed and dismissed by the President of the High Court.

Article 27 Administration of services

The Chancellor organises the judicial lots.

The Chancellor proposes the appointment and dismissal of the auxiliary service personnel to the President of the High Court.

Article 28
Auxiliary services of the High Court

The auxiliary services in the High Court are carried out by the judicial secretariat, the sectors of administrative, finance, computer services, registration, document retention, preservation of internal order, research and external relations and the library.

For other auxiliary services, the President of the High Court, on the proposal of the Chancellor, may establish other sectors.

Article 29
Guaranteeing order and safety

A permanent police service operates at the High Court in accordance with the instructions of the Chairman, in order to ensure order and safety.

CHAPTER IV
FINAL PROVISIONS

Article 30

The Council of Ministers is charged with issuing subordinate legal acts for the implementation of the provisions of this law in connection with the financial and protocol rights of a judge of the High Court.

Article 31

Law no. 8362 of July 1, 1998 “On the organisation and functioning of the Court of Cassation,” as well as any other provision that is contrary to this law, is repealed.

For all other issues that are not regulated in this law, the provisions of the law no. 8436 of December 28, 1998 “On the organisation of the judicial power in the Republic of Albania” are applicable.

Article 32
Entry into force

This law enters into force 15 days after its publication in the Official Journal.

Promulgated with decree no. 2589 of April 3, 2000
of the President of the Republic of Albania, Rexhep Meidani