

Questionnaire
On The Impact of COVID-19 on Rule of Law and Judicial Activity

1. What are the main problems the Judiciary experienced at a general level in your country as a consequence of the legal reforms approved in order to cope with the COVID-19 pandemic?

The Judiciary faced the following problems:

- (a) Overcrowded prisons, where pre-trial detainees accounted for more than 60% of the prison population;
- (b) Aggrieved citizens seeking redress in courts, in spite of an order to partially suspend court proceedings;
The expiration of legal deadlines and procedural time limitation.

2. Did the legal reforms approved in your country in order to cope with the COVID-19 pandemic affect the Rule of Law and Human Rights principles? If any, please enumerate them.

Yes. The right to a speedy and inexpensive trial, the right to trial by jury, freedom of movement and freedom of association are some that are affected.

3. As to the judicial organization of your country, what impact had the legal reforms approved in order to cope with the COVID-19 pandemic? More specifically, what were their effects on the powers of the Minister of Justice, Council for Judiciary, Heads of Courts, Heads of Prosecution Services, Judges, Prosecutors, Court Administrators, Court Managers?

The legal reforms partially suspended court activities. To complement the Executive, the Supreme Court issued Judicial Order No. 8, which all court actors, including the Minister of Justice, who is the head of Prosecution/ Prosecution Services, must abide by. Except for “urgent cases”, hearings in routine cases have been deferred. Prosecution is expected to comply with the Order to make sure that only “urgent cases” are brought to the attention of the court.

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4. As far as court activity, court proceedings and trials are concerned, what was the impact of legal measures adopted? Please provide information distinguishing between civil, criminal and administrative cases.

A Judicial Order was issued, to the effect that only two cases can be heard by a sitting court daily. Grave criminal offenses require the arrest and detention of persons; otherwise, pre-trial

detention is being discouraged. Civil and administrative cases are treated alike, using conferences, in lieu of regular trial proceedings.

5. Did “urgent” cases receive a different treatment and in this framework was a special legal definition or specification of “urgency” introduced for court proceedings and trials?

Treatments are different for offenses involving felony, such as murder, rape, armed robbery, aggravated assault, kidnapping, etc., otherwise referred to as “urgent” cases. Unlike other lesser criminal offenses, strict application of the law is permitted for “urgent cases”.

6. Did the amount of money and, more generally, the value at stake in the case play a role in the treatment of it?

No. Government regulation suspended the payment of debts during the State of Emergency.

7. As far as criminal cases are concerned, did cases concerning arrested defendants receive a different treatment?

Cases of arrested defendants are treated on a case-by-case basis, depending on the nature of the offense and the attendant facts and circumstances.

8. What was the impact of such legal reforms on legal deadlines and procedural time frames?

These reforms are expected to affect cases that are strictly time barred. Citizens are likely to be deprived of the possibility of taking procedural steps, such as appealing against decisions of courts, with irreversible consequences.

9. What is the role played in your country by IT, e-filing, smart and remote working in the management of cases as an effect of legal measures approved in order to cope with the COVID-19 pandemic? To what extent these measures are applicable also to the activity of Public Prosecutors?

Not many people are educated to these types of technology. Besides, the poor quality of infrastructure can not support their effective use in legal proceedings.

10. What is the role played by your Association in the drafting of such legal reforms? Was your Association consulted by the Government before adoption of the aforesaid measures?

The decision was made without consultation or input from our Association.

11. Did the Government consult the High Council for the Judiciary and/or other judicial institutional instances or representatives before adoption of the aforesaid measures?

No. The decision was taken by the Executive and transmitted to the Judiciary and our Association.

12. What is the attitude of Bar Associations and Lawyers vis-a vis such legal reform

Bar Associations and lawyers are fully cooperating.