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INTRODUCTION

In the last years information and communication technologies (ICT) have pervaded in different areas of the EU Member States' judicial systems, opening new opportunities to improve the internal management of justice as well as the delivery of its services, called for this purpose e-Justice.

The availability of web services, the possibility of consulting online court registers, legislation and case-law, the use of electronic filing, the electronic exchange of legal documents or the publication of jurisprudence online are only some examples of key e-services aimed at significantly improving the efficiency, transparency and accessibility of the judicial administration.

The benefits of reforming judicial systems in order to allow the use of ICT in their administration are multiple and can be identified at different levels, from citizens involved in a court procedure, to lawyers, judges, prosecutors and court civil servants, as well as governments.

Among the potential advantages brought by the development of e-tools for justice, we could mention:

- a more efficient judicial system, increasing productivity and diminishing costs of transaction, while being highly information intensive;
- a more effective judicial system through reducing the duration of procedures – thus both saving time and lowering costs – and putting systems for document resource administration as well as other associated tools (video-conferencing, software for working in collaboration online, etc.) within the reach of judges and courts. The most important of these benefits is "time saving". Indeed, for a number of procedures physical interaction between a civil servant and a citizen is not needed. Similarly, documents can be exchanged outside regular office hours through electronic mails. Additionally, disabled persons are ensured better access to court proceedings. Finally, these reforms contribute to the speedy delivery of judgments and judicial proceedings in general.
- increasing citizens' level of access to the judiciary by providing the best information available and a better understanding not only of the way the courts work but also, more importantly, of the legal instruments within their reach to ensure recognition of their rights;
- improved transparency of the way the judiciary works, in that the technologies facilitate an improved control of cases and allow a better qualitative evaluation of outputs;
- increasing the confidence of citizens and businesses in the judicial system.

The sum of these all results in a greater legitimacy of judicial power.

As frequently underlined by the actors of the justice system (judges, lawyers, prosecutors, etc.), if ICT can undeniably lead to positive effects, the modalities of their implementation should be done in a way that guarantees the basic principles of legal certainty, integrity, and authenticity of documents, data privacy, and an independent judiciary. As long as the judicial debate can always take place and that the rights of defence are safeguarded, the development of e-justice may have a positive effect on access to justice; it should contribute to reduce backlogs and to shorten court proceedings – or at least to improve their foreseeability.

In recent years, public authorities around the world have begun to adopt several statutory reforms to incorporate ICT into everyday tasks of judicial systems' actors. In the European sphere, the concept of e-justice has been mainly developed in justice administration, with a number of exceptions, with a policy aiming to improve and modernise the delivery of justice in two categories of litigations. On the one hand, these are litigations completed internally in the national judicial orders and on the other, cross-border litigations. For the European Commission, e-Justice's primary objective is to help justice to be administered more effectively throughout Europe, for the benefit of citizens.

Nowadays, basic computer technologies are widespread in courts around Europe. According to the 2008 data collection exercise of CEPEJ (European Commission for the Efficiency of Justice), out of 46 European countries surveyed, 41 had basic computer and word processing facilities in 100% of the courts, and 5 in more than 50%. Diffusion of such technologies started during the 1980s but in many cases their introduction has been all but easy and plain. The development of these applications was often carried out locally, in many cases to meet specific and urgent business needs within specific offices, or within ad interim pilot projects (e.g. Italy, Ireland, Belgium). It is only over the course of the 1990s that many European governments started to supply the courts with equipment and office applications in large quantities and in a more systematic way. Basic technologies are standard products that can be easily acquired on the market. They mainly consists of hardware and software used to create, collect, store, manipulate, and relay digital information needed for accomplishing basic office tasks.

Almost all EU Member States manage registers electronically. However, only half of the EU Member States have technical standards for electronic communication and have implemented full electronic access to case files. Moreover, the use of electronic methods of communication (such as teleconference) in court proceedings is very limited and, where it is adopted, the rate is consistently lower than 10%. In many cases and for a long time after their introduction, automated registers did not substitute the paper based ones as official documents, thus requiring clerks and administrative personnel to deal with parallel procedures and producing duplication of work.

At national level numerous projects are helping litigants proceed with their cases more effectively and link them with the courts. These projects aim to provide information on judicial proceedings, legislation and cases through the use of online computing systems, and introduce fully electronic court procedures and electronic recording of hearings. France, Germany and the United Kingdom, for example, offer their citizens free access to all their national legislation and jurisprudence.

The more widespread method for provision of electronic information is the use of internet websites. Four core elements have been proven to be very useful in analysing and comparing the electronic exchange of information between courts and other parties through the internet. These elements are: the organisation of the web service provision, access to information (graphics, structure etc.), users (people, parties, lawyers, experts and other frequent users) and content (service typology).

The organisation of web information provision by courts varies widely across Europe. In some cases, web information organisation and provision is centralised, with the highest courts, Ministries of Justice and judicial councils playing a prominent role. In other cases, information provision is delegated within common frameworks. Finally, in some cases, complete freedom and local initiative are the rule. In Austria, for example, single court web sites are not allowed and information about the courts is made available only through the official web site of the Ministry of Justice. In the Netherlands, the Council for the Judiciary provides a single point of access to information on courts, judicial organisation, functions and processes. Very limited initiative is granted to individual courts. In other countries, such as Belgium and France, each court can develop its own website, following the guidelines established by the Ministry of Justice. In some other countries (e.g. Finland, Italy), courts can create their own website without following any specific rules.

The EU approach on E-Justice

The e-Justice approach uses ICT to improve citizens' access to justice and to make legal action more effective, the latter being understood as any type of activity involving the resolution of a dispute or the punishment of criminal behaviour.[1]

Initially, e-justice, as an EU policy, gained specific significance primarily as a tool under the Justice and Home Affairs policy, targeted at improving the effectiveness of the EU's judicial system through measures such as online access to case-law, or introduction of electronic procedures such as submitting applications to the court through online procedures.

However, in the present framework, e-justice has gained a much broader value. Its mission goes beyond the application of a number of selective measures. The increasingly integrated internal market and the growing

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1 "Towards a European e-Justice Strategy" – European Commission, COM(2008)329 final" Brussels, 30.5.2008.

mobility within Europe has hugely increased the number of cross-border litigations and produced further challenges regarding language diversity, distance and non-familiarity with different national legal systems.

The first systematic appearance of the term "e-justice" at EU level, was identified in 2007, in a number of Council's working documents, even though some initiatives had already appeared since 2003.

The Commission Communication entitled "Towards a European e-Justice Strategy", published in May 2008, is considered as a milestone in acknowledging the concept of e-justice. As the first solid attempt to introduce the concept of e-justice, it was a response to "the need to improve justice, cooperation between legal authorities and the effectiveness of the justice system itself". This document observed that e-justice was a specific field under the more general umbrella of e-government, the latter being understood as the application of Information and Communication Technologies (ICT) to all administrative procedures.

In March 2009, the Council adopted a multi-annual action plan on European E-Justice,[2] agreeing that its implementation requires a systematic and coordinated planning strategy and not fragmented state interventions. The objectives are: a) improved access to information in the field of justice, both for European and Member State legislation and case law, b) the *dematerialisation* of cross-border judicial and extrajudicial proceedings through electronic means of communication, c) simplifying and encouraging communication between judicial authorities and Member States and d) the establishment of a European e-Justice Portal,[3] which will provide access to the entire European e-Justice system, (e.g. to European and national information websites and/or services). This last ambitious goal is planned to allow interchange of cross-border data and documents and inter-operability between internal and external users of the Member States' courts.

The European E-Justice Portal will have at least three functions:

a) Access to information

The portal will have to provide European citizens, in their language, with data on judicial systems and procedures. Ignorance of the rules in force in other Member States is one of the major factors preventing citizens from asserting their rights outside their home country.

In particular, the portal will contain:

- European and national information on victims' rights in criminal cases and their rights to compensation;

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[2] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:075:0001:0012:EN:PDF

[3] https://e-justice.europa.eu/home.do. For a short presentation of the EU-justice portal goal see http://www.euregov.eu/workshop/presentations/02.pdf

For the technical aspect of the EU e-Justice portal see the EC document of February 4th 2009 http://www.ccbe.org/fileadmin/user_upload/document/EJustice_Portal/05_03_2009/English/EN_Portal_Description_of_Services.pdf

- the fundamental rights enjoyed by citizens in each Member State (rights of persons charged in criminal proceedings);
- the fundamental principles relating to citizens' ability to initiate proceedings before a court in another Member State, or to their defence when summoned to appear before such a court.

The portal will also provide practical information, in particular regarding the competent authorities and how to contact them, the use (obligatory or optional) of lawyers and the procedures for obtaining legal aid.

Some of this information already exists on the site of the judicial network in civil matters. It will be integrated into the portal and added to, as regards criminal law and victims' rights.

b) Referral

The portal must also refer visitors to existing sites (Eur-lex, Pre-lex, SCADPlus, Eurovoc and IATE), to European legal institutions and to the various existing legal networks and their tools.

Moreover, the portal will direct visitors to certain registers interconnected at European level via links to the bodies that manage these projects.

c) Direct access to certain European procedures

In the long term, fully electronic European procedures could be created. Legal bases already do exist, such as for example the "small claims" regulation and the "payment procedure" regulation.

The possibility of using the portal to pay, for example, court fees should also be studied; as should, for the long term, the possibility for citizens to request their criminal record online and in the language of their choice.

Fostering e-cooperation on transnational judicial proceedings

One of the main aims of the EU consists of the creation of a real European area of freedom, security and justice and a real internal one single market. An area of justice in the EU requires the elimination of all the obstacles to the free movement of European citizens from one Member State to another. Such obstacles prevent the correct functioning of the internal market. Since the Treaty of Amsterdam (1997) the EU institutions have competence to adopt measures of judicial cooperation in civil matters with cross-border implications. Among these measures, the principle of mutual recognition of judicial and extrajudicial decisions and the creation of uniform conflict rules and uniform jurisdiction rules are of the essence. A unique Community private international law system makes sense as a legal tool to promote the internal market in the EU as well as to create a Justice Area in the EU as it has been conceived in the Lisbon Treaty. According to studies carried out by the European Commission, about 10 million people are currently involved in cross-

border civil proceedings. This figure is destined to rise as a result of the increase in the movement of persons within the EU.[4]

The transnational *e-cooperation* also focuses on the management of trans-border or trans-national criminal proceedings and the interaction between national criminal justice systems. Introduced by the Maastricht Treaty in 1993, judicial cooperation in criminal matters comes under Title V of the Treaty on the Functioning of the European Union. Based on the principle of mutual recognition of judgements and judicial decisions by Member States, it involves – where necessary – the approximation of related national laws and the application of common minimum rules, in order to facilitate cooperation between legal practitioners (judges, prosecutors and defence lawyers) and their counterparts in other Member States. The minimum rules mainly relate to the admissibility of evidence and the rights of crime victims as well as of individuals in criminal procedures.

The EU has adopted several legislative instruments in accordance with the principle of mutual recognition:

- the European Arrest Warrant,
- the European Evidence Warrant,
- freezing of assets and evidence,
- confiscation orders,
- exchange of information on convictions/criminal records,
- decisions on (non-custodial) pre-trial supervision measures,
- mutual recognition and execution of convictions, both custodial and non-custodial.

Finally, another initiative aimed at fostering judicial cooperation in criminal matters is the so-called "Stockholm Programme", which sets out a new list of objectives for the period 2010 – 2014:

- to develop instruments implementing the mutual recognition principle in each phase of criminal proceedings;
- to approximate national procedural law and substantive law where necessary to improve mutual trust and mutual recognition;
- to develop common minimum standards to ensure that trials are fair throughout the EU;
- to develop and assist EU bodies or instruments of judicial cooperation such as EUROJUST and the European Judicial Network in criminal matters;
- to improve mutual confidence between EU national judicial systems by developing a European judicial culture through training and networking of legal practitioners;
- to monitor the implementation of EU laws that have already been adopted;
- to take account of external aspects of EU judicial cooperation (for example negotiation of agreements with non-EU countries, evaluation of judicial systems of countries applying for – or considering applying for – EU membership)

[4] "Multi-Annual European E-justice Action Plan 2009 – 2013" – (2009/C 75/01).

E-Justice and its areas of application

Despite the ambitious targets set by the EU, in practice, the implementation of e-justice in national judicial proceedings depends primarily on the Member States' goodwill.

The diversity of institutional settings within Europe thus implies a variety of solutions adopted by individual countries, regarding the technical and managerial judicial applications of information and communication technology (ICT) to support the administration of justice. The purpose of this compendium is to provide an overview of this diversity of approaches on the use of e-tools and case management indicators, focusing on the following case studies: Belgium, England and Wales, Finland, Germany, Greece, Italy and Spain.

Given the multiplicity of judicial systems in the EU, there are inevitably many different concepts of E-justice. Regrettably nobody is in a position to give a comprehensive overview of the main technical concepts used in Europe and of the current state of play as regards the overall use of information and communication technology in Member States' judicial systems.[5]

Nonetheless, based on the various studies and reports available, we can assert that E-justice could refer to three separate areas: 1. crime prevention (e.g. electronic criminal records); 2. administration of justice (e.g. judicial proceedings); 3. law enforcement (e.g. electronic surveillance of convicts).

We can also distinguish the areas of application of ICT focusing on the different actors involved as e-tools users.

1. Exchange of information among legal professionals through e-tools

ICT within the Court

These technologies can be divided into four groups based upon their technological but also organisational characteristics and functions:

1. basic computer technologies such as desktop computers, word processing programs, spreadsheets and both internal and external e-mail for judges as well as administrative personnel;
2. applications used to support the court's administrative personnel, which include automated registries and case management systems;
3. technologies supporting the judges' activities, such as law and case law electronic libraries, and sentencing support systems;
4. technologies used in the courtroom.

[5] Report by the Council Working Party on Legal Data Processing (E-justice) 10393/07.

ICT and communication exchange between courts, parties and professionals of law

Although e-mail technology has been diffused between the judges all around Europe, in most cases it is used as an informal means of communication. This is mainly due to the fact that, in many countries, the law requires both certified e-mail and digital signature for official communications (e.g. Belgium, France, Greece, Italy). In most of the cases, such technologies are not provided, while several countries have run pilot projects experimenting with such technologies (e.g. Belgium, Italy). Forums and discussion groups in which judges can 'virtually' meet and discuss legislation, procedures and cases, have been an important development.

In some cases, with the reduction of opportunities for judges to work in panels (e.g. in the Netherlands), electronic forums and discussion groups have been thought to be a tool providing an opportunity for judges to share information and receive support (and training).

Judicial institutions and courts interact and exchange information in order to provide their services or because they are seen as their stakeholders (lawyers, parties, the population in general, etc.). Different groups of users have different information exchange needs. Furthermore, different groups have different technical and legal competences. Specific phrasing and short hand conventions employed by specific groups of users to facilitate communication with the court, on the one hand allows easy exchange of information between those groups and the court, but on the other hand, creates a barrier to access to other groups who do not use these short hand conventions or specific jargon. In some cases all the information is provided through multipurpose websites (portals), while in other cases there has been a trend towards focusing on providing services dedicated to specific groups of users.

2. Access to justice by to the citizens through e-tools

Information provided by judicial websites can be divided into four groups with respect to their content: general information, information on court activities and organisation, legal information, and case information.

1. General information provides details on the mission, addresses, and opening hours, possibly some official documents of relevance to the public. Other services could include search capabilities, host forms and applications to download, and links to other sites, as well as e-mail addresses of offices, court administrative personnel and, more rarely, judges.
2. Information on court activities and organisation provides data on statistics of the courts' productivity, different divisions, organisation of the work, and publication of judgments. A very limited number of websites provide this kind of information. Typically, websites of higher courts, Ministries of Justice, Judicial Councils and court services provide such data.

3. Legal information can be divided into general, specific and case law. General legal information concerns general rules, procedures, practices, examples of forms or pleadings for the guidance of litigants, the explanation of terms and documents used in court process, etc., which can be applied to each and every court. As an example of procedural information, several Italian courts' websites provide information on tariffs/fees due for copies of judgments and files and other court documents. Specific information pertains to an individual court's rules, procedures, practices, forms, etc. Although many websites provide forms for downloading, there are just a limited number that provide more detailed information on completion of forms or on general court procedures. Furthermore, although many court websites provide electronic forms to be filled, usually the forms have to be printed out and submitted in paper format (Belgium, Italy).
4. Case law provides online access to decision databases. While information related to legislation, court procedures and practices is generally free of charge, for case law it is not always the case. Some countries offer free of charge and free access case law (e.g. England and Ireland, BAILII; Norway, Lawdata) but other countries restrict the access to specific categories of users through technical means (e.g. lawyers in the case of PolisWeb in Italy) or require the anonymisation of the parties, such as in Belgium, Finland, France, Germany, Greece, Italy, and Spain.

The EU priority actions until 2013 in the area of e-Justice should enable citizens, particularly when they have been the victim of a criminal offence, to access information without being hindered by the linguistic, cultural and legal barriers related to the multiplicity of systems. This action should also support mechanisms promoting cooperation between legal authorities (item 1) – for example, the **e-Justice portal** facilitating access by citizens and enterprises to justice in Europe. This portal should increase the visibility of European action and help improve access to justice in Europe. It is also significant to mention in relation with this item the work of the "European Judicial Network in civil and commercial matters" which has very detailed information about access to justice, in general, for each country of the European Union.

A recent judgment of the European Court of Human Rights (ECHR) found that a State may, under specific conditions, be found liable if it fails to introduce measures of e-justice. In this way ECHR ruled against Slovakia for failing to create the appropriate infrastructure regarding the submission of applications through electronic procedures. In this ECHR decision it was held that, if submitting an application electronically is necessary due to objective circumstances, a limitation imposed by the state may violate article 6(1) ECHR, meaning the fundamental right of access to justice and the right to fair trial. The state's behaviour was found to be *"a disproportionate limitation on the applicant's right to present his case to a court in an effective manner"*.

