



JUDICIAL REFORM PROGRAMME FOR THE WESTERN BALKANS
Funded by the Ministry of Foreign Affairs of Norway

5th Regional Conference

Role of the Judicial Councils in Ensuring a Right to Fair and Efficient Court Hearing (ECHR Article 6)

31 May-3 June 2023 (Wednesday-Saturday)

Hotel Le Meridien Lav, Split

Conference Objective(s)

- Raising awareness of the role of the judicial council in ensuring a fair trial. The ENCJ and CCJE standards point out that the councils should be responsible for efficiency and quality (i.e. fair trial), and they should be forward-leaning. They should be consulted when drafting legislation related to the judiciary, and consulted prior to the ordinary consultation (ENCJ).
- Looking closer at some of the causes for breaches of a fair trial and the way the judicial councils could try to overcome those, in particular by encouraging the application of the new case management techniques in the judiciary that could be applied also within the existing legal framework.

The regional conference intends to highlight the role of the judicial councils in ensuring the right to a fair and efficient court hearing (the ECHR Article 6).

The conference will discuss some of the reasons why civil cases can last excessively long in the Western Balkan judiciaries. These include heavy workload, the backlog of cases, and complex legal procedures, but also inefficient case management by the court/the judge and the apparent lack of application in practice of the available tools to enforce procedural discipline and sanction delaying and vexatious tactics and behaviour by the participants in court proceedings. This may involve addressing cultural factors and resistance to change which usually leads to a preference for traditional ways of doing things, and can hinder the adoption of new case management techniques by the courts. The conference will in particular discuss the issues related to the administration of evidence and use of expert witnesses as well as the postponement/adjournment of hearings and the remittal of cases.

Addressing these issues requires a concerted effort by stakeholders, including the judiciaries, governments, and legal professionals, to improve the efficiency and effectiveness of resolving disputes in courts.

Organisation/Logistical matters

The organizer covers costs and has arranged for participants the **full-board accommodation** - which starts with dinner on 31 May and ends with breakfast on 3 June - in the **Hotel Le Meridien Lav, Split** (hotel address: **Grljevačka 2A, Podstrana, Split, Croatia**). Please note that all sessions will take place at the hotel premises (you will be directed to the designated conference room by the hotel reception).

The language at the working sessions is English, but the **simultaneous translation** to Bosnian, Croatian, Serbian and Montenegrin, and to Albanian, is provided by the organizer. The **travel** should be arranged by and the travel expenses covered by the participants. If the participants' institutions are not able to cover the travel expenses, the participants should duly notify the organiser and the organiser might only exceptionally be able to assist with the travel as well. Please also note that participants should arrange their own travel health insurance, if required.

CONFERENCE PROGRAMME

Moderators:

Audun Hognes Berg, Senior Advisor, Norwegian Courts Administration

Amra Jasarevic, Senior Regional Advisor on Judicial Reform, Norwegian Courts Administration

Day 1 - Wednesday (31 May 2023)

TRAVEL

REGISTRATION in the hotel: **Hotel Le Meridien Lav, Split** (hotel address: **Grljevačka 2A, Podstrana, 21312, Split, Croatia**)

19.30	DINNER in Hotel Le Meridien - Spalatum Restaurant
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Day 2 - Thursday (1 June 2023)

09.00 – 09.15 CONFERENCE REGISTRATION: **Conference Room in Hotel Le Meridien Lav, Split**

09.15 – 09.30 **OPENING REMARKS FROM H.E. MR. HAAKON BLANKENBORG, AMBASSADOR, ROYAL NORWEGIAN EMBASSY, ZAGREB**

H.E. Mr. Haakon Blankenborg, Ambassador, Royal Norwegian Embassy, Zagreb

09.30 – 09.45 **WELCOME MESSAGE FROM THE GENERAL DIRECTOR OF THE NORWEGIAN COURTS ADMINISTRATION**

Mr. Sven Marius Urke, General Director, Norwegian Courts Administration

09.45 – 10.00 **INTRODUCTORY WORD OF MODERATORS**
Introduction of the conference programme and objectives
Introduction of Delegations

Mr. Audun Hognes Berg, Senior Advisor, Norwegian Courts Administration
Ms. Amra Jasarevic, Regional Advisor on Judicial Reform, Norwegian Courts Administration

10.00 – 10.30 **THE ROLE OF THE JUDICIAL COUNCIL IN ENSURING A FAIR TRIAL**
Mandate and responsibilities of the judicial councils to take appropriate action - within the available resources - to address the issues related to the violations of the ECHR Article 6
The role of judicial councils in promoting active case management by the courts and checking procedural indiscipline

