

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

Adopted by the Meeting of Judges Decision No. 8, dated 29.03.2018

Amended by the Meeting of Judges Decision No. 5, dated 31.01.2019

Amended by the Meeting of Judges Decision No. 28, dated 20.12.2019

Amended by the Meeting of Judges Decision No. 11, dated 25.01.2022

Amended by the Meeting of Judges Decision No. 75, dated 29.08.2024

(Updated version)

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

DECIDED:

**Article 1
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; and
- 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 by the Meeting of Judges decision no. 5, dated 31.01.2019

Amended by the Meeting of Judges decision no. 28, dated 20.12.2019

Amended by the Meeting of Judges decision no. 11, dated 25.01.2022

Amended by the Meeting of Judges decision no. 75, dated 29.08.2024

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 via e-mail all the judges on cases registered on the register by their respective numbers. At the initiation of any lot procedure, the judges shall be informed on:
 - a) the workload of cases under review, indicating the role of each judge (as panel member, chairperson or rapporteur);
 - b) the number of cases assigned by lot to each judge in the position of rapporteur, since the initiation of the re-evaluation process at the Appeal Chamber.
- 3/1. The alternate judge of the Appeal Chamber shall take part in the first lot procedure having the workload of cases under review (as a member of the trial panel, as a presiding judge or as rapporteur) equal to the lowest number of cases that the other AC judges have as members, presiding, and rapporteurs at the time of the lot procedure.
- 3/2. The alternate judge of the Appeal Chamber shall take part in the first lot procedure having the number of cases assigned by lot to each judge in the position of rapporteur, since the initiation of the re-evaluation process at the Appeal Chamber, equal to the lowest number cases that the other AC judges have as rapporteurs, at the time of the lot procedure, since the initiation of the re-evaluation process.
- 3/3. The caseload for the alternate judge of the Appeal Chamber, under paragraphs 3/1 and 3/2 herein, shall be updated accordingly following each lot procedure.
- 3/4. If from the application of paragraphs 3/1 and 3/2 of this article it is ascertained that the judge to whom they are applied creates an imbalance of the workload as a case rapporteur with the other judges of the Appeal Chamber, by less than half of the workload of the judge with the smallest number of cases in the capacity of the rapporteur, the caseload is balanced by carrying out a lot drawing procedure to change the role of the rapporteur in some cases, without changing the composition of the members of the trial panel, according to the following rules.
- 3/5. The number of cases for which the judge with the smallest workload as rapporteur will take on the role of the case rapporteur assigned by lot to other judges, must be equal for each judge of the Appeal Chamber, aiming to increase his/her workload by an approximate number to the judge with the smallest workload at the time of the lot procedure.
- 3/6. The Directorate of Case Management, Media and Public Relations, in cooperation with the judges of the Appeal Chamber, identifies 5 (five) cases for each judge where they have been assigned as case rapporteur, with early registration date for which the judicial

preparation has not started yet, according to the provisions of article 14, paragraph 5, item “a” of law no. 84/2016, and in which the judge with the smallest workload has been assigned as a member of the trial panel, but not as the presiding judge.

- 3/7. The data of the identified cases, as per paragraph 3/6 of this article, are entered into 5 (five) equal strips of paper, which are put into balls, according to the rules defined in paragraph 3 of article 5 of this regulation. The judge with the smallest workload as rapporteur randomly draws as many balls as the number of cases, according to the rule defined in paragraph 3/5 of this article. This procedure is carried out for the cases of each judge who will be replaced in the role of rapporteur, according to the alphabetical order of their last name.
- 3/8. In the subsequent lot drawing that will be held following the workload balancing procedure, the number of cases as rapporteur for the judge whose workload has been balanced, will no longer be determined according to the provisions of paragraph 3/1 of this article, but shall be the number that will result following the balancing procedure.
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

Amended by the Meeting of Judges decision no. 28, dated 20.12.2019

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.
- 4/1. Those judges who, in relation to other judges of the Chamber, have more than three (3) cases assigned by lot in the position of rapporteur since the initiation of the re-evaluation process at the Chamber, shall be excluded from the lot. In the event the judges who will be shortlisted to be selected in the position of rapporteur have, in relation to the other judges of the Chamber, a workload as case rapporteur of more than three (3) cases since the initiation of the re-evaluation process at the Chamber, the lot for the selection of the rapporteur shall be cast between those judges with a workload of less or equal number of cases.
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 adoption by the Meeting of Judges of the Appeal Chamber.
2. This Regulation may be amended by a decision of the Meeting of Judges of the Appeal Chamber, primarily if it leads to an unequal distribution of the caseload among the judges.