STATUS AND PROBLEMS IN THE USE OF ICT IN THE JUDICIARY IN BULGARIA

INTRODUCTION

The present report examines the methods for collection, processing and retrieval of information related to the phases of criminal proceedings, as well as the utilisation of information technology to increase the productivity of the prosecutors and the judiciary in Bulgaria. The report is a part of a more extensive work covering similar practices in several older Member States of the European Union and the efforts of two of the newer EU members to improve their work in accordance with the recommendations of the Union and the European organisations working towards improving the efficiency of the judiciary.

The report consists of three main parts. The **first section** provides an overview of the administrative work of collecting, processing and distributing the key information flows in the Prosecutor's Offices in Bulgaria, both on hard and electronic copy using the existing information systems and web-based resources. It also reviewes the rules under which citizens and stakeholders can gain access to such information. Despite the efforts to digitise the work of the prosecution some activities such as correspondence with other institutions within and outside the country is mainly carried out without the involvement of information technologies.

The **second part** is devoted to the work of the secretaries' offices and registries in the different types of courts. It presents the five types of case management information systems, outlining the fact that the information systems of the judiciary are built in the past on the basis of temporary and incidental decisions with lack of centralised management which presently require the investment of additional resources and efforts to ensure their connectivity and interoperability. The introduction of ongoing training for judicial officers is necessary for achieving the optimal use of the existing electronic resources.

The **third section** introduces the electronic solutions common to the entire judicial system, the most significant of which is the Unified Information System for Counteracting Crime (UISCC) – an inter-agency automated information system under development to link the institutions involved in all stages of the criminal proceedings. This section outlines the legislative framework regulating the development of the system, what has been done by mid-2011, as well as the main issues for further development.

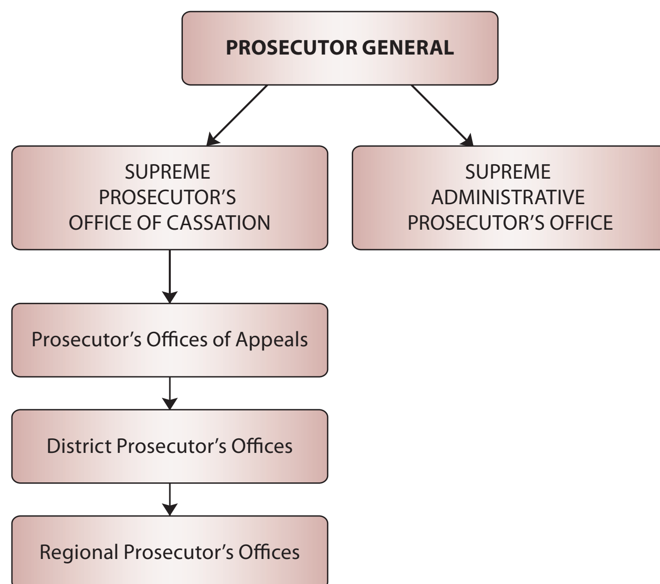
The report is based on the following documents – regulations for the operation of the administration of the prosecutors' offices and the courts,

strategies for the development of the information technology in the judiciary and the latest analytical report on the development of information technology in the judiciary, prepared for the Supreme Judicial Council.

1. COMMON UNITS OF PUBLIC PROSECUTION

The Prosecutor's Office of the Republic of Bulgaria comprises the Prosecutor General, the Supreme Prosecutor's Office of Cassation, the Supreme Administrative Prosecutor's Office, the National Investigation Service, five Prosecutor's Offices of Appeals, Military Prosecutor's Office of Appeals, 27 District Prosecutor's Offices, Sofia City Prosecutor's Office, five Military District Prosecutor's Offices and 113 Regional Prosecutor's Offices.

Figure 1. Structure of the Prosecutor's Office of the Republic of Bulgaria



Source: Prosecutor's Office of the Republic of Bulgaria

The latest amendments to the *Law on the Judicial System* and the *Criminal Procedure Code* provide for the establishment of a Specialised Prosecutor's Office to investigate organised crime as well as a Specialised Prosecutor's Office of Appeals. As of mid-2011 a case, regarding these amendments, however, is still pending before the Constitutional Court and the establishment of the above Prosecutor's Offices depends on the outcome of the proceedings.

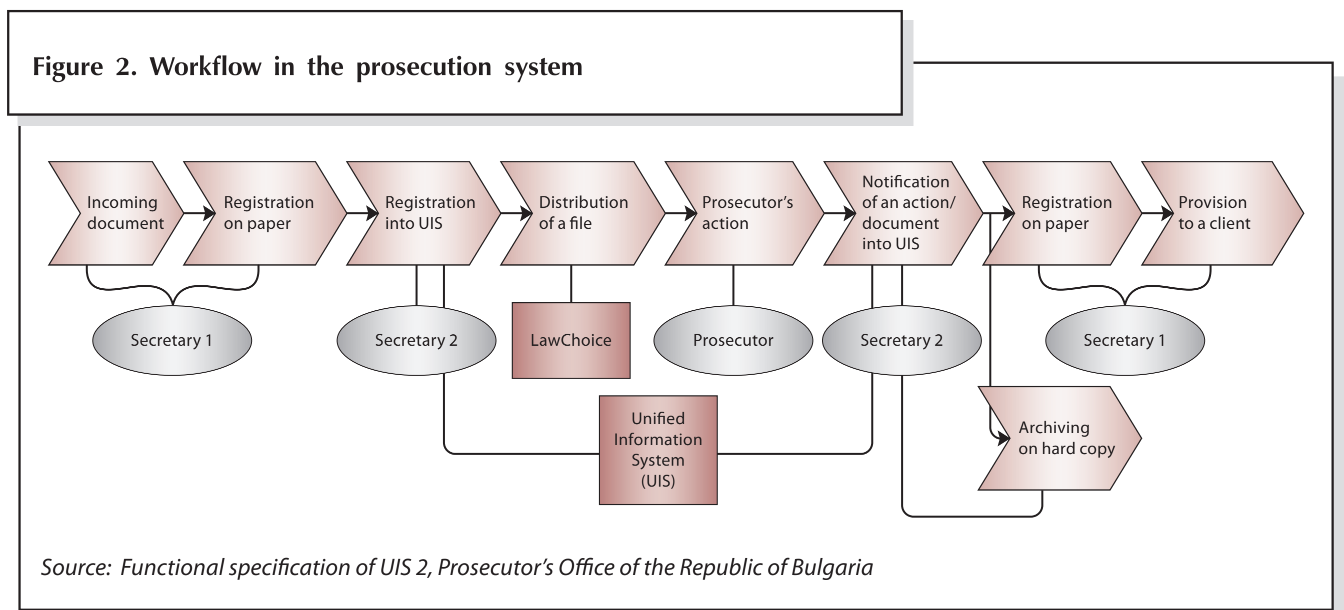
1.1. Scope of activities of secretary's offices of Prosecutor's Offices

Administrative work related to the receipt and processing of information flows within the prosecution and investigation authorities is carried out by the departments of Registry, Secretary's Office and Archives, the allocation being dependent on the workload and the resources available at each department.

The **National Investigation Service (NIS)** has a Registry and Secretary's Office Department part of which is the Archives section.

The Supreme Prosecutor's Office of Cassation has the three administrative components operating as separate departments. The **Registry** receives, records and sends out all papers and documents entering or leaving the Prosecutor's Office. The **Archives** department takes care of the storage of all completed cases and correspondence, document-flow books and documents. The **Secretary's Office** is meant to receive and record all incoming files and cases, to allocate new cases and files to prosecutors adhering to the principle of random assignment, to attach newly received documents to pending cases, to prepare outgoing mail to be sent out by the registry department and to also prepare and pass to the Archives department all closed and systematised cases and files.

Figure 2. Workflow in the prosecution system



Source: Functional specification of UIS 2, Prosecutor's Office of the Republic of Bulgaria

1.2. Creating and keeping files

The secretary's offices of the appellate, military appellate, district, military district and regional prosecutor's offices keep registers and journals in accordance with the current system of cases.

The departments of the Prosecutor's Office keep the following journals:

1. **Index** – it is used for quick reference to the names of all persons associated with the files – the complainant, persons against whom complaints were filed, defendants, victims and others. It includes all documents of all journals.

2. **Internal incoming journal** in the secretary's office of the respective prosecutor's office – here all documents received by the prosecution, including those received by fax, are recorded and given a reference number. Files are numbered starting from 1 at the beginning of each year. After the serial number a slash is put followed by the year the file is recorded. When documents are received pertaining to an open file, this is just noted down in the respective column of the journal and the documents are attached to the file without being numbered. Papers received by mail are saved together with the stamped and dated envelope. The journal is kept by court secretaries and numbers go by years.
3. **Internal outgoing journal** of the secretary's office – here a record is kept of documents that are not related to files recorded in the incoming journal. The journal is kept by court secretaries and numbers go by years.
4. **Report book –** here the random assignment of incoming cases and files is recorded.

There are separate incoming and outgoing journals for documents containing classified information. Prosecutors or court officials operating with this type of information could only access them after signing in the respective journal.

Sofia City Prosecutor's Office and Sofia Regional Prosecutor's Office, as well as the bigger district and regional prosecutor's offices in the country, may also keep other auxiliary record books of their activities.

1.3. Making files available and obtaining information

According to the *Rules for the Organisation and Activities of the Prosecution's Administration of the Republic of Bulgaria* all citizens involved as parties in open cases or their proxies may obtain information about the movement of the file at the secretary's office of the prosecution. Of all possible ways for obtaining information this is the most popular among citizens. During their working hours the secretary's offices of appellate, district and regional prosecutors are contacted by citizens and upon seeing a valid ID provide litigants and/or their proxies with the following information:

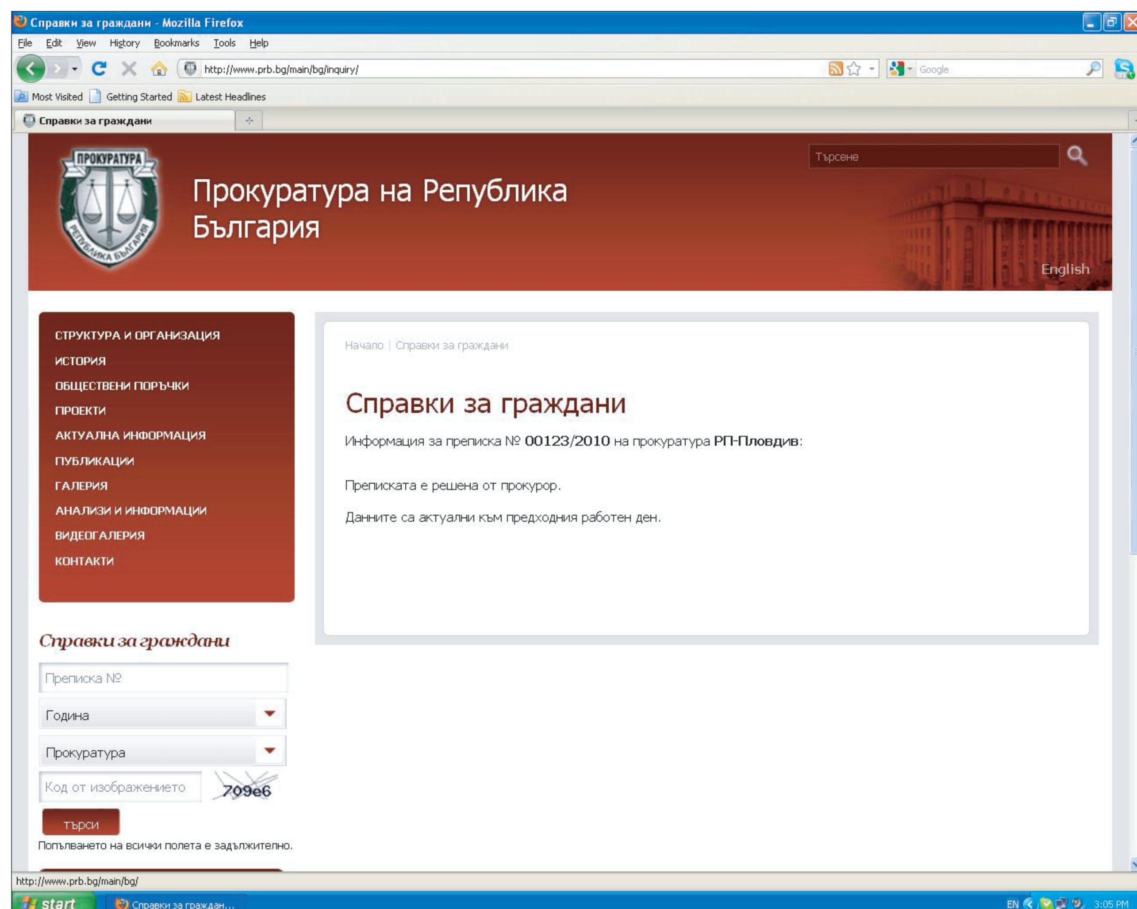
- reference number of the complaint as well as information about the movement of the file;
- statements of the supervising prosecutor related to citizens' requests for change of remand measures;
- handling material evidence;
- lifting restrictions on leaving the country, etc.
- copies of rulings of the appellate, district or regional prosecutor are given upon payment of the state tax to the account of the respective prosecution.

Attorneys' rights to access information in the prosecution are stipulated by law. Article 31 of the *Law on the Bar*[1] stipulates that: "An attorney should have free access to inquire into cases, to receive copies of papers and documents with priority in court, with authorities of pre-trial proceedings, administrative bodies and other institutions in the country and at every place necessary based only on their capacity which is certified by an attorney's card."

Anyone could make an inquiry at the registry as well as by phone about the status of a file by its reference number, year and prosecutor's office.

The above information could also be obtained online through the website of the Prosecutor's Office using the *Unified Information System (UIS) of the Prosecutor's Office*.

Figure 3. Interface for online inquiries about files of the prosecution at the Prosecutor's Office website



Source: Prosecutor's Office of the Republic of Bulgaria.

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[1] Law on the Bar – Promulgated in SG issue 55/25.06.2004, amended – SG issue 43/20.05.2005, amended – SG issue 79/4.10.2005, amended – SG issue 10/31.01.2006, amended – SG issue 39/12.05.2006, amended – SG issue 105/22.12.2006, amended – SG issue 59/20.07.2007, amended – SG issue 69/5.08.2008, amended – SG issue 53/13.07.2010, amended – SG issue 101/28.12.2010.

The website of the Prosecutor's Office contains a field "Citizen Inquiries" and after entering the reference number of the file and selecting the year and the competent prosecutor's office information could be obtained about the current status of the file.

1.4. Evidence keeping

In the secretary's offices of the NIS, district investigation departments, military district prosecutor's offices and regional prosecutor's offices, if a prosecutor is conducting the investigation, a special journal is kept and reference numbers are put on all protocols attaching material evidence to investigation cases (including protocols of site inspection, search and seizure and voluntary handover).

Material evidence is stored in separate specially equipped premises which are at the responsibility of a designated officer – storekeeper of material evidence.

In the National Investigation Service as well as in the district investigation departments of the prosecutor's offices, the military district prosecutor's offices and in the regional prosecutor's offices when investigation is conducted by a prosecutor, the storekeeper is responsible for managing a **Register of material evidence**.

The register has the following sections:

1. Incoming:
- number;
- date of filing;
- number of pre-trial proceedings;
- number of seizure protocol;
- name, middle name and surname, personal ID number and address of the person from whom the material evidence was seized;
- material evidence received: full description (for banknotes – series and number, for other pieces of material evidence – type, colour, size, etc.), measurement unit, quantity;
- position, name, middle name and surname, signature of the investigator;

2. Outgoing:
- date;
- list and description of the outgoing documents;
- position, name, middle name and surname, signature of the person receiving the material evidence.

After the material evidence is seized, it is checked. The storekeeper attaches a numbered card to each piece of evidence and then packs them all together with their inventory list and seals the package with red wax or plasticine pressing the personal metal stamp of the investigator or the prosecutor and then he puts down the number of the stamp in the record of handover drawn up at the handing of the material evidence. The storekeeper fills in all data in the incoming register and draws a record of handover which is given to the investigator and is attached to the pre-trial proceedings file.

According to their type pieces of material evidence are stored as follows:

1. money, foreign currency, precious metals and jewels are stored in a metal safe-box, separately from other pieces of material evidence;
2. narcotics are stored in premises separately from other material evidence;
3. seized documents are kept in the storeroom only after being listed and inventorised.

The storekeeper has a separate numbered folder for copies of all documents related to the movement of material evidence (prosecutor's decrees, rulings of the court, investigator's receipts, etc.).

Documents containing classified information are stored in metal safe-boxes which are sealed at the end of each working day. It is not allowed to have classified information copied, modified and transmitted on any type of electronic or magnetic drive. When classified information on electronic/magnetic drive is received from other agencies or institutions, their movement, reporting and storage follow the rules on classified information and a label is placed on the electronic/magnetic drives containing the reference number from the register and the level of classification.

1.5. Archiving

In prosecutor's offices it is the Registry and Secretary's Office that archives closed cases and files. After a file is closed, all materials are listed and inventorised, clipped together, numbered and handed over to the Archives for storage.

Storage of all closed files, cases, documents and secretary's journals is the responsibility of the respective Archives Department. Incoming documents or cases are recorded in a book of archives; they are formed into archive cases of which records are being kept. There is a separate book of archives for each calendar year. After the end of their term of storage[2] a disposal committee is summoned to decide which cases are to be shredded and which are to be handed over to the State Archives. A separate book is kept each year for cases and documents which have been destroyed.

The Registry and Secretary's Office of the National Investigation Service has an Archives section which receives, lists, describes and stores all closed cases and other documents.

1.6. Making archived documentation available

Releasing cases from the archives of the Prosecutor General is only possible with his/her consent and a separate record book is kept for that. According to the *Rules for the Organisation and Activities of the Prosecution's Administration of the Republic of Bulgaria* there is no possibility for on-the-spot references or copying of any parts of the archived documents.

