

**REGULATION  
OF THE  
APPEAL CHAMBER  
ON MANUAL LOT PROCEDURES**

*Approved as per Decision No.8 dated 29.03.2018 of the Meeting of Judges*

*Amended as per Decision No.5, dated 31.01.2019 of the Meeting of Judges*

*(updated version)*

Based on Article 179/b and the Annex of Constitution of the Republic of Albania, Article 13, letter “d”, Article 15, point 1 and 2 and Article 69 point 4 of Law No. 84/2016 “On the transitional re-evaluation of judges and prosecutors in the Republic of Albania” as well as the Regulation “On the activity of the Appeal Chamber of the Constitutional Court, the Meeting of Judges,

**DECIDED:**

**Article 1  
The scope**

This regulation provides manual lot procedures:

- a) to determine (elect) the panel for every case;
- b) to determine the president and the rapporteur of the panel;
- c) to determine the panel that shall review the request on the recusal of judge from the adjudication of the case;
- ç) to determine the substitute judge that shall be in place of the recused judge;

**Article 2  
Principles**

This regulation relies on the principle of transparency, equality of workload among the judges and objectivity.

**Article 3  
Lot Arrangements**

*Amended as per Decision No. 5, dated 31.01.2019 of the Meeting of Judges*

1. Lot procedures shall be held at the presence of all Judges of the Appeal Chamber (the Chamber).
2. The President of the Appeal Chamber shall conduct the lot in conformity with rules provided by this regulation with the assistance of the Director of the Directory for the Management of Cases, Media and Public Relations.

3 The Director of the Directory for Management of Cases, Media and Public Relations shall inform the judges on cases registered on the register by their respective number. The judges shall be informed at the initiation of any lot, on the workload of cases under review, from where shall result the role of each judge, as member of panel, as president or rapporteur.

4. The lot on the case submitted for trial shall be drawn not later than 10 days from the registration date. The lot shall be drawn for every case according to the sequence of the registration of the case under the respective register.

5. In any case of drawing the lot, the President of the Appeal Chamber shall notify in written form or by e-mail the Appeal Chamber Judges at least 24 hours before drawing the lot. The notification shall contain the number of registration of the case on which the lot shall be drawn, the date, the time (hour) and the premises (room) where the lot shall be drawn.

#### **Article 4** **Lot procedures**

1. Manual lot procedures shall be held at the premises of the Appeal Chamber.

2. In any case, the lot shall be drawn at the same time to determine the panel composed by 5 judges and then the chairperson and the rapporteur.

3. In any lot, the case shall be identified by the sequence number registered on the register of cases.

4. All procedures for drawing the lot, in any case, shall be recorded by minutes that shall be maintained by judicial secretary and shall be signed by all judges participating in the lot.

#### **Article 5** **Lot procedures to determine the panel**

1. The Appeal Chamber shall adjudicate in panels composed by 5 judges that shall be determined by lot.

2. Election by lot of the panel shall be according to the provisions of Article 3 and 4 of this Regulation. In any case, if at the moment of casting the lot, one of the judges shall result to have 3 (three) or more cases under review, compared to the rest of judges, the judge shall not participate in the election by lot. In any case, not less than 6 (six) judges shall participate in the election by lot. In any case, if at the moment of casting the lot, one or more judges result with 3 (three) or more cases under review, compared to the rest of the judges, then election by lot shall be to determine which of the judges shall not participate in the lot.

3. The roles of judges shall be written on equal paper stripes, *in times new roman, font size 14, bold text*. The word - **Member** – shall be written in five 5 paper stripes and - the word - **Judge without role**- shall be written in 2 paper stripes. All paper stripes shall be verified on adequacy by the audience present in the room by exposure taken by the President of the Appeal Chamber. After the verification, the President of the Appeal Chamber, shall fold the paper stripes equally and place them by respective balls. Before placing the balls by the transparent container, the balls may be examined by any judge (except from the President of the Appeal Chamber) who wishes to verify the balls on equality, sameness of shape and warmness. After this verification, the President of the Appeal Chamber shall place the balls by the transparent container and shall mix them in order to ensure the equality of selection.

4. After the balls are cast, each judge shall randomly draw one ball in alphabetical order of their family name. The AC President shall mix the balls after each draw in preparation for the next draw. For every ball drawn, the AC President shall read its contents aloud.

5. Upon conclusion of the procedure, the AC President shall once again read aloud the names of the judges of the panel.

#### **Article 6**

##### **Determination by Lot of the Panel's President and Rapporteur**

1. The panel's president and the rapporteur judge shall be determined by lot after the panel has been selected.
2. The lot shall be cast first for the panel's president and then for the rapporteur judge.
3. The lot shall be cast for those judges who are currently presiding over an equal number of cases. In any case, the judge presiding the least number of cases shall be the panel's president.
4. The lot shall be cast for those judges who are currently serving as rapporteurs in an equal number of cases. In any case, the judge with the least number of cases shall be appointed as rapporteur. The judge appointed as panel's president shall not participate in the lot.
5. The procedure shall be conducted in accordance with the provisions of Article 5 of this Regulation. As appropriate, the word **President** shall be inscribed on one paper strip, **Rapporteur** on a second paper strip and **Member** on the other paper strips.
6. At the end of the procedure, the AC President shall read out the names of the judges according to their role on the panel.

#### **Article 7**

##### **Determination by Lot of the Panel to Examine Recusal Requests**

1. Whenever an AC judge may not adjudicate the case assigned to him due to the circumstances described in Article 27 of Law no. 84/2016 "On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania", the recusal decision is made by another panel of judges appointed by lot on the same day as the request for recusal is filed.
2. The lot for the appointment of the panel mentioned in paragraph 1 above shall be conducted as provided under Articles 3 and 4 of this Regulation. The judge for whom recusal has been requested shall be excluded from participation in the lot.
3. The lot shall be conducted as provided in Article 5 of this Regulation.
4. The president of the recusal panel shall be appointed by lot among the panel members according to the rules under this Regulation.

#### **Article 8**

##### **Determination by Lot of the Substitute Judge**

1. The substitute judge for the recused judge shall be appointed by lot.
2. The lot for the substitute judge mentioned in Paragraph 1 of this Article shall be drawn in accordance with the provisions of Articles 3 and 4 of this Regulation.
3. Those judges who are not part of the panel concerned shall participate in the lot. The lot procedure shall be conducted in accordance with the provisions of Article 5 of this Regulation.

One paper strip shall be inscribed as **Member** and the rest of the paper strips as **Judge without a role**.

4. At the end of this procedure, the AC President shall read out the name of the judge appointed to substitute the recused judge.

#### **Article 9 Use of Proxy**

1. The Judge who for objective reasons will be absent on the day and time set for casting the lot, may designate a proxy in accordance with provisions under Articles 28 and 29, paragraphs 1 of the Code of Administrative Procedures.

2. The proxy act must specify the name of the advisor from the Legal Service Unit who shall act as proxy.

#### **Article 10 Entry into Force and Amendment of the Regulation**

1. The regulation shall enter into force upon its approval by the Meeting of Judges of the Special Appeals College.

2. This Regulation may be amended by decision made in the Meeting of Judges of the Special Appeals College, primarily if it leads to an unequal distribution of the caseload among the judges.