Mr. Erjon Muharremaj, Law Professor, Law Faculty, Tirana **(remote presentation)**

10.30 – 11.00 **Coffee Break**

11.00 – 12.00 **EXECUTION OF JUDGEMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS**
Presentation, Questions and Discussion

Ms. Ana Klasiček, Legal Officer, Council of Europe, Department for the Execution of Judgements of the European Court of Human Rights

12.00 – 13.30 **LUNCH and Mingling**

13.30 – 14.30 ECHR Article 6: Procedural requirements (Fairness/Length of proceedings)
MAINTAINING PROCEDURAL DISCIPLINE AND THE RESPONSIBILITY OF THE JUDGE
The judge's active management of parties' behaviour as a crucial factor for the smooth and efficient running of civil proceedings
Civil procedure in the relevant legislation vs the civil procedure in judicial routines
Presentation, Questions and Discussion

Ms. Daniela Pivčević, Judge, County Court Split, Croatia

14.30 – 15.00 **Coffee Break**

15.00 – 16.00 Panel I: ECHR Article 6: Procedural requirements (Fairness/Length of proceedings)
ADMINISTRATION OF EVIDENCE – EXPERT OPINIONS
EXPERT WITNESSES AND EFFICIENCY IN CIVIL LITIGATION
Presentation, Questions and Discussion

Prof. dr. sc. Alan Uzelac, Faculty of Law, University of Zagreb (**remote presentation**)

19.30 **OFFICIAL DINNER – Restaurant 7 Palms**

Day 3 - Friday (2 June 2023)

09.30 – 10.30 Panel II: ECHR Article 6: Procedural requirements (Fairness/Length of proceedings)
REMITTAL OF CASES
Presentation, Questions and Discussion

Ms. Daniela Pivčević, Judge, County Court Split, Croatia

10.30 – 11.00 **Coffee Break**

11.00 – 11.30 ECHR Article 6: Procedural requirements (Fairness/Length of proceedings)
E-COMMUNICATION – tool for more efficient judicial proceedings
Presentation, Questions and Discussion

Ms. Maja Praljak, Judge of Commercial Court of Zagreb, Croatia

11.30 – 12.00 Panel III: ECHR Article 6: Procedural requirements (Fairness/Length of proceedings)
FREQUENT POSTPONEMENT/ADJOURNMENT OF HEARINGS LEADING TO DELAYS IN THE RESOLUTION OF CASES
How judges can exercise their discretion to limit adjournments, encouraging parties to prepare adequately and maintain procedural discipline?
More effective preparation by a judge and adequately planned proceedings as a measure to potentially reduce the frequency of postponed hearings
Presentation, Questions and Discussion

Ms. Sanja Došljak, Judge, Basic Court, Podgorica

12.00 – 13.30 **LUNCH and Mingling**

13.30 – 14.30 ECHR Article 6: Procedural requirements (Fairness/Length of proceedings)
MAIN REASONS FOR LENGTHY PROCEEDINGS IN CIVIL CASES
How the use of efficient case management techniques by judges and court staff can ensure that the case moves forward in an organized and timely manner?
Presentation, Questions and Discussion

Ms. Naida Tabaković, Judge, Municipal Court Sarajevo

14.30 – 14.45 **INTRODUCTION TO THE WESTERN BALKAN JUDICIAL REFORM PROGRAMME (WBJRP)**
The bilateral and the regional activities
THE WORK OF THE WORKING GROUP ON JUDICIAL MANAGEMENT (WGJM)
Introduction of the WGJM main goal/objectives

Mr. Audun Hognes Berg, Senior Advisor, Norwegian Courts Administration

Ms. Amra Jasarevic, Regional Advisor on Judicial Reform, Norwegian Courts Administration

14.45 – 15.00 **CONCLUDING REMARKS (Coffee will be served in the meeting room)**

Mr. Audun Hognes Berg (Head of International Secretariat, Norwegian Courts Administration)

Ms. Amra Jasarevic (Regional Judicial Reform Advisor, UNDP/ Norwegian Courts Administration)

15.45 – 19.45 **The Group Meets at the Lobby of the Hotel Le Meridien**
SOCIAL EVENT

20.30 **DINNER - Restaurant Port 74**

Day 4 - Saturday (3 June 2023)

DEPARTURE AND TRAVEL