[2] The term of storage of documents reflecting the main activities of state and municipal institutions is 20 years – Article 46, paragraph 1 of the State Archival Collections Act from 13.07.2007, promulgated in SG 57/13.07.2007, amended SG 19/13.03.2009, amended SG 42/5.06.2009, amended SG 78/2.10.2009, amended SG 92/20.11.2009, amended SG 93/24.11.2009, amended SG 103/29.12.2009, amended SG 43/8.06.2010, amended SG 59/31.07.2010, amended SG 101/28.12.2010.

Cases, documents, or registry books could be released from the archives of the Supreme Administrative Prosecutor's Office and the Supreme Prosecutor's Office of Cassation only with the permission of the Prosecutor General or his/her deputy at the Supreme Administrative Prosecutor's Office or any deputy at the Supreme Prosecutor's Office of Cassation.

When access to the archives of the Prosecutor's Office is ensured, the so called court archivist plays a major part. Pursuant to Article 87, paragraph 1 of the *Rules for the Organisation and Activities of the Prosecution's Administration of the Republic of Bulgaria* the court archivists in the appellate, military-appellate, district, military-district and regional prosecutor's offices are in charge of granting access of the authorised people to the archives. Moreover, the court archivist organises the use of archived documents by personally preparing and making all kinds of references, copies and excerpts related to cases, books and documents.

1.7. Correspondence between common units of prosecutor's offices, common courts and other organs and entities

1.7.1. Incoming and outgoing correspondence

The chief of the cabinet of the Prosecutor General organises **the correspondence of the Prosecutor General** and drafts replies to incoming letters and reports which may require specific legal competence. The Registry and Secretary's Office registers and redirects incoming and outgoing correspondence of the administration of the Prosecutor General. All papers received by mail are stored together with the dated and stamped envelopes.

All correspondence from the National Assembly, the President's Office, the Council of Ministers, the Constitutional Court, the Prosecutor General, the Supreme Court of Cassation, the Supreme Administrative Court, ministries, institutions and Members of Parliament, addressed to the Prosecutor General or the administrative head of the prosecutor's office should be registered unopened and immediately forwarded to his/her office after the respective officer's signature in a separate book is obtained.

In **appellate, military-appellate, district, military-district and regional prosecutor's offices** the Registry and Secretary's Office receives, registers and distributes incoming mail and also sends out outgoing mail, sends cases and files for which complaints have been received to the relevant departments and instances, and returns closed cases coming form other prosecutor's offices. It also provides reports about received and sent correspondence.

1.7.2. Complaints and motions

During the pre-trial phase of a criminal procedure the prosecutor and the investigating authorities issue ordinances. These could be appealed against through written or verbal **complaints**. When a verbal complaint is submitted a protocol should be drafted and signed by both the complainant and the receiving officer. Written complaints are received at the Registry of the competent prosecutor's office or by mail.

Every citizen could report a crime by filing a crime **report** before the prosecutor in his/her capacity of a pre-trial authority (Article 209 of the *Criminal Procedure Code*). Reports could be verbal or written and should contain information about the person filing them. Written reports must be signed by the sender whereas for verbal reports a protocol must be drafted and signed by both the filing person and the officer who receives the notice.

Signals could also be filed by e-mail at the e-mail address of the competent prosecutor's office. The website of the Prosecutor's Office contains information about the phone numbers and the e-mail addresses of all prosecutor's offices in the country. Messages received by e-mail are given a reference number and the senders may check the development of their complaint by phone. The website of the Prosecutor's Office does not provide for sending of complaints by a web form (electronic form).

1.7.3. Contacts with foreign investigating authorities

In the general administration office of the Prosecutor General there is a Department of International Relations and Protocol which is responsible for the international activities of the Prosecutor's Office. According to the *Rules for the Organisation and Activities of the Prosecution's Administration of the Republic of Bulgaria* this department organises the contacts of the Prosecutor General, of his/her deputies and of all prosecutors and investigators with international institutions and non-governmental organisations. It partakes in working groups and committees for the development of international programmes and projects and for the implementation of programmes and projects of which the Bulgarian Prosecutor's Office is a beneficiary; coordinates the technical assistance which is offered by European and international institutions to the Bulgarian Prosecutor's Office; organises protocol meetings of the Prosecutor General and his/her deputies as well as of the heads of departments of the Supreme Prosecutor's Office of Cassation and the Supreme Administrative Prosecutor's Office; drafts agendas and organises the visits of international delegations and visitors.

1.8. Conditions and principles of data processing about ongoing proceedings on the public prosecution information system

The **Unified Information System (UIS)** is a web-based application aiming at more effective management of the document flow in the Prosecutor's Office. It has been implemented and used in all prosecutor's offices in the country but the Appellate, District and Regional Prosecutor's Office of Plovdiv and the Regional Prosecutor's Office of Asenovgrad use their own information system which regularly transfers data to the UIS.

The purpose of the UIS is to provide operational and statistical data for monitoring the activities of the prosecutor's offices, to facilitate the interaction and information exchange between the regional prosecutor's offices and the office of the Prosecutor General as well as to provide relevant information to the Unified Information System for Counteracting Crime (UISCC) which is yet not as operational as the legislation provides.

Information about files and cases is uploaded to the system by all prosecutor's offices in the country. The system allows citizens to make online inquiries about the movement of files through the website of the Prosecutor's Office.

UIS functionalities are achieved through the use of metadata (data about data) describing the contents, functions, conditions and other features of the information.

The system users fall into three main categories: "prosecutor", "secretary" and "administrator". Each of them could use a specific part of the system:

- **The secretary's part** includes uploading documents. The secretary can open the system and upload all the information related to a certain file. At first secretaries can enter a new file uploading its main data. Whenever a new incoming document is received they could fill in the required fields and upload all new documents received. The outgoing part is used for registering all documents that are sent out to other institutions. In addition, other movements are registered which are specific to some of the phases of the file movement, e.g. incoming movement from an investigator, starting a pre-trial proceeding by an investigator, etc.
- **The prosecutor's part** of the system facilitates uploading of information related to prosecutor's acts. Uploaded information is recorded in the database and could be used for the generation of new documents. **As of 2009, the system contains over 200 templates for prosecutor's acts.**
- **The administrator's part** is meant for operation with metadata and system configuration.

At present all developments and movements of documents are registered into the UIS by secretaries. Prosecutor's acts are first created by a prosecutor outside the system and then uploaded by a secretary.

References are based on Oracle Discoverer. It allows the generation of new references as well as modifying the existing ones.

The improvement in the UIS is provided for in activities 5 and 6 of the project "Completion and improvement of the UISCC and integration of institutional information systems with the UISCC core unit".

The information system of the National Investigation Service automates processes related to the phase of pre-trial proceedings which are investigated by the investigation services. The system is a version of the UISCC adapted to the needs of the investigation authorities so its functionalities are the same.

Table 1. Prosecutor's Office information system

Name	Short description	Number of prosecutor's offices where implemented	Problems
Unified Information System (UIS) of the prosecutor's office	The database is updated with all the information about developments and movements of files and cases as well as documents related to the respective proceedings with prosecutor's acts attached. A datawarehouse of the UIS is currently under construction.	The system has been implemented and used in all prosecutor's offices in the country but the Appellate, District and Regional Prosecutor's Office of Plovdiv and the Regional Prosecutor's Office of Asenovgrad which use their own information system and ensure regular automatic data migration to the UIS.	1) Incorrect or incomplete data upload regarding files and criminal proceedings which impedes the use of the full capacity of the system and compromises the information available; 2) The system's reference module is not flexible and dynamic enough to meet the increasing requirements to the Prosecutor's Office for provision of statistical and operational information. This creates a significant difficulty for all prosecutor's offices because the information required by Bulgarian, European, and international institutions and various non-governmental organisations needs to be extracted from the journals thus involving considerable human resources. Moreover, this approach to retrieving information leads to a number of errors and omissions.

Source: Analytical report on the development of information technologies in the judiciary and their interaction with the information systems of the executive, the regulatory framework and the preceding strategic papers in the field including their entire generation process.

Box 1. UIS Improvement

The project envisages the following improvements:

- single data entry for incoming/outgoing documents;
- sending of an automatic e-mail containing a reference number;
- drop off of the hard copy registration of incoming/outgoing documents and entering this information by a secretary directly in the UIS;
- printing of journals;
- development of functionality for the random assignment of files within UIS2;
- use of a single information system for registering all operations related to a file (incl. distribution and reporting of workload);
- improvement of legal qualification entries and linking all entries to the relevant versions of the laws;

Box 1. UIS Improvement (Continuation)

- creation of on-the-screen versions of different types of documents related to the functionalities;
- improvement of the file registration – adding the option to choose a type of file;
- implementation of a validation mechanism;
- adding of automatic change of the phase or status of the file;
- optimisation of data upload not allowing double entries;
- optimisation of file movement – file grouping, separation or movement among prosecutor's offices – in order to avoid double entries;
- development of the module related to tracking deadlines and creating reminder notices when a deadline approaches;
- development of a file archive module to automate the work of the Archives department;
- optimisation of the secretary's functions related to common administrative documents – correspondence, resolutions, etc.;
- improvement of the ad hoc reference system – related to prosecutors' workload by type and number of documents they issue.

Source: Project "Completion and improvement of the UISCC and integration between institutional information systems and the core unit of the UISCC".

1.9. System functioning

The Secretary's Department is responsible for uploading to the system information about files and cases as well as about incoming and outgoing correspondence. Appellate, military-appellate, district, military-district and regional prosecutor's offices each have a computer operator with secretarial functions who uploads data to the Unified Information System of the Prosecutor's Office of the Republic of Bulgaria related to all files, pre-trial proceedings as well as all incoming and outgoing correspondence of the respective prosecutor's office. They also retrieve statistical information from the system. When needed, court secretaries[3] also upload information to the Unified Information System of the Prosecutor's Office.

The Prosecutor General, his/her deputies and heads of departments of the Supreme Prosecutor's Office of Cassation have full access to all files and cases. They could check at any time the current status of a file or a pre-trial proceeding, what actions have been taken by the respective prosecutor or investigators, what rulings have been made and whether the deadlines for announcing a decision have been kept. Administrative heads of the prosecutors' offices have the same rights but limited to the files and pre-trial proceedings in the prosecutor's office they are responsible for.

Transferring, processing and sending of classified information on electronic-magnetic media are prohibited.

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[3] Court secretaries assist prosecutors and investigators by processing documents, drafting protocols and other types of papers.

UIS maintenance and updating in accordance with legislative changes are carried out by the IT department at the Administration of the Prosecutor General.

2. COMMON COURTS

There are 113 regional courts, 28 district courts (incl. Sofia City Court), 28 administrative courts, 5 courts of appeal, the Supreme Court of Cassation and the Supreme Administrative Court in Bulgaria. In addition, there are 4 military courts – in Sofia, Plovdiv, Pleven and Sliven as well as a Military Court of Appeal in Sofia.

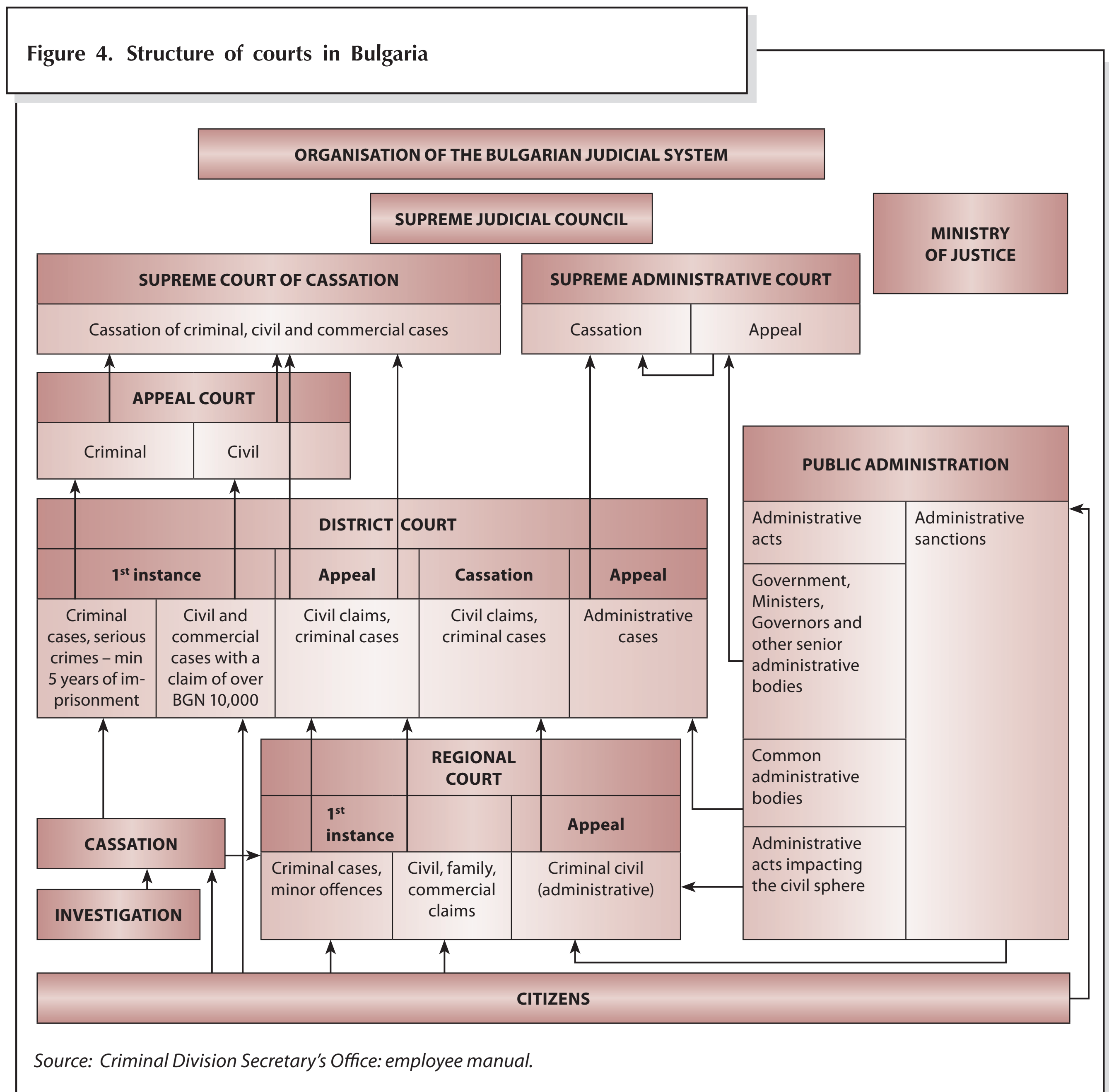


Figure 4. Structure of courts in Bulgaria

Source: Criminal Division Secretary's Office: employee manual.

The latest amendments of the *Law on the Judicial System and the Criminal Procedure Code* provide the establishment of a Specialised Criminal Court with the same status as a district court with the jurisdiction to hear cases related to organised crime and, as a second instance – a Specialised Court of Appeal. A case regarding these amendments, however, as of mid-2011 is still pending at the Constitutional Court so the establishment of specialised courts is largely dependent on the outcome of the proceedings.

2.1. Scope of court secretariats' activity

Court operation is assisted by common and specialised administration. Administrative departments are formed according to the needs and the size of each court. Of all components of common administration, only the division of Information Service, Statistics and Information Technologies falls into the focus of this study. This division updates and maintains courts' information systems, it is responsible for the integration of the court's information system with these of other institutions, uploads to the website the court's regulations, having entered into force, assists the court's administrative management in collecting and summarising statistical information, etc.

Specialised administration comprises of:

- **Registry Department –** it receives, registers and allocates/distributes incoming correspondence, sends out outgoing correspondence and keeps an exchange book and provides information about incoming and outgoing mail. Keeps an incoming and outgoing journal (a description of all documents received by the court) both on hard and electronic copy. The exchange book contains information about the circulation of documents among the court, the prosecutor's office and the mailing services for a given year. The registry keeps record of applications for access to public information (according to the Law on Access to Public Information). In administrative courts the registry office also keeps a journal pursuant to Article 251, paragraph 3 of the Administrative Procedure Code, of the exact time and sender of submitted requests for termination of actions of an administrative body or an official where the requests are not based upon administrative act or law.
- **Classified Information Registry Department –** it is a separate unit operating exclusively with classified information. It is established according to the volume and nature of classified information received by the respective court. In cases of working with international classified information, a registry for international relations might be opened. These registry offices are equipped to ensure protection against unauthorised access and disclosure of their operations. In the Supreme Administrative Court, there is a Protection of Classified Information Department which is responsible for this. The incoming journal for classified information which is kept by the Protection of Classified Information Department in the Supreme Administrative Court contains the following information about received documents: reference number, date of arrival, outgoing reference number of the sender and date of sending, a short description, name and address of sender, level of security classification, number of pages.

- **Court Secretary's Office –** supports proceedings on pending cases and court acts, having entered into force; groups incoming documents as allocated to rapporteurs; inputs data in the respective secretary's books and journals; lists and sends out summons prepared according to a model as well as draws up notifications on all but postponed cases; arranges and presents newly received documents on pending cases to judge rapporteurs; tracks deadlines of proceedings, presents cases to rapporteurs and follows their instructions; organises and keeps files and cases ordered at the secretary's office; provides information on the cases; upon the order of the rapporteurs prepares and sends to the respective instance cases for which appeals have been received; transfers closed cases to the archives; keeps a calendar of scheduled cases; puts down both in the electronic folder and on paper the status and location of each case. The secretary's office keeps 11 types of books and journals on paper and in electronic form. They follow a pattern which is the same for all courts and refer to a calendar year. Special registers for criminal cases contain information related to measures for the protection of witnesses and permits for the use of special investigation techniques. These include:
  - **Index** of all instituted criminal, civil, commercial, corporate, execution, administrative and registry cases. It provides quick information about the reference number of initiated cases only by name. Defendants' names could be indexed and used to retrieve information about the criminal cases;
  - **Inventory book –** provides information about cases from the start of the proceedings until their transfer to the archives. It is kept separately for criminal, civil, commercial, administrative and execution cases and reflects any changes in the course of the proceedings;
  - **Journal of open sessions –** provides information by date about scheduled sessions and their status; a separate journal is kept for different types of cases;
  - **Journal of closed and preparatory sessions –** it is used for recording the outcome of closed and preparatory sessions;
  - **Book for the enforcement of effective sentences and rulings** pursuant to Chapter 29 (twenty-nine) of the Criminal Procedure Code – it is used to put down information about effective sentences and setting the timeframes for their passing to executive bodies;
  - **Book of material evidence –** contains information about the storage and movement of material evidence related to criminal cases;
  - **Book of received and returned summonses and other court papers;**
  - **Register of judgments pursuant to Article 235, paragraph 5 of the Civil Procedure Code –** it is used to register the number of the case, the date of recording the decision and the operative part of the decision;
  - **Register pursuant to Article 251, paragraph 3 of the Administrative Procedure Code –** it contains information about the requesting person as well as the date and time of submitting the request.
- **Archives Department** stores all closed cases, secretary's books and documents. Closed cases are transferred to the archives at least two months after their completion and before the month of June of the following calendar year. To this end the department keeps a sepa-

rate book of archives for civil, criminal, administrative, commercial, corporate, real estate and execution cases. Cases are recorded in the respective book by the order of their initiation and are given an archive number and a batch number (the batch is an archival folder containing several cases). Each batch receives a sticker with its number and the archive numbers of the cases included. When a case is transferred to the archive a sticker is placed on the last page with information about the total number of documents in the folder.

The database of all secretary's programs is archived after each 10 years' period of time on two identical media which are stored for 50 years under special conditions.

After the expiry of storage periods documents of great significance are selected and transferred to the state archives' fund. The selection is made by a special committee following the instructions of the Archives State Agency. The remaining documents are destroyed after an inventory is made in triplicate.

2.2. Creation and keeping records

All documents pertaining to initiated proceedings are placed in standard folders following coloured coding for the different types:

- folders of **criminal** cases are **red**;
- folders of **civil** cases are **yellow**;
- folders of **administrative** cases are **white**;
- folders of **corporate and commercial** cases are **yellow**;
- folders of **execution** cases are **manila**;
- folders of **registry** cases are **grey**;
- folders of **insolvency** cases are **blue**.

The name of the court, the subject and the parties of the case, the initial and final date, the judge-rapporteur and the dates of scheduled open court sessions are put down on the front cover of the folders.

The number of a case is derived by the following pattern: **year**, unified information **code of the court** according to a standard list annexed to the *Regulations on the administration of regional, district, administrative, military and courts of appeal,* **number specifying the type of the case**: 01 – first-instance civil cases, 02 – first-instance criminal cases, 03 – real estate cases, 04 – execution cases, 05 – second-instance civil cases, 06 – second-instance criminal cases, 07 – administrative cases, 08 – corporate cases; **five-digit serial number of the case**.

Documents received in relation to a certain case are attached to its folder chronologically by order of reception and are numbered. If they are too many a second folder is attached to the first one bearing the same case number; the first folder is then labeled as Volume 1 and the rest receive the respective volume numbers.

Pre-trial proceedings' files and the files of non-judicial bodies are attached to the back cover of the cases.

Folders of current cases are arranged vertically by their serial number and colour for each calendar year. Cases with a deadline for specific proceedings are arranged separately. Cases on which closed sessions are held are arranged at yet another place.

Uncompleted cases are not attached to other case folders and are not sent to other institutions. Certified copies of documents on scheduled cases may be sent with the permission of the responsible judge-rapporteur upon the reasoned request of another court, prosecutor's office or district investigative departments.

2.3. Making court files available

Court files in their entirety are not accessible under the *Law on Access to Public Information*,[4] even though it covers all state bodies and public entities.[5] Access to court files is regulated by the *Regulations on the administration of regional, district, administrative, military and courts of appeal* issued by the Supreme Judicial Council.[6] It stipulates that access to court files should be granted only to the parties to a certain case, their representatives and attorneys. Citizens who are not parties to a case could have access if there is legal interest (recognised and legally protected benefit, advantage, or profit) stated in a reasoned written request. Parties, their representatives and attorneys can access files at the court's secretary's offices and may also receive paid copies.

Access to court files is granted at the premises of the secretary's office of the court or in a reading room where available. Parties and their representatives can have copies of documents attached to the case by the secretary's office on the day of their request upon payment of a standard fee.

The court secretary may grant access to court files to people who are not parties in the case only after a written request is submitted and permission is given by the judge-rapporteur. All citizens who are not parties to a case must submit a written reasoned request for access to the case or for obtaining court certificates, copies or excerpts of documents attached to the case. The request must specify the legal interest of the person in the respective case. It should be submitted at the secretary's office and the secretary passes it on the judge-rapporteur. The serial number of the request is put down in the register of applications for access to public information in courts together with the name of the person, the reference number and the date of the request as well as a short description of the requested information, number, date and the decision "full access granted", "partial access granted", or "access

[4] Access to Public Information Act – Promulgated SG 55/7.07.2000, amended SG 1/4.01.2002, amended SG 45/30.04.2002, amended SG 103/23.12.2005, amended SG 24/21.03.2006, amended SG 30/11.04.2006, amended SG 59/21.07.2006, amended SG 49/19.06.2007, amended SG 57/13.07.2007, amended SG 104/5.12.2008, amended SG 77/1.10.2010, amended SG 39/20.05.2011.

[5] See Article 3, paragraph 1 – 4 of the Access to Public Information Act.

[6] Regulations on the administration of regional, district, administrative, military and courts of appeal – issued by the Supreme Judicial Council, Promulgated SG 9/29.01.2008, amended SG 28/14.03.2008.

denied". Recordings in the incoming and outgoing journal, the register of applications for access pursuant to the Access to Public Information Act and in administrative courts in the register pursuant to Article 251, paragraph 3 of the Administrative Procedure Code are given consecutive numbers. The judge grants or denies access on the day of the request or within 24 hours of its submission.

The secretary is allowed to provide the following information to everyone who requests it and is not a party in the case:

- date and time of scheduled sessions;
- order of suspension of proceedings;
- suspension of proceedings;
- whether a decision is announced;
- the current status of a complaint;
- decision execution.

According to Article 64, paragraph 1 of the *Law on the Judicial System* acts issued by each court should be published immediately on the website of the court. There is also a central interface for publishing court acts which is available on the internet at: http://legalacts.justice.bg.

As a rule the complete texts of court acts should be published. Possible restrictions are:

- Under the provisions of Article 64, paragraph 2 of the *Law on the Judicial System* acts on cases related to civil or health status of citizens should be published **without their reasons**. In these cases only the dispositive part of the act is to be published but it is still a subject to the restrictions of Article 64, paragraph 1 of the *Law on the Judicial System* and namely its part pertaining to the requirements of the *Law on Personal Data Protection*.
- Restrictions under the *Law on Personal Data Protection* – names of physical persons, personal identification numbers, addresses, details about occupation, religious identity, ethnicity, health and social status should be deleted but only when they would help identify the person even after the omission of other information; such depersonalisation only refers to physical persons. It is not limited to the parties in the case but includes all physical persons involved in the proceedings in any other capacity. The name of the magistrate who ruled the court act should not be deleted.
- Restrictions under the *Law on Classified Information Protection* – acts which do not bear a security mark are open, should be attached to the open volume of the case and their publishing should follow the usual rules for publication according to the type and nature of the respective act. In classified proceedings the court acts should not be published.

Subject to publishing are acts of jurisdiction as well as those terminating or preventing the further development of the proceedings. The following acts are not to be published:

- Acts on cases under the *Tax and Social Insurance Procedure Code*;
- Acts related to the ruling on evidential claims or movement of cases – these are acts for the movement of cases which do not put an end or prevent the further development of the proceedings but are issued by the court to administrate the proceedings or to collect additional evidence; all acts for imposing fines, assigning remuneration to experts, witnesses, public defenders and special representatives; acts for permission of legal aid, for scheduling and postponing hearings, for constituting parties, for collection of evidence by delegation, for execution of letters rogatory; acts concerning deviations in claim proceedings;
- acts for providing instructions to the parties; for admission or rejection of evidence; for issuing writs of execution;
- acts on private civil cases – on all civil appeals and complaints including those concerning court administration on which the court issues a ruling or order, by delegation of Bulgarian and foreign courts on civil cases.

Figure 5. Online access to information through the website of the Supreme Administrative Court: search interface

ВАС - Търсене на информация - Mozilla Firefox
http://www.sac.government.bg/court22.nsf/($All)/$searchform?SearchView

Посочете документите, които ще търсите:
Жалби / Дела / Решения / Протоколи / Във всички изброени

1. Търсене по номер на жалба, дело или съдебен акт:
Въведете номер 13 година 2010

2. Търсене на текст:

Възможност за варианти: Да / Не
Приближено: Да / Не
Търси

Source: *The Supreme Administrative Court*

Access of citizens to court files in the **Supreme Administrative Court** is provided in several different ways. References could be made in the secretary's office or over the telephone. The rules for the organisation of the work of the Supreme Administrative Court designate special employees who provide information about the cases. These are the court informers who provide information and references to the parties in the case and/or their representatives about the movement of papers received in the court and the cases initiated. The departments of Registry and Secretary's Office prepare the references for the parties in a case and their representatives uninterruptedly during the working hours following a roster.

The Supreme Administrative Court provides an opportunity for online checks and references through the best developed system for access to court files. It allows viewing of scanned copies of the original docu-

Figure 6. Online access to information through the website of the Supreme Administrative Court: search results

ВАС - Резултат от търсене - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://www.sac.government.bg/court22.nsf/($All)/?SearchView&Seq=1?SearchView&SearchWV=0&SearchFuzzy=0&Query=(FIELD c_No=13 AND FI

Most Visited Getting Started Latest Headlines

ВАС - Резултат от търсене

Намерени 3 документа.

	Подател	Във връзка с	Отделение	Образувано	Заседание
13/2010	Мария Иванова Иванова		Петчленен състав - I колегия		
	Решение №13 от 04.01.2010 по Дело №12830/2009				
13/2010	"Иминпекс"ООД	Дело № 267/2005 на ОС Пловдив	Шесто отделение	01/04/2010	Р/О

Посочете документите, които ще търсите:
Жалби Дела Решения Протоколи Във всички изброени

1. Търсене по номер на жалба, дело или съдебен акт:
Въведете номер година

2. Търсене на текст:

Възможност за варианти: Да Не
Приближено: Да Не
Търси

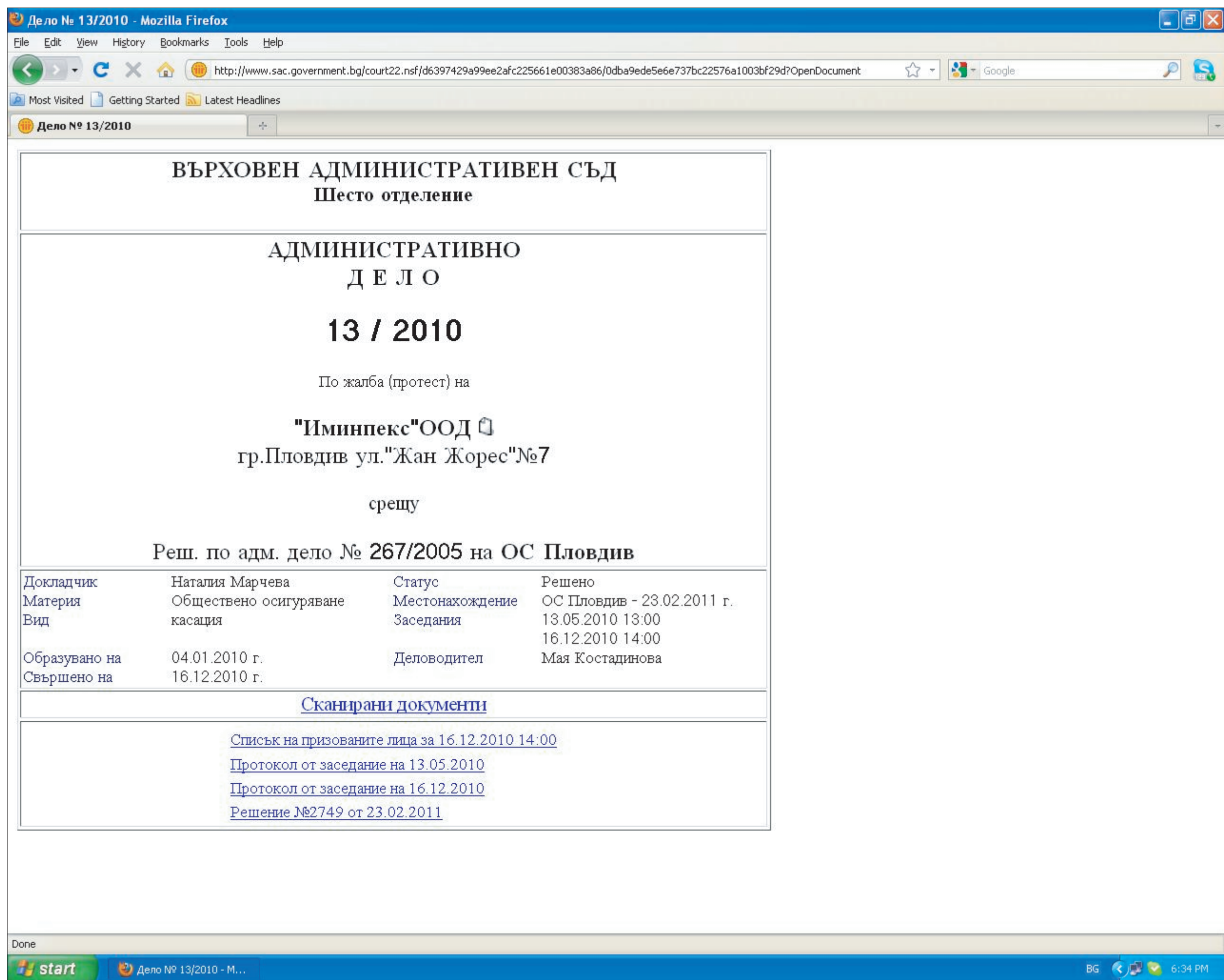
Done

start ВАС - Резултат от т... BG 6:33 PM

Source: The Supreme Administrative Court

ments – appeals, complaints, protocols, decisions, which could be copied or downloaded.

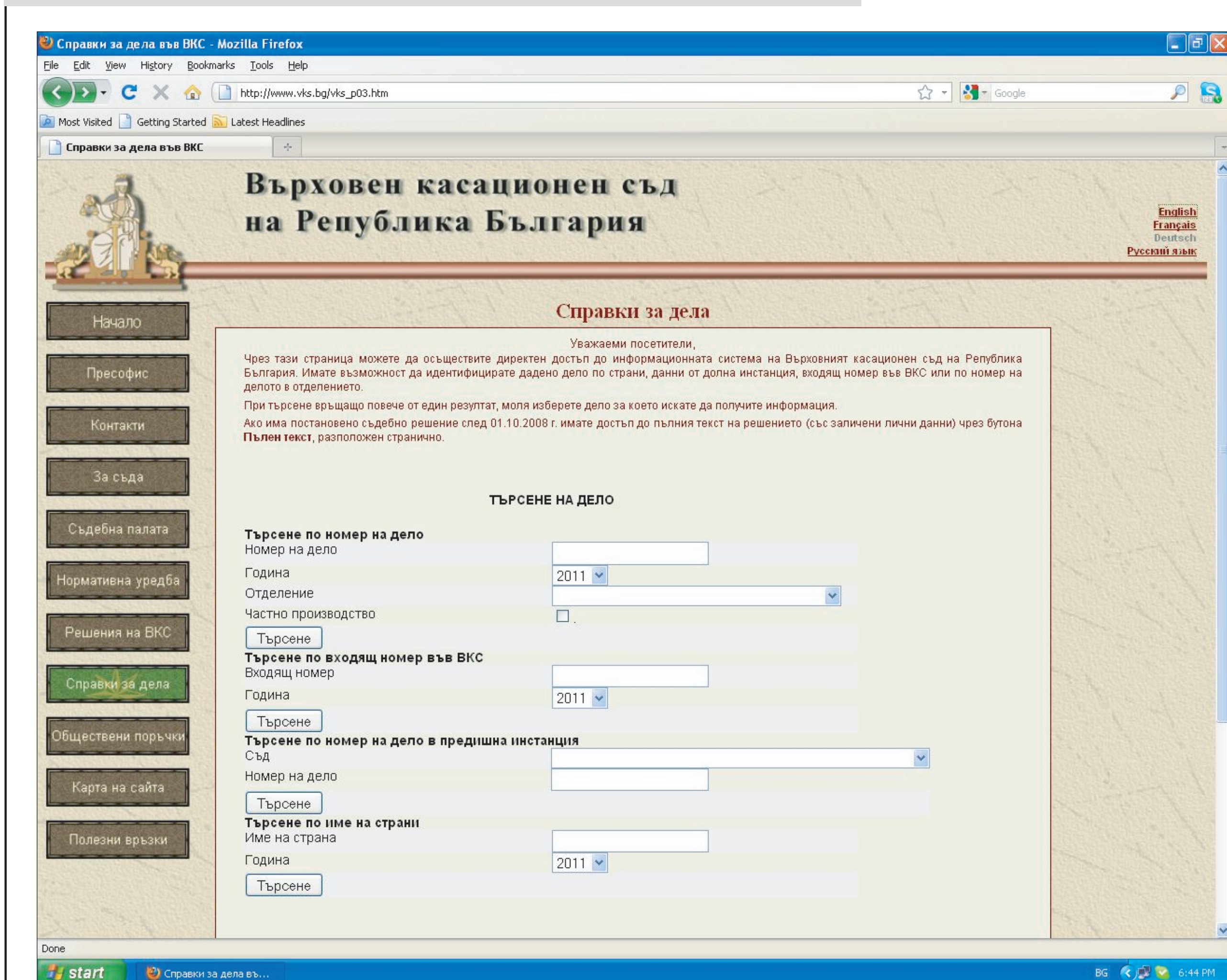
Figure 7. Online access to information through the website of the Supreme Administrative Court: information available about a certain case



Source: The Supreme Administrative Court

The Supreme Court of Cassation also has a well developed website which allows the identification of a certain case by its parties, information from a lower instance, incoming number in the Supreme Court of Cassation, or by the number of the case in the department. The website provides access to the full text of court rulings (with personal data deleted) after 01.10.2008.

Figure 8. Online access to information through the website of the Supreme Court of Cassation: search interface



Source: The Supreme Court of Cassation

The websites of the six courts of appeal in the country – in Sofia, Burgas, Varna, Plovdiv, and Veliko Tarnovo, as well as the Military Court of Appeal provide users with information about schedules of cases and give access to the full text of court rulings. The principles of accessing information differ on each website – the rulings may be published as a numbered list or there may be a system for searching by number of case and year.

It should be noted that there is a difference in the method of formation of the domain of the courts of appeal:

- Court of Appeals Sofia: http://acs.court-bg.org
- Court of Appeals Burgas: http://www.bgbas.org/
- Court of Appeals Veliko Tarnovo: http://vtac.court-bg.org/
- Court of Appeals Plovdiv: http://www.apelsad-pd.bg

- Court of Appeals Varna: http://www.appealcourt-varna.org/
- Military Court of Appeals: http://vasbg.com

Even though websites are being indexed by search engines all these differences make access to courts' websites far from intuitive.

All 28 **district courts** have websites and those that are newer follow a logical structure of domain formation. They all provide information about scheduled hearings and offer access to court acts of closed cases. Differences in the implemented information systems mean different paths to accessing court acts. Some of the websites use search interface, others have the acts arranged chronologically and there are some that facilitate both ways for users' convenience.

All 113 **regional courts** have websites, each of them containing information about scheduled hearings and published court acts. There is a

Figure 9. Centralised web-based interface for publishing court acts (CWBIPCA): search interface

Source: Centralised web-based interface for published court acts

problem with some of the websites created for example through hit.bg which offers free hosting because they are not indexed by search engines thus being less accessible than others.

Apart from courts' individual websites there is a Centralised web-based interface for published court acts (CWBIPCA) available at: http://legalacts.justice.bg/.

Figure 10. Centralised Web-Based Interface for Published Court Acts (CWBIPCA): information available about a specific case

Source: Centralised web-based interface for published court acts

The Centralised Web-Based Interface for Published Court Acts is a database supplied with information by all types of courts' information systems and providing access to an aggregate array of court acts with a user-friendly interface. Currently only the website of the Gabrovo district court has a link to it.

2.4. Complaints and motions

Websites of some courts have feedback forms which citizens could use to send complaints, signals and recommendations to the court. It requires that citizens fill in their names and e-mail addresses.

2.5. Keeping registers

Starting with the first documents of the newly opened case until its completion the secretary is responsible for recording information about incoming documents and the status of the case in various books.

Books and registers contain information about civil, criminal, corporate, administrative, execution and registry cases. A new book is started every calendar year and the numbering is reset for each type of case.

Secretary's books and registers are standard as described in the *Regulations on the administration of regional, district, administrative, military and courts of appeal*. Below is a detailed description of the most widely used books:

1. **Inventory book:** The secretary registers new cases in the inventory book. It should be done by the next working day after the court's chairperson or a judge appointed by the chairperson receives the case. Each case is given a number matching its number in the inventory book where cases are recorded by order of their arrival. The inventory book provides information about cases from their beginning until they are transferred to the archives. It contains the following data:
   - number of the case;
   - date of opening the case;
   - subject of the case;
   - parties in the case;
   - date of court act;
   - number and date of the letter which sends the case to another instance or with which has been received from another instance;
   - number of archived file (after the case is closed).

2. **Index**: After recording the information in the inventory book the secretary enters it in the Index book. It is designed to provide quick reference to the number of a certain case by the name of one of its parties. It contains the number of the case, the names of the parties and address. It is organised by the names of:
   - the accused (for criminal cases of a general and private nature);
   - complainants and defendants (for criminal cases of administrative nature);
   - persons for whom forced medical measures are requested;
   - convicted persons in rehabilitation cases;
   - party in the case on which damage is inflicted.

3. **Schedule book –** provides information about scheduled hearings. The information about the first hearing of a case is put down by the secretary and the rest – by the court's record-keeper. The book contains:
   - number of the case;
   - date of opening the case;
   - scheduled date of the hearing;
   - name of judge-rapporteur.

4. **Journal of closed and preparatory sessions –** provides information about closed sessions. The secretary enters information in this journal only after the end of closed or preparatory sessions. The journal contains:
   - number of the case;
   - composition of the court or judge-rapporteur;
   - outcome of the session;
   - number of the court act;
   - date of the court act.

5. **The outgoing journal** is used to register all documents leaving the court (e.g. court orders, decisions and rulings). Copies of outgoing documents are attached to the respective cases. The outgoing journal contains the following data:
   - outgoing number;
   - description of outgoing documents;
   - recipient;
   - way of sending the documents (by regular mail, delivery service, e-mail, etc.)

6. **The book of exchange** contains information about cases which are sent to a higher or lower instance and about correspondence with other courts and prosecutor's offices. It is organised by date. It includes:
   - date of sending the case to another court;
   - name of the court to which the case has been sent;
   - number of the case;
   - number of the case at the other instance upon its return;
   - signature of the employee or courier receiving the case.

   The following information is recorded concerning correspondence:
   - number of the case,
   - recipient,
   - number of pages of the documents.

2.6. Mail reception and sending

The process of **receiving, sending and handling correspondence** is regulated by the *Regulations on the administration of regional, district, administrative, military and courts of appeal.* It stipulates that receiving incoming mail and sending outgoing mail should be the responsibility of the Registry departments of courts. Documents received by the court should be legible, preferably on A4 paper. They are registered in the respective books. Envelopes of incoming mail should also be stored. When documents are received by mail the number of the receipt or the date of the postal stamp should be put down on the first page.

Papers related to pending cases should be transferred from the Registry department to the Secretary's Office on the day of their arrival. Papers upon which cases are initiated should be transferred not later than the day after their arrival to the court's administrative head or to a judge appointed by him/her who would open a case if procedure requirements are met, would determine its type and appoint a judge rapporteur following the principle of random assignment.

The courts correspond with parties through court summons officers – court clerks who serve court papers. The summons officers receive court papers (subpoenas, documents and notifications of procedural actions in the cases), prepared by Court Secretary's Offices or Registry Departments and deliver them to the parties. Documents are handed personally within the city in which the court operates. In smaller settlements summonses are mailed or sent to the mayors. Summonses can also be sent by: telephone, fax, telex or through the State Gazette.

According to the Sofia Regional Court's President Krassimir Vlahov[7] in courts only there are 624 summons officers, and more than BGN 10 million (5 million Euro) are spent for summoning parties annually. At the same time, on one hand, the summonsing system in Bulgaria is not effective, especially in big cities, and, on the other hand, it is conducive to spreading corruption. The litigation is, consequently, expensive and slow.

It is admissible within the civil proceedings to serve summonses and notifications at an e-mail address specified by the party. In some courts (e.g. District Court of Burgas), this opportunity is already being successfully used. Under the current system, summonses and notices are considered to be served upon their entry into the information system of the addressee. The summonsing and serving of other documents to state and municipal institutions electronically is possible within the existing single environment for the exchange of electronic documents (SEEED) – an existing system of standards for information exchange between institutions, supported by the Ministry of Transport, Information Technology and Communications. This option is still not used. In September 2011, at the initiative of the Supreme Court President Prof. Lazar Gruev, the opportunities for gradual introduction of e-summonsing were discussed at a workshop with representatives of the executive and judicial branch, as well as of NGOs. A working group of lawyers and IT specialists was tasked to prepare concrete proposals for legislative changes, and technological and personnel solutions. Sometimes the court must cooperate or exchange letters with a court in another country regarding a matter of criminal proceedings.

Contacts with foreign courts are made through the International Legal Aid Department at the Ministry of Justice. Following the orders of the judge rapporteur the secretary sends the documents to the Ministry of Justice requesting the respective procedures from the foreign courts. This is a specially designed set of documents available at the Ministry of Justice. The secretary prepares two identical sets of the documents and sends them with a cover letter. Documents are also accompanied by a translation to the respective language. Procedures executed by foreign courts may include handing of papers, interrogation of witnesses, defendants and other persons, carrying out investigations, inspections and searches, seizure and handing over of material evidence, etc.[8]

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[7] Желева, Павлина. Само съдът харчи 10 млн. лв. годишно за призовки.// *Дневник online*, 28.09.2011, http://www.dnevnik.bg/bulgaria/2011/09/28/1165064_samo_sudut_harchi_10_mln_lv_godishno_za_prizovki/

[8] Criminal Division secretary's office: employee manual, Project for the development of the Judiciary in Bulgaria.

2.7. Court IT systems

Currently courts around the country use five types of **information systems for case management** each of them keeping a digital copy of documents and processes. Each system needs to be updated in accordance with the changes in legislation. This has been accomplished so far through projects within Operational Programme Administrative Capacity.

The Judiciary recognises the need of coherence between the case management systems and the Ministry of Interior and Directorate General Execution of Penalties but it remains unaccomplished.

The most widely used software is the **Court Administrative System "Court Clerk"**. It creates a digital record of the work of court officials and magistrates in regional, district, administrative and courts of appeal and there are four relevant versions for every type of court. Functions of the system fall into several main groups: generation of database and electronic folders, preparation of necessary output (court books, references, statistical reports, etc.), security functions. The system supports the following basic activities:

- registration of documents received in court;
- registration of documents leaving the court;
- resolutions and appointment of judge-rapporteur;
- initiation of cases – includes functions for initiating cases upon the receipt of incoming documents, returned for reconsidering, re-opened, submitted for further investigation or entered by jurisdiction;
- scheduling of open court sessions;
- preparation of an open session;
- registering of court acts;
- informing parties of the court acts;
- module Court Summons facilitating automation of the work of court employees from the unit for handing summonses and court papers;
- execution of court acts;
- registration of cases returned from higher instances and the outcome of higher court rulings;
- archiving of court cases;
- automatic tracking of deadlines;
- entering information about the physical location of a case;
- opening and maintaining of electronic folders for the cases;
- preparation of court acts to be published on the court's website;
- automatic keeping and printing of court books;
- compiling statistical information (by various criteria) needed for the daily work of magistrates and court officers;
- generation of statistical references and reports of the court's work;
- activities related to system administration.

The System for Court Case Management was designed and developed in 2005 as a web-based database system which is to be installed in a court. It could be accessed through a standard web browser: Internet Explorer, Mozilla Firefox, Opera, etc. **It is operational in Sofia District Court and 10 regional courts in the district of Sofia.**

The system stores and processes the full information about opened, running, suspended and completed cases including details about events and documents related to them. It allows automatic assignment of cases, generation of summonses, notifications and references about the status, progress and history of court cases.

The Automated Case Management System was developed in 2001. It is implemented in the Supreme Court of Cassation, Sofia Court of Appeals and 13 regional, district and administrative courts.

The system's specification includes the following functions:

- entering information about cases;
- case management;
- indexing and numbering of case documents;
- linking cases;
- management of registers and keeping entries in court books;
- user management;
- printing of documents;
- publishing information about the case status;
- making schedules;
- random assignment of cases;
- archiving of cases;
- publishing of information about cases;
- automatic deletion of personal or confidential information in court rulings;
- statistical data processing.

System for Court Case Management – EMSG Kodinov has been developed since 1996 using the Events Monitoring System Generator (EMSG) platform. **It is implemented in three courts of appeal – Plovdiv, Burgas and Veliko Tarnovo.** Each file of the secretary's system is presented as a chronological set of various facts (information about upcoming or past events). Electronic folders for cases are kept in the system. The principle of electronic files is implemented in a way that allows attachment of electronic documents to every step of an event. The system implements the following specific functions:

- notification for missed deadlines and other events (this feature is not operational yet);
- incremental numbering of electronic registers;
- printing of documents for automatic generation of summonses, records, notifications, messages, announcements and other outgoing documents;
- uploading of publicly accessible information about the status of cases;
- random assignment of cases using an algorithm.

The Integrated information system for military courts – Court Case Management System (CCMS) is implemented in the Military Court of Appeals in Sofia, the Sofia Military Court and the Pleven Military Court. It is specially designed to meet the features of military criminal jurisdiction.

The following modules and functionalities are implemented:

- administration of **physical and legal persons** involved in the case: courts, military outfits, prosecutors' offices, bar associations; defendants and their affiliates; witnesses; experts; jury; references could be made in the system by the person's name and involvement; connections could be followed between people and documents;
- administration and management of all **incoming and outgoing documents** in military courts; management of the internal document flow; administration of incoming and outgoing journal; integration of templates and forms according to the requirements of military courts; control of the access to each document complying to the hierarchy and requirements of each court; control of changes made in each document and management of its movement; saving of document's content and an option of attaching files to it; grouping of documents in view of their purpose; references and document search; notification of addressees;
- setting a **task** to a court employee or department, control of its fulfillment, keeping track of deadlines, generation of contents and attachment of files, control of the access to the document;
- opening of a **case** with automatic generation of its number; administration of the case; integration of case participants according to their involvement: judge-rapporteur, chairperson, judges, jury, accused, defendants and their affiliates (defender, attorney), prosecutor, other participants (experts, witnesses, etc.); integration and generation of court sessions; integration and generation of summonses and a list of summonses for each session; management of documents related to material evidence; automatic administration of the relevant court books; generation and management of court acts; control of the execution of sentences;
- management of **court sessions**, type of case, date, time, hall; integration of minutes templates; succession of jury; management of incoming and outgoing documents; links to summonses; administration of the outcome of each session; generation and management of court acts;
- automatic generation of **summonses** using a template, creation and management of existing and new templates, generation and administration of lists of summonses, management of the outcome of handing summonses;
- generation of **court acts** and administration of the document's attributes, linking the court act to the respective case, session, jury; generation of bulletins; control of performance; control of access to the document; automatic filling in the relevant court books; management of the process of appeals; automatic tracking of deadlines; uploading of decisions; references;
- management of the **human resources**; generation of a profile for every employee at the court; administration of the court hierarchy and management of the document flow accordingly; management of vacations; management of workload.

Table 2. Current systems of case management in courts

Name	Short description	Number of courts where implemented	Problems
Court Administrative System "Court Clerk"	The system covers over 90% of the ourt activities.	146 regional, district and administrative courts	
System for Court Case Management – Siemens	Developed in 2005.	Sofia District Court and 10 regional courts in the district of Sofia	Users experience significant difficulties with the low speed of system operations and performance. They often choose alternatives to using the SCCM even though the system features the necessary functions. The fact that users avoid entering data in to SCCM affects the entire work of the court, e.g. for this reason court acts are not uploaded to the Centralised web-based interface, this makes it difficult to retrieve information from the archives (citizens need to make numerous runs from the secretary's office to the archives of the court), this is the reason why document exchange cannot be accomplished without using paper copies, etc. It is the poor operational speed of the system that makes it unsuitable for criminal departments.
Automated Case Management System	Developed in 2001.	The Supreme Court of Cassation, Sofia Court of Appeals, 13 regional, district and administrative courts	
System for Court Case Management – EMSG Kodinov	Under development since 1996 by ET Parallel, after 2006 the copyright is handed over to Dekstro Group OOD.	3 courts of appeal	Uses a closed and outdated software platform which is not further developed and there is no sufficient information available.
Integrated Information System for Military Courts – Court Case Management System (CCMS)	Fully developed in 2008, fully automated electronic processing of court cases, the document flow is reduced, allows monitoring of all activities and electronic transfer of cases to higher instances.	3 military courts	

Source: *Analytical report of the development of information technologies in the Judiciary and their interaction with the information systems of the Executive, the regulatory framework and the preceding strategic papers in the field including the entire generation process.*

3. UNIFIED INFORMATION SYSTEMS AND THE SITUATION OF THEIR INTEGRATION

3.1. Software in the Judiciary

Apart from case management information systems which have already been implemented in courts, prosecutor's offices and other institutions, there are five more software products which digitise various functions, some of them having different common features.

Table 3. Specialised information systems

Name	Short description	Number of courts where implemented	Problems
Application for Random Assignment of Cases – LawChoice	The application is used for the random assignment of cases within each court. Software versions have been developed also for the investigation and prosecutor's offices.	The application is implemented in 165 courts. The Implemented Systems for Court Case Management have the same function for random assignment of cases which courts use instead of the LawChoice application. Courts using the Automated Case Management System do not use LawChoice. All prosecutor's offices use LawChoice but only as a temporary option.	Using the module in the institutions of the Judiciary has raised serious concerns about: 1) implementation of the assignment algorithm; 2) inherent possibilities to manipulate the choice; 3) functionality and organisation of usage (e.g. sometimes it is necessary to manually edit the number of prosecutor's rulings which is not considered good practice).
Automated Information System "Conviction Records"	Unified integrated system automating all operations related to issuing certificates of conviction and reports of convicted persons.	The Automated Information System "Conviction Records" is implemented successfully in all regional courts. Information about convicted foreign citizens is saved on a central server in the Ministry of Justice. A ruling of the Supreme Judicial Council allows access to the central database and makes it possible to issue reports and references for the needs of the prosecutor's office	The greatest shortcoming of the Automated Information System "Conviction Records" is that information about bulletins and issued certificates of conviction is not replicated at the central server at the Ministry of Justice. Currently it only contains information about convicted foreign citizens. The lack of information at a central level is an obstacle to making references and issuing certificates of conviction. Presently, if the birthplace of a person is not within the region of the court issuing the certificate an electronic message is sent to the birthplace court, the person is identified there, a search is performed through the bulletins of conviction and a reply is sent back. If data from bulletins of conviction are replicated to the central server at the Ministry of Justice, searches would be made there avoiding exchange of messages and thus speeding the process of issuing certificates of conviction.

Table 3. Specialised information systems (Continuation)

Name	Short description	Number of courts where implemented	Problems
Centralised Web-based Interface for Publishing Court Acts	The main purpose of this product is to facilitate publishing of court acts pursuant to Article 64 of the Law on the Judicial System deleting any personal and confidential data. Information about court acts is published through the case management systems at the courts. This system comprises two parts: a web-portal and a web-service.	All courts and the System for Court Case Management send information to the interface on a daily basis. By 20 August, 2010, the Centralized Web-based Interface for Publishing Court Acts contains over 100,000 acts.	
Integrated Information System for Management of Human Resources in the Judiciary	The system automates the following operations: keeping files of magistrates, planning of appointments, holding competitions, appraisals, trainings, keeping information about judicial officers as well as judicial and prosecutor's assistants.	This is a pilot system implemented in the Supreme Judicial Council and 13 other bodies of the Judiciary (the Supreme Court of Cassation, the Supreme Administrative Court, the administration of the Prosecutor General, the Supreme Prosecutor's Office of Cassation, the Supreme Administrative Prosecutor's Office, the National Investigation Service, Sofia Court of Appeals, Sofia Prosecutor's Office of Appeals, the Administrative Court of Sofia City, Sofia City Court, Sofia City Prosecutor's Office, Sofia Regional Court and Sofia Regional Prosecutor's Office).	The major shortcoming of the Integrated Information System for Management of Human Resources in the Judiciary is that no information about magistrates has been imported into the system. The specific nature and the structure of information accumulated by the time the system was implemented do not allow their automatic migration into the system. Another problem arises from the lack of flexibility of the system – it accomplishes the necessary business processes without really taking into account the specifics of their implementation which causes inconveniences to users working with the system.

Table 3. Specialised information systems (Continuation)

Name	Short description	Number of courts where implemented	Problems
Specialised Software for Monitoring and Control of Experts' Activities	This system has been integrated with the case management systems thus enabling judges and court administration officers to use it directly. As it comes to integration with the four most widely used case management systems, a unified integration method has been developed using XML exchange. Main results of the development and implementing the system include: providing better choice options; monitoring and control of expert-witnesses; random choice of experts within a certain court region and expertise; control of the quality of examinations; keeping a record file of every expert; financial accountability; keeping lists of experts.	The system has been implemented in all courts and prosecutor's offices.	The major problem of using the Specialised Software for Monitoring and Control of Experts' Activities is the lack of in-depth knowledge of the system operations and the insufficiently intuitive character of the interface. This is why lists of experts are often doubled. Another problem is that it is not possible to authorise and control the editing of data entered into the system when it comes to a casual mistake in the information about completed examinations. Another disadvantage comes by the random choice of experts, e.g. if there is no expert witness with the qualification needed in the region of the court, the system automatically appoints an expert from another region. The shortcoming is that the system has no territorial criteria and does not search through the expert lists in the nearest regions. Currently, there are no experts registered in the system who use the functions for importing electronic report-declaration which is most likely due to insufficient promotion of the system and its features among experts.

Source: Analytical report of the development of information technologies in the Judiciary and their interaction with the information systems of the Executive, the regulatory framework and the preceding strategic papers in the field including the entire generation process.

3.2. Unified System for Counteracting Crime

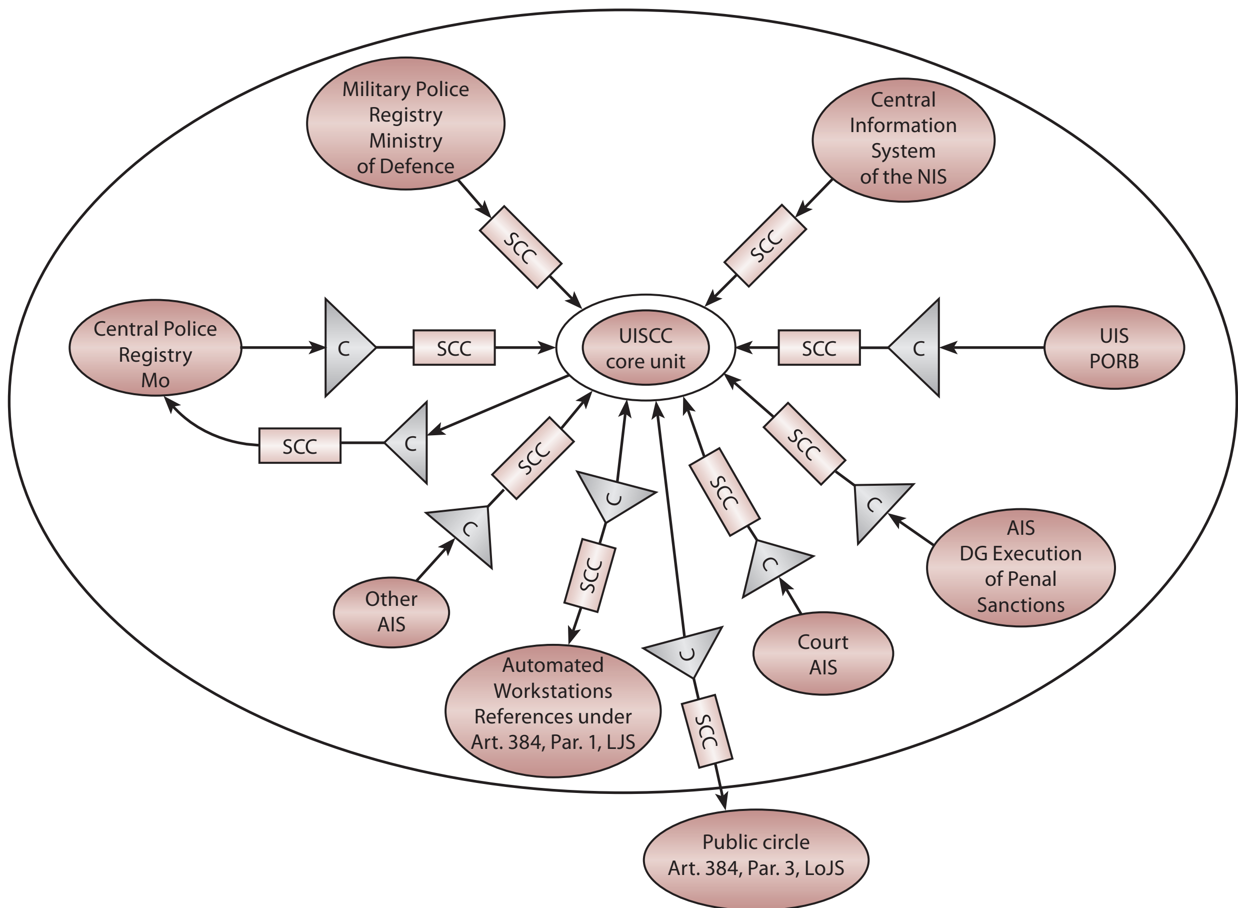
The Unified Information System for Counteracting Crime (UISCC) has been developed as an inter-institutional automated information system for providing information in the course of counteracting crime in the Republic of Bulgaria. It is designed to include all instances of recorded crime and to allow monitoring of the work on every crime, offender, criminal proceeding, etc. In 2011, the system is still under construction.

UISCC is a combination of automated information systems and consists of a **central component (core unit)** which is connected to **systems of the Judiciary and the Government** processing information about events and objects of criminal proceedings and the execution of penalties thus creating an overall information support of the activities for counteracting crime.

The core unit of the UISCC accumulates information from the following institutions:

- courts;
- prosecutor's office;
- investigation;
- police;
- military police under the Ministry of Defense;
- Directorate General "Execution of Penalties" which comprises probation services, places of detention and pre-trial detention facilities.

Figure 11. Structure of the Unified Information System for Counteracting Crime



SCC – Specialised communication components

C – converter

Source: Analytical report of the development of information technologies in the Judiciary and their interaction with the information systems of the Executive, the regulatory framework and the preceding strategic papers in the field including the entire generation process.

The main functions of the UISCC under the technology of the criminal process, execution of penalties and information services are accomplished by the following subsystems:

- **Registration subsystem.** Registration of data in the UISCC could be accomplished in two ways. Under the main operational mode – exchange of information with other systems – data are recorded through processing XML packages by an established UISCC standard. Under the other two operational modes of the system – online and offline registration mode – data is entered into the central component by a user. Regardless of the operational mode, the Registration subsystem provides feedback about the output of processing the information received by UISCC.
- **Reports and Analyses subsystem.** It provides the user with tools for defining and setting requests for reports as well as tools for handling the output of the completed reports. The creation of the report is a process that the user could influence indirectly and within certain limits by choosing certain parameters of the way the report is composed.
- **Common System Information subsystem.** Provides the UISCC administrator with tools for maintaining common system information.
- **Security subsystem.** Provides the security administrator with tools to define and set data about users, automated work places and groups.
- **Communication subsystem.** Accomplishes automated data exchange between the UISCC and the information systems of relevant institutions as well as between the central and the offline components of the UISCC.

The establishment of the Unified Information System for Counteracting Crime is regulated by the *Law on the Judicial System*. The USICC includes the information systems of the bodies and agencies of the Judiciary, the Ministry of Interior, the State Agency for National Security, the Ministry of Defense, the Ministry of Justice and the Ministry of Finance which are either part of the UISCC or exchange information with it. The financing of the institutional components of the UISCC is secured through the budgets of the respective institutions. The development, maintenance, use and improvement of the core unit of UISCC is done by the Prosecutor's Office. It is also responsible for the development of communication components linking the core unit to the systems of the respective institutions.

Based on the existing law, the Council of Ministers by its decree № 262 of 05.11.2009 adopted the *Ordinance for the Unified information system for counteracting crime*[9] (Promulgated SG 90/13.11.2009 – in effect since 01.12.2009), which determined the way of establishing, maintaining, use and development of the UISCC, the membership and activities of the Interagency Council for Methodical Management of the system and the interaction of institutions in securing its operation.

[9] Ordinance for the Unified information system for counteracting crime, Promulgated SG 90/13.11.2009, in effect since 01.12.2009.

On June 30, 2010, the Interagency Council for Methodical Management of the UISCC adopted an "Agreement on shared responsibility for the security of information" and an "Organisational, programmatic and technical plan for the protection of UISCC and related systems". On August 30, 2010, the agreement was signed by the Supreme Judicial Council, the Chair of the Supreme Court of Cassation, the Prosecutor General, the Ministers of Interior, Defense, Justice and Finance, the Chair of the State Agency for National Security and the Chair of the National Statistical Institute.

The development of UISCC is in the focus of the *IT Strategy of the Bodies of the Judiciary in the Republic of Bulgaria for 2011 – 2013*, which was adopted in December 2010.

What has been achieved at the current stage of development is the construction of a functioning core unit at the Ministry of Justice and placement of UISCC components at investigation services and the military police adapted to the information systems implemented in the respective institutions.

UISCC standards are completely in line with the *Criminal Code* and the *Criminal Procedure Code*. An organisational and programmatic scheme has been developed for the introduction of new changes in the common system information without affecting the application software.

The Ministry of Justice reports[10] that by May 12, 2010, the system was operating steadily and contained the following data entries: the core unit – 1,334,615 entries related to criminal proceedings; the investigation service subsystem – 1,513,983 entries related to criminal proceedings.

The methods of exchange between the systems for court case management and the UISCC in 2010 were still to be clarified. The next step would be the development of information system in the detention facilities and its connecting to the UISCC.

Currently, no real-time exchange has been accomplished between systems of the Judiciary and systems of the Government.

UISCC major problems are identified in the communication between the UISCC core unit and the institutional automated information systems of the law enforcement and judicial authorities. Since communication is accomplished through XML packages containing coded information, it is necessary to synchronise the coding used by the individual systems and the UISCC core unit. At present this is possible by the use of special converting modules. To maintain their correct operation they need to be updated every time a code is changed. When done manually it takes a lot of effort and is likely to cause errors so a method for automatic update needs to be developed and implemented. In courts, where 74 of the events registered by UISCC originate, none of the systems for

[10] Ministry of Justice (2010) Bulgaria's progress on achieving specific indicators in the field of judicial reform and combating corruption and organiяed crime, August 2009 – May 2010, p. 48.

court case management use the adopted common system information (metadata) by the UISCC standard thus hampering the exchange of information.

By end-2010, there is no integration with European information systems or information systems of international organisations.

As of September 21, 2010, the core unit of UISCC operated steadily with the information system of the National Investigation Service connected for uninterrupted exchange. Efforts are made to connect the following systems:

- The information system of the Military police is ready to be connected and is awaiting the procedure for its declassification;
- The information system of the Ministry of Interior – a converting module for data transfer is being prepared. The standards of the system of MoI and the UISCC are being paralleled;
- Development of a converting module from a System for Court Case Management for automated exchange of information on three items of the criminal proceedings (initiating a case, termination of criminal proceedings by agreement and sentence enforcement).

Box 2. Projected Development of UISCC

In 2011, the Prosecutor's Office of the Republic of Bulgaria is initiating the application for a grant within Operational Program Administrative Capacity (OPAC), sub-priority 3.3. "Improvement of the service delivery provided by the bodies of the judiciary through development of information technologies" with a project "Further development and improvement of UISCC". Among all project activities these should be noted:

- proposed further development, maintenance and improvement of the application software and update of the technical and system infrastructure of the central component (core unit) of the UISCC;
- development of converters, filters and information system for connecting the core unit to the system of the Ministry of Interior for the registration of events and objects of criminal proceedings;
- integration of the UISCC with the Unified Information System of the Prosecutor's Office and with four of the secretary's systems implemented in courts;
- development of other types of references and outputs of the UISCC core unit;
- training of teams responsible for the integration of various information systems with the core unit.

Source: Project "Completion and improvement of the UISCC and integration between institutional information systems and the core unit of the UISCC".

BIBLIOGRAPHY

1. Regulations on the administration of regional, district, administrative, military and courts of appeal (Promulgated SG 66/August 18, 2009) Supreme Judicial Council
2. Regulations on the administration of the Supreme Administrative Court (in effect since 18.08.2009) Supreme Judicial Council
3. Rules for the Organization and Activities of the Prosecution's Administration of the Republic of Bulgaria (Promulgated SG 66/August 18, 2009, amended SG 12/February 8, 2011) Supreme Judicial Council
4. Дан Консултинг. Аналитичен доклад за степента на развитие на информационните технологии в съдебната система и на взаимодействието им с информационните системи на изпълнителната власт, на нормативната уредба и на предходни стратегически документи в областта, включително целия процес по създаването им. [Dan Consulting. Analytical report of the development of information technologies in the Judiciary and their interaction with the information systems of the Executive, the regulatory and the preceding strategic papers in the field including the entire generation process.] 2010.
5. ИТ Стратегия на правораздавателните органи на Р. България за периода 2011 – 2013 г. [IT Strategy of the Bodies of the Judiciary in the Republic of Bulgaria for 2011 – 2013.] 2010.
6. Проект на Прокуратурата на РБ "Доизграждане и усъвършенстване на ЕИСПП" [Project of the Prosecutor's Office of the Republic of Bulgaria "Completion and improvement of the UISCC"] http://www.prb.bg/opac/project_opac.html
7. Ordinance for the Unified information system for counteracting crime (in effect since 01.12.2009, adopted by a Council of Ministers decree № 262 from 05.11.2009, Promulgated SG 90/13.11.2009)
8. Law on the Judicial System (Promulgated SG 64/August 7, 2007, amended SG 69/August 5, 2008, amended SG 109/December 23, 2008, amended SG 25/April 3, 2009, amended SG 33/April 30, 2009, amended SG 42/June 5, 2009, amended SG 102/December 22, 2009, amended SG 103/December 29, 2009, amended SG 59/July 31, 2010, amended SG 1/ January 4, 2011, amended SG 23/March 22, 2011, amended SG 32/April 19, 2011)

STATUS AND PROBLEMS IN THE USE OF ICT IN THE JUDICIARY IN POLAND

INTRODUCTION

The aim of this report is to reveal the condition of informatisation of public prosecutors' offices and common courts of law in Poland. The document consists of two parts, the first of which demonstrates the situation at public prosecutors' offices, whereas the second one describes the reality of functioning of common courts. In each part we focus first of all on such functioning aspects of bodies of justice as: creating, keeping and archiving files; keeping the record of cases and transferring all sorts of documents between separate units and institutions. The matter of making the files of running trials accessible is considered carefully. However, we put the greatest emphasis on demonstrating informatics solutions implemented. Polish administration of justice has been undergoing profound transformation. Documentation on paper has been consistently replaced by electronic one. Moreover, internal communication between separate units is heading to total informatisation.

The report has been utterly worked out on the basis of passed legal acts which regulate the functioning of bodies of justice. Vast majority of them is enclosed at the latter parts of this document. This document has been also based on the research conducted at selected public prosecutors' offices and common courts of law, which allowed us to reflect the reality of the functioning of mentioned bodies.

Secretary's offices' role is of great importance in keeping documentation of all kinds and their responsibilities span from keeping the files to transferring them. That is the reason why such a great amount of attention has been paid to it in this document.

Prof. PhD. Paweł Wiliński **MA Piotr Karlik**

COMMON UNITS OF PUBLIC PROSECUTION

Scope of activities of secretary's offices at public prosecutor's office

In connection with broadly defined workflow within the framework of duties of secretary's offices at public prosecutor's office specified in Article 13 of Ordinance of Public Prosecutor General of 31 March 2010, great attention must be paid to the following responsibilities:

1. recording and ensuring efficient flow of incoming trial documentation and other documents drawn up at public prosecutor's office;
2. keeping the repertories, records, control registers and other files; recording data concerning current course of a case and the way of proceedings' completion;
3. informing the parties in litigation and their attorneys of the course of a case at public prosecutor's office in scope determined by legal regulations or indicated by prosecutors;
4. making the records of proceedings in a case accessible, making their copies available and authenticating – with the consent of the prosecutor conducting preparatory proceedings;
5. completing case records according to the principles of adding separate materials to relevant dossier, stapling files and ancillary papers of completion of proceedings, their numbering and putting proper notations on the covers;
6. executing activities related to pilot implementation and implementation of Public Prosecutor's Office Informatics System at units of public prosecutor's offices, and also actions connected to digitalisation of files of conducted proceedings;
7. executing activities related to filing case records; being in charge of keeping the archive, drawing up the documentation related to files' transferring to National Archive and motions preparation for permission of files and non-archival materials' shredding after the period of their storage at public prosecutor's office.

Creating and keeping the files

The documents regarding the same case are completed in chronological order. In exceptional situations, such as: complicated nature of a case, number of suspects, etc. the public prosecutor may decide on another arrangement of case records. Public prosecutor's case reference number consists of the alphabetical signature of repertory or register where the case is assigned to, signature of consecutive number of case and after slash – two last figures of the year, when the files are created (e.g. Ds. 288/10). In case of appellate and district public prosecutor's files, case reference number is preceded by Roman numerals signature of department which the case is conducted at. Before appellate prosecutor's case reference number alphabetical signature "Ap" is put. (eg. Ap V Ds. 288/10). In case of supervised cases, case reference number is addition-

ally completed with the name of supervised regional or district public prosecutor's offices (eg. Ap I Ds. 288/10).

At district public prosecutor's offices where departments are separated or where there are more than one "Ds" repertory conducted, case reference number is preceded by Arabic numeral signature of department (eg. 5 Ds. 288/10). In addition, on covers of reference files registered in "Ds" repertory, the symbol which is used to sign the case in this repertory is put next to case reference number.

At Public Prosecutor General's Office, case reference number consists of PG alphabetical symbol, Roman numeral indicating the department of Public Prosecutor General's Office, repertory or register symbol, consecutive ordinal number and after slash – two last figures of the year, when the case is registered (eg. PG III Dsn 288/10).

<u>On the covers of reference files, besides case signature, following inscriptions are placed:</u>

1. "Arrest" – if only one of the suspects is temporarily detained with indication of the number of temporarily detained people;
2. "ENA-P" if against the suspect tipstaff has been sent out, pursuant to Article 607 of Code of Penal Procedure;
3. "Police Supervision", "Property Security", "Personal Security" and other applied preventive measures with the indication of number of people to whom separate measures have been applied;
4. "Property Securing" – when the decision on property securing has been issued with the indication of number of people in relation to whom the means of constraint has been applied;
5. "Proceedings suspended (Article 22 (1) of Code of Penal Procedure)" – when the decision on suspension of preparatory proceedings considering long-lasting obstacle making them impossible to conduct has been issued;
6. "Proceedings suspended (Article 11 (1) of Code of Penal Procedure)" – when the decision on suspension of preparatory proceedings until validation of the statement in other case has been issued;
7. "Proceedings suspended (Article 7 of Crown Witness Act)" – when the decision on suspension of preparatory proceedings pursuant to this article has been issued;
8. "Proceedings suspended (Article 72 (1) of Counteraction Against Drug Addiction Act)" – when the proceedings have been suspended by virtue of regulations of this act;
9. "Mediatory proceedings" – when the case has been brought to institution or a trustworthy person in order to conduct mediatory proceedings;
10. "Materials excluded" – when the materials regarding separate conduct of preparatory proceedings have been excluded or "Materials added" – when the materials from other case have been added to records of proceedings in a case;
11. "Drz" – when objects secured in a case have been recorded on register of material evidence;

12. "Drz/p" – when the objects constituting security interests in property and documents entitling to drive motor vehicles, passports and other documents entitling to cross the border and also the carriers referred to in Article 88 (2) (4-5) have been secured;
13. "Kks" – when the proceedings regard fiscal offence;
14. "Kw" – when the proceedings regard case prosecuted as petty offence;
15. "P" – when the trial is under way in fast-track proceedings;
16. "Nps" – when a complaint regarding infringing party's rights to consider the case during preparatory proceedings conducted or supervised by prosecutor without delay has been lodged;
17. indicating the substantive manner of proceedings' completion (eg. indictment);
18. indicating by Roman numeral the number of case records and reference files regarding completed proceedings;
19. in case of other need, if they are useful for more efficient flow of the documents.

Inscriptions on the covers are updated during the litigation.

In accordance with ordinance,[1] sheets in case records are numbered and stapled, especially after proceedings' completion or when case records are sent from public prosecutor's office. On the third page of file cover the employee of secretary's office writes down the number of sheets, sets down a signature and indicates the date of executed action. In case of adding to files copies of documents, they are authenticated on each page of the copy. Documents and letters which are known in advance to be unnecessary to remain in case records, are placed in envelope stapled with case records and are described with signature demonstrating its content.

Employees of secretary's office are obliged to make a mention in separate office notes, when authenticated copies, extracts, certificates and other letters are released. Such mentions are made in the reference files or on the second page of the file cover with giving the name and identification card number of the person receiving the documentation or the name and identification number of any other kind of presented document, and the date of action. In any case person who receives authenticated copy of the document confirms the action with his/her signature placed under notation of the employee of secretary's office. In addition, on released authenticated copies the information in which files originals are put must be placed.

In accordance with valid ordinance, one volume of case records must not exceed 200 sheets. If letters are completed in chronological order, consecutive volumes of case records are featured by signature of Roman numeral, maintaining their continuity of sheets numeration.

[1] Ordinance 5/10 of General Public Prosecutor of 31 March 2010 on structure and activities' scope of secretary's offices and other administrative departments at common units of public prosecutor's offices.

For cases registered on "Ds" repertory (created for criminal, fiscal and petty offences' proceedings conducted by public prosecutor, police and other organs entitled to conduct proceedings) main and reference files are opened. Review sheet containing table of contents is made for case records registered on this repertory. If the files consist of more than one volume, review sheet is made for each of them. In reference files there is a list of parties in litigation and other participants of the trial with giving their names, addresses and addressees for servicing in the country with the indication of volume and number of sheets in case records on which relevant data are located. In files there is a list of suspects to whom preventive measures have been applied to with giving the kind of measure and the period of its application. Above mentioned list may be also drawn up as printouts from Public Prosecutor's Office Informatics System which will be referred to later.

Reference files include also letters brought to prosecution by police and other organs entitled to conduct proceedings approved by superior, hand-writings and copies of assessor's procedural writs, copies of decisions taken by court and superior prosecutor and also letters of prosecutor supervising proceedings.

Case records placed in public prosecutor's office should be filed according to the nature of cases and stages of proceedings. They should be completed consecutively in accordance with their reference case numbers.

Calendars of causes are collected in files opened for each calendar year. Depending on necessity, files for other documents regarding the same subject may be opened and kept.

At secretary's office of Public Prosecutor General's Office, appellate public prosecutor's office, regional and district public prosecutor's offices, collection of valid ordinances and instructions is maintained.

Case records of completed proceedings featured with the same qualification word are kept in "case file" identified with qualification word associated to specific "case list" on the external side of the cover by means of words and digits. Case files are stored in secretary's offices for a period of 2 years, starting from the year followed by the one when file was opened; afterwards they are transferred to the archive. Such action is recorded on "case list" by giving date, list number and item number referring to the file and hand-over list – in accordance with principles regarding files' transferring to the archive. If after two years since case file opening all affairs have not been completed in accordance with "case list", unfinished issues are added to "case list" meant for current year before file transfer to the archive. Such action is recorded on proper entries in previous "case list" with the signature of new reference case number.

"Case lists" are stored at units of public prosecution for 15 years. Afterwards they are transferred to the archive. Total period of case lists' storing at units of public prosecution, including transfer to the archive, is 50 years.

Making files accessible and reviewing

For the sake of the nature of actions undertaken, preparatory proceedings to a high degree are private. Pursuant to Article 156 (5) of Code of Penal Procedure, in the course of preparatory proceedings parties, counsels, attorneys and statutory guardians are entitled to review files, duplicate them and receive authenticated copies. It is possible only with the consent of the person conducting preparatory proceedings. In addition, with consent of prosecutor, when trial is underway, case records may become accessible to other parties (e.g. for research purposes). As a consequence, parties entitled to review case records are strictly defined. The possibility of anyone else familiarising themselves with the files out of above mentioned subjects is excluded.

Discretionary nature of the person conducting proceedings regarding making files accessible is excluded only when the suspect is temporarily detained. In such situation, the suspect and his/her attorney are entitled to review the part of the files containing evidence indicated in the motion for application or extension of pre-trial detention and mentioned in decision on application or extension of pre-trial detention. Public prosecutor may refuse making files accessible in this part, only if there is justified fear that it would risk injured person's life or any other participant in legal proceedings, would enable damaging or hiding evidence or false evidence preparation, would make impossible to determine and seize co-perpetrator in the crime charged to the suspect or perpetrators of other crimes revealed in the course of a case, would reveal operational-examination proceedings conducted or would make preparatory proceedings difficult in any other unlawful way[2].

Reviewing of case records by entitled subjects in the course of proceedings and making copies (Article 156 (5) of Code of Penal Procedure) is conducted in secretary's office under supervision of assigned employee who puts, on the second page of the reference files cover, the information of entitled person, time and the manner of files' review. Before making the files accessible there is a need of entitled person identity confirmation.

Evidence keeping

At common units of public prosecution, in order to register specific case categories, the following repertories and registers are kept in accordance with determined patterns:

1. repertories:

- "Ds" – for proceedings and actions regarding criminal, fiscal and petty offences conducted by public prosecutor, police and other organs entitled to conduct proceedings;

[2] Pursuant to Article 156 (5a) of Code of Penal Procedure.

- "Opz" – for proceedings regarding collective responsibility for criminal actions;
- "Pn" – for proceedings regarding juveniles (criminal actions considered by district court – juvenile department) and for appeals in these cases;
- "Pc" for civil, labour and social security, domestic relations and guardianship cases regarding financial compensation grant or return, recourse claims and other cases related to non-penal activity, and for appeals against such cases at appellate and regional public prosecutor's offices, and also for such cases supervised by superior public prosecutor;
- "Pc/PG" – for civil cases at Public Prosecutor General's Office;
- "Pa" – for administrative cases, including cases considered by Voivodeship and Supreme Administrative Court conducted at units of public prosecution and at Public Prosecutor General's Office, appellate and regional public prosecutor's offices – also for cases supervised by superior public prosecutor;
- "U" – for cases regarding pardon proceedings;
- "TK" – for cases regarding proceedings conducted by Constitutional Tribunal.

2. registers:

- "Ns" – for cases regarding indemnity for unjustified sentence, pre-trial detention or detention and cases regarding statement of nullity;
- "Ds/z/s-pn" – for appeals considered by court or superior public prosecutor;
- "Ds/z" – for appeals considered by public prosecutor, superior subject to prosecutor person conducting or supervising proceedings and for complaints considered by supervising public prosecutor in preparatory proceedings conducted by police or other organ entitled to conduct them;
- "Ds/u" – for action executed in relation to court decision issued pursuant to Article 397 (1) of Code of Penal Procedure;
- "Dsn" – for criminal cases supervised by superior public prosecutor conducted at subordinate units of public prosecution;
- "Dsa" – for cases which are not subject to passing an entry on "Dsn" and "Ko" register, where superior public prosecutor took an analysis of case material and submitted a written statement;
- "Nps" – for complaints regarding infringing party's right to consider the case in preparatory proceedings or supervised by public prosecutor without unjustified delay;
- "Nps-ps" – for proceedings regarding infringing party's right to consider the case in preparatory proceedings or supervised by public prosecutor without unjustified delay;
- "Ap" – for appeals and motions for resumption of proceedings terminated by final binding decision in criminal cases;
- "K" – for cassation and party's response to the cassation;
- "KSU" – for president of the court or public prosecutor's motions for appealing to the court of cassation in criminal cases pursuant to Article 521 of Code of Penal Procedure;

- "KSK" – for other parties' motions for appealing to the court of cassation in criminal cases pursuant to Article 521 of Code of Penal Procedure;
- "WP" – for criminal cases in which Supreme Court considers the motions for resumption of proceedings;
- "KP" – for legal issues considered at Penal Chamber of Supreme Court;
- "CP" – for legal issues considered at Civil Chamber, Labour, Social Security and Public Affairs Chamber of Supreme Court and queries to Supreme Court, and also the examination of legitimacy of civil cases cognisance by appellate public prosecution;
- "Oz" – for motions for foreign legal assistance and correspondence regarding international legal transactions;
- "Ko" – for general correspondence in criminal, civil, labour and social security, domestic relations and guardianship cases considered by family court, and correspondence in preventive and other cases unregistered in the rest of registries;
- "Ko/kks" – for fiscal offences which are not subject to registration in "Ds" repertory;
- "Ko/kw" – for cases regarding petty offences which are not subject to registration in "Ds" repertory;
- "A" – for persons temporarily detained in a course of investigation or police inquiry;
- "ENA-P" – for persons against whom motion for issuing an European Arrest Warrant has been filed, pursuant to Article 607a of Code of Penal Procedure;
- "ENA-UE" – for people against whom European Arrest Warrant has been issued and referred to Poland by organs of other European Union Member States;
- "Drz" – for material evidence;
- "Drz/p" – for subject constituting security interest in property and documents entitling to drive motor vehicles, detained passports or other documents entitling to cross the border and electronic carriers of data;
- "IP" – for cases regarding public information access;
- "IP/O" – for appeals against decisions on public information access;
- "SD" – for cases regarding Disciplinary Court and First Instance Public Prosecution;
- "OSD" – for cases regarding Disciplinary Court and Second Instance Public Prosecution.

In proper organisational units of public prosecution offices the following control lists are kept:

- "Pm" – for cases referred to institution or trustworthy person in order to conduct mediatory proceedings;
- "Wz" – for cases regarding suspended proceedings;
- "Dor" – for main and reference files of preparatory proceedings incoming to public prosecutor's office, case records and administrative files and other letters and correspondence;
- "E" – for forwarding of files and letters;

- "Ww" – for indication of fees and other expenses born within preparatory proceedings;
- "PK" – for criminal cases which are to be considered in cassation proceedings.

Moreover, public prosecution keeps:

- control of forms related to the National Criminal Information Centre;
- list of registry charts and inquiries to the National Criminal Information Centre;
- control of motions for application of pre-trial detention;
- control of property securities;
- control of collective responsibilities cases;
- control of motions for cognisance of the case in fast-track proceedings;
- control of motions for submitting by public prosecution a statement on sampling of tissue cells and organs from a dead body, whose death might be a result of a prohibited act;
- list of experts, translators and specialists;
- control of given orders on business trips;
- control of identity and insurance cards issued.

Repertories and registers are opened for each calendar year, keeping the sequence of entries during the year. Blank sheets of repertories and registers should be utilised in the following year. Before passing an entry, sheets should be numbered and the number of sheets put on the last page of document, giving the date of the action and the signature of the person in charge. Cases are recorded on specific repertory or register in accordance with instruction for handling the case of unit manager or authorised person. It requires giving the date in accordance with the sequence of letters filing which constitutes the basis of registration.

Archiving

The documentation created as a consequence of the activity of the Public Prosecutor General and other common units of public prosecution is stored in archives after making use of it. Archives are located at Public Prosecutor General's Office, appellate public prosecutor's offices, regional and district public prosecutor's offices.

The scope of activities of the archive includes specifically:

1. receiving documentation from the various organisational units of public prosecutor's office;
2. storing and securing received documentation, keeping its evidence and in case of necessity, in agreement with national archive, maintaining damaged documentation;
3. making stored documentation accessible to authorised people;
4. storing and transferring documentation constituting archival materials identified as "A" category to proper archive (documentation which is transferred to national archive after determined period of storage

time, constitutes "archival materials" within the meaning of Article 1 of National Archive Recourses and Archives Act of 14 July 1983);
5. initiating disposal of non-archival documentation identified as "B" category (non-archival documentation featured by temporal significance which after obligatory period of time is subject to disposal); taking part in collective act of disposal and qualifying damaged material as waste-paper (in condition making impossible to be restored), however, the protocol of evaluation of non-archival documentation and the list of documentation which is meant to be qualified as waste-paper need to be drawn up in the first place, jointly with the consent for disposal of national archive which is required to be granted in such circumstances;
6. being in contact with proper national archive.

Making archival documentation accessible

Documentation in the archive may be released for official and research purposes. In extraordinary situations it may be released outside the archive only in strictly justified cases. Archival materials, for purposes different from official and research ones are released -pursuant to National Archive Recourses and Archives Act of 14 July 1983 – after period of 30 years from the moment of their founding, if it does not infringe legally protected interests of state and citizens' rights.

Procedure of making documentation accessible

Persons requesting making archival documentation accessible should make a motion at the proper unit of public prosecutor's office with giving name and indication of organisational unit requesting making archival documentation accessible, and also the type of archival material or concerning subject, purpose and way of such material usage. The ordinance on making archival materials accessible is issued by the manager of the unit where mentioned materials are stored. The ordinance should determine sort and scope of archival materials which are to be released and the way of making them accessible. The ordinance on refusal is required to indicate substantiation and instruction of the possibility, procedure and term of appeal. Remedies at law for refusal of making archival materials accessible are filed in line with general conditions.

Making archival materials and non-archival documentation accessible is recorded on files drawn up by person in charge of the archive. In case of loss, lack or damage of archival materials released outside the archive, 3-copies protocol is prepared which is signed by borrower, his/her immediate superior and the person in charge of the archive.

In the proper month of each year, the employee responsible for the archive presents to the unit manager the list of released archival materials unreturned within last 3 months with prepared reminders demanding return.

Correspondence between common units of public prosecutor's offices, common courts and other organs and entities

Reference case numbers are put on incoming letters and correspondence drawn up at public prosecutor's office sent to the other organs and subjects.

Forwarding of correspondence between organisational units of the same office is conducted without cover letters on the basis of forwarder's notation.

Letters regarding persons temporarily detained which are referred to court, organs conducting preparatory proceedings and National Criminal Records are signed with inscription "Arrest". Urgent letters are signed with inscription "Urgent", and the ones with a fixed time, "Fixed time".

Name of public prosecutor's office, reference case number, date, position and name of person signing are required to be put on the letter which is to be sent. Full name of position and name may be replaced by proper abbreviation. In case of necessity, headline of the letter identifies subject of the case. In response to received letter, date and reference case number are required. However, when the case remains on evidence of organ entitled to conduct preparatory proceedings, case number is also required.

Under content of the letter, on the left side, number of attachments should be defined.

Secretary's offices of units of public prosecution manage special, round Office Seal, which is affixed to:

1. public prosecutor's decisions on: application of preventive measures, repealing of pre-trial detention and other preventive measures, suspects sought after by wanted notice and wanted notice calling off, securing of property, materials detention and dispose of property items; public prosecutor's ordinances on consent with one-time seeing of temporarily detained person, arrest warrants, ordinances on releases of persons temporarily detained, letters concerning bringing of temporarily detained to the court, taking over prosecution outside the country, motions for international legal assistance and authenticated copies issued to parties in litigation, letters of authority empowering to appear in cases defined pursuant to Article 67 (2) of Code of Civil Procedure of 17 November 1964;
2. cover letters referred to foreign organs and decisions of Ministry of Justice on extradition and taking over of prosecution;
3. decisions of Public Prosecutor General issued pursuant to Article 328 of Code of Penal Procedure;
4. decisions of Public Prosecutor General issued in the course of pardon proceedings;
5. personal affairs – identity card and certificate of employment;
6. other documents concerning employment legal relationship.

The unit manager is in charge of making decisions on necessity of seal stamp on other documents. In case of issuing authenticated copies, round office seal is required to be affixed on each page of the authenticated copy and certify conformity of this page with original. Stamp of round office seal is put by previously authorised person on the left side of the signature.

Letters with frequent repetition of content are allowed to be drawn up in forms in one copy. Mention of issuing of such letter is made in case records or register on which case has been recorded.

Inward and outward correspondence

Employees of secretary's office open incoming letters except dispatches signed with "Confidential", "Top secret" and "Restricted" inscriptions, and also the ones addressed to particular persons. In case of absence of such, the unit manager decides. Notation (confirmation of receipt) with unit name, date of reception, number of attachments and name stamp or legible signature of employee receiving the document is put on each inward letter. If opening the dispatch is subject to exclusion from secretary's office competences, notation referred to in above is put without postmark interfering on addressed side of the packaging. In case of confidential correspondence, notation (confirmation of receipt) is put on the outside of envelope. On demand, employee of secretary's office gives receipt confirmation or confirms letter reception on its copy with giving date, unit name stamp and puts his/her signature. Main and reference files of cases recorded on "Ds" repertory, case records, administrative records and other incoming documents are registered on "Dor" list and forwarded to proper organisational unit by receipt confirmation. Other dispatches are delivered to proper employees with no confirmation. Letters and dispatches should be delivered to addressee on the date of inward, latest at morning hours of the day after. Envelopes of letters incoming by mail are maintained for documentary evidence of meeting the deadline. If several letters are sent in one envelope, it is enclosed to one of those letters. Public prosecutor conducting the case decides if the envelope constitutes evidence significant the course of preparatory proceedings and is subject to the case records.

Case records, indictments, motions for conditional discontinuance of penal proceedings or for discontinuance of proceedings and detention order application, ordinances, recommendations orders, cassations, appeals, plaints, objections, complaints brought to administrative court, appearances, personal documents and other letters identified by their authors as significant, if they are not delivered by employee of public prosecutor's office, are dispatched by means of registered letter. Decisions which are subject to appeal and copies of decision on repeal of pre-trial detention are dispatched by registered letters with return receipt confirmation. Release warrants are forwarded to Custody Suit on the day of their release by an authorised employee. If Custody Suit is located outside the place of public prosecutor's office, the general manager is immediately informed of order of release in previously determined form. Case records

with indictments or motions referred to the court placed within the local competence of organisational unit of public prosecution are delivered by an authorised person by receipt confirmation on authenticated copies of cover letters; in case of other court – by ordinary mail.

Callings, information and copies of decisions other than the ones mentioned above are delivered as registered dispatches with return receipt confirmation in accordance with conditions pursuant to Regulation of Ministry of Justice of 18 July 2003 on detailed conditions and procedure of delivering court letters in penal proceedings[3].

Public prosecutor's motions for pre-trial detention together with case records are delivered to the court by an authorised employee. This is also applied to delivering to the court by public prosecutor's motions for:

- issuing European Arrest Warrants pursuant to Article 607 of Code of Penal Procedure and European Arrest Warrants issued by organs of other Member States of European Union, with applied materials in those cases;
- cognizance of the case in fast-track proceedings,

No substantive information is put on the envelope and receipt confirmation. Outward correspondence is signed with Arabic numeral selected from symbols catalogue.

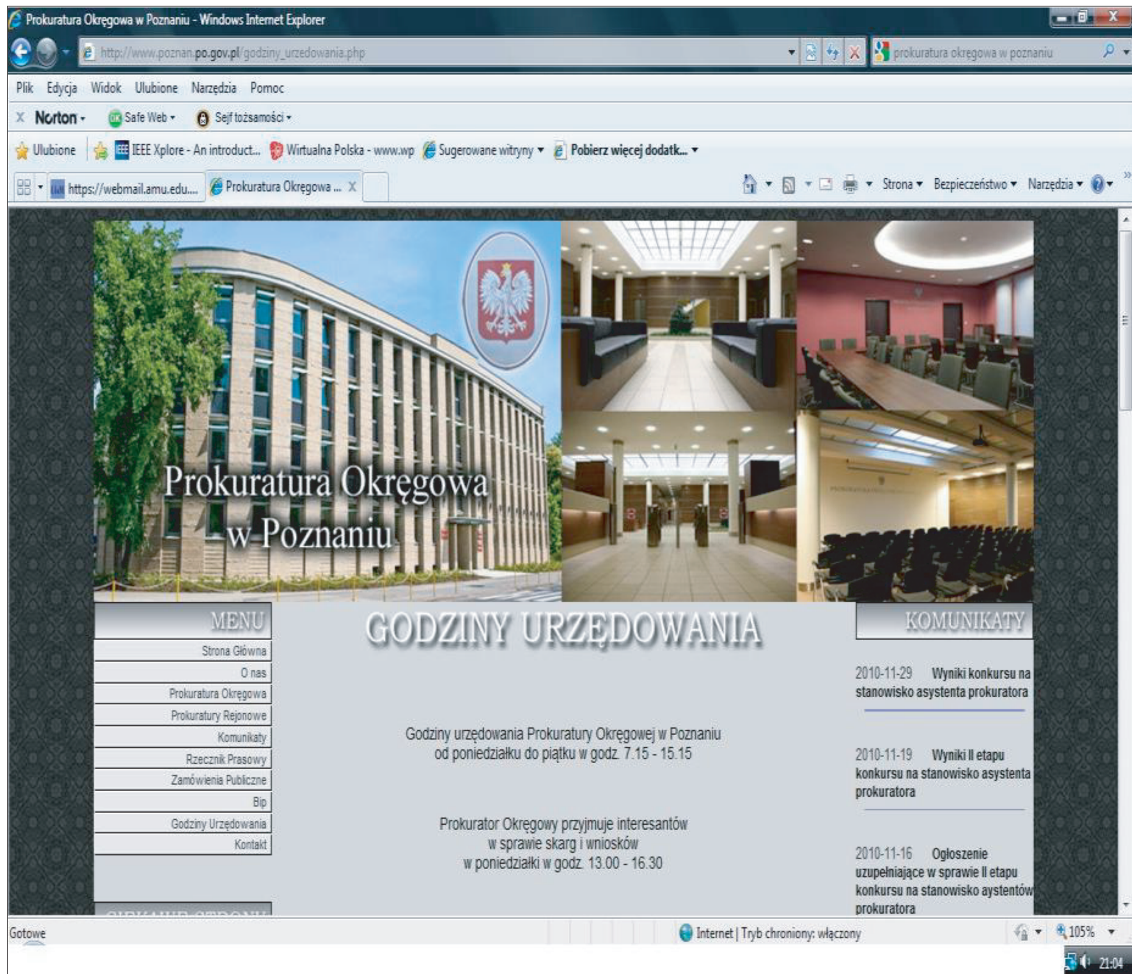
Case records and documents forwarding between departments of Public Prosecutor General's Office and departments of appellate, regional and district public prosecutor's offices are conducted by receipt confirmation on "Dor" control list or on the copy of the letter.

Complaints and motions

Nowadays at common units of public prosecution there is no system enabling to lodge complaints *online*. In order to file a complaint it needs to be done during "prosecutor's duty". Proper information is available on websites of particular public prosecutor's offices. In addition, although no system functions, there is a possibility of lodging complaints and motions by mail and e-mails. Such information is passed to proper employees responsible for separate field, afterwards written reply is sent back. Thus, there in no possibility of organ's lack of action connected to received complaints and motions.

[3] Annex 1.

Figure 1. Website of the Regional Public Prosecutor's Office in Poznan



Source: http://www.poznan.po.gov.pl/

Conditions and principles of data processing regarding conducted proceedings on public prosecution informatics system[4]

At common organisational units of public prosecution, informatics system is applied which serves for registers keeping, criminal case data processing, electronic data files keeping, crime analysis, practice of law application, statistics and reporting.

Its name is "Libra" Public Prosecution Informatics System. Software includes expanded functions of reviewing, reporting and data search, considering numerous, detailed criteria. The system has been equipped with electronic files module enabling the users to easily create and man-

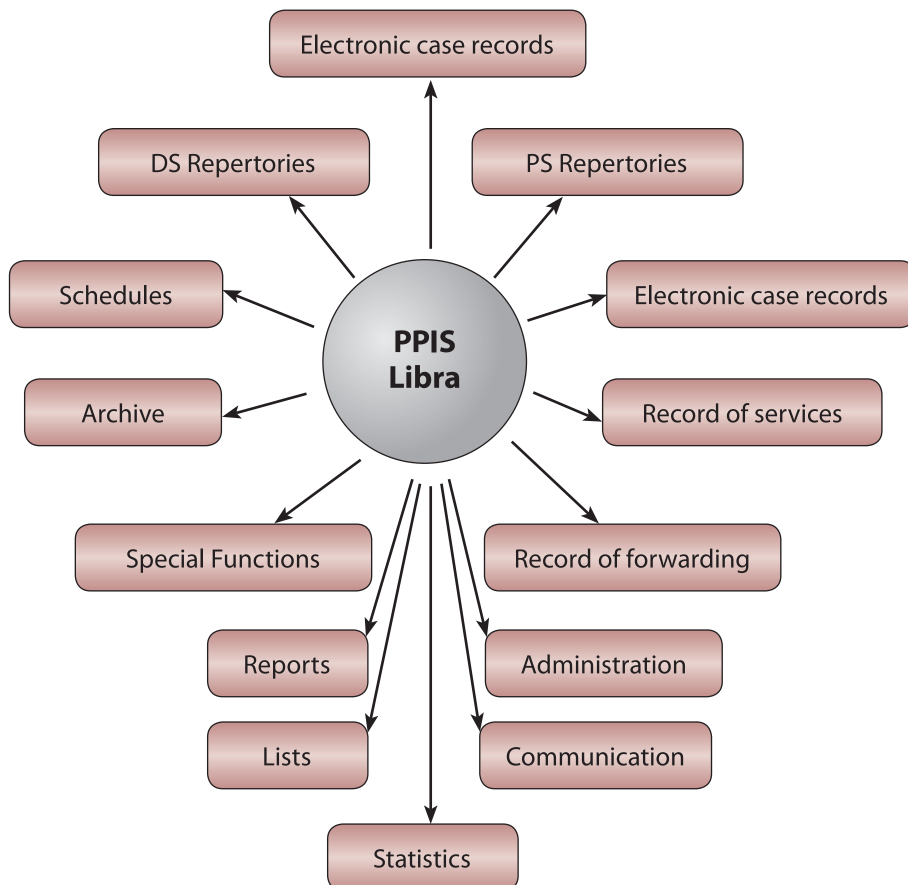
[4] Sourced from http://www.zeto.swidnica.pl/index.php?id=14,0,0,1,0,0

age case documentation. The main task of the application is to replace existing paper repertories and registers by electronic ones which enable easier access to information of conducted cases, faster searching, documents preparation and allowing multiple usage of the same data with no need of rewriting.

The system is module-built and at present contains the following components:

- "Ds" repertories;
- "Ps" repertories;
- Calendars of causes;
- Electronic case records;
- DE register (servicing and forwarding);
- Administrative module;
- Central Dictionaries;
- Modules of data exchange.

Figure 2. Model of the Libra PPIS information system



Source: http://www.zeto.swidnica.pl/index.php?id=14,0,0,1,0,0

DS repertories

The DS repertories Module is the basic component of SIP Libra system.

Its functionalities are:

- Keeping the electronic "Ds" repertory in scope of evidence and case conducting, evidence of crimes, persons, means of constraint, material evidence and costs;
- Keeping the registers of material evidence, detentions, preventive measures and property securities;
- Controlling the terms related to conducting proceedings;
- Browsing and searching for registered data;
- Browsing standard lists;
- Reporting cases, persons, crimes, material evidence etc.,
- Statistics.

PS repertories

This is a module which enables to trace the case progress within conducted proceedings at court. It is tightly connected to "Ds" Module and Calendar of Causes Module.

Its functionalities are:

- Cases in litigation registering (automatically);
- Decision of the registering court;
- Appeals registering;
- Evidence of second instance court decisions;
- Browsing and searching for registered data;
- Standard lists preparation;
- Reporting information of legal proceedings.

Calendars of causes

This module is used mainly for evidence of sessions and planning of public prosecutors' selection. It includes schedule of public prosecutor's activities thanks to which the amount of work of each public prosecutor may be monitored.

Electronic case records

Expanded module of electronic case records allows fast and easy document preparation necessary for public prosecution actions on cases registered on electronic Ds repertory. Documents are created on the basis of unified, centrally prepared forms. In addition, the software allows to arrange, group and order electronic and paper documents created, their numbering and archiving. Operations allowing forwarding orders and monitoring their execution by public prosecutor and employees of secretary's office were also included. The module includes schedule of public prosecutor's activities as well.

DE Registry (servicing and forwarding)

It is a standard module of inward and outward correspondence service. Its functionalities are:

- Correspondence registering;
- Correspondence identification;
- Instruction on handling the case;
- Receipt confirmation registry (by means by barcode scanning);
- Browsing and searching for registered correspondence;
- Standard lists preparation;
- Reporting.

Central Dictionaries

In order to unify nomenclature used and data categorisation, the system is equipped with ca. 120 dictionaries joint for all units making use of the system. Those dictionaries are centrally updated via internet at all units.

Administration

Executes all functions related to the system including:

- Users registering;
- Granting authorities for cases are separate functions;
- Authorities and roles management;
- Local dictionaries management;
- System log reviewing.

Module of data exporting to Central Database

The system works with Central Database which is to collect data from particular units using SIP Libra System. Thanks to such solution by internal network of Ministry of Justice, access to information of conducted proceedings within whole country is possible.

Module of data exchange in National Centre of Criminal Records

The system works also with National Centre of Criminal Records in the scope of preparation, forwarding and evidence keeping of registered forms, changes and deleting from register crimes, persons, objects, subjects and bank accounts. By means of NCCR module the system forwards information of attempt of access to registered data to proper public prosecutor's office.

Cases are recorded in informatics systems in:

1. regular mode;
2. supplementary mode – for cases recorded on "Ds" repertory in paper form, before informatics system implementation.

Figure 3. Libra Informatics System – cases preview

Cases are recorded in regular mode by entering the following data identifying the case:

1. repertory reference number;
2. date and basis of the case registration;
3. date of document receipt which is the basis of case registration;
4. legal qualification of unlawful deed;
5. case description;
6. forms of preparatory proceedings; date of investigation or inquiry instituting or the first action in connection with legal proceedings before instituting;
7. indications of conducting or supervising public prosecutor;
8. indications of organ conducting proceedings.

Criminal cases are recorded in supplementary mode by entering the reference case number and information indicated in points 2-9.

The registration of unlawful deed and the content of charge in the informatics system is made by entering the following data:

1. date of deed registration;
2. date of perpetration of a criminal offence;

3. place of perpetration of a criminal offence;
4. legal qualification accepted.

Moreover, registration of charge requires entering data of issuing of decision on informing the subject of the charges brought against him/her and date of legal action constituting the basis of registration. The suspect, the injured party, their attorneys, statutory guardians and legal representatives and personal details of subjects obliged to return unjustified benefits gained by crime are also recorded on the informatics system. Registration of details of entities mentioned above is made by indicating the name of person or institution, their position in the criminal procedure and other information identifying those subjects. In case of registration of previously indicated person by another name, the record is edited and the previous one is identified as false.

Informatics system covers registration for:

1. material evidence;
2. documents entitling to drive motor vehicles;
3. passports and other documents entitling to cross the border;
4. object constituting property security;
5. objects constituting unjustified benefit gained by action of crime;
6. objects constituting property interests of security;
7. objects featured in litigation by “object of a crime”, “tool of a crime”.

In informatics system, details on detentions, preventive measures, wanted notices, European Arrest Warrants, and property securities are recorded as well. Mentioned action is taken by entering information of date and content of decisions issued in proceedings.

Data concerning activities of superior supervision are also registered, including:

1. date of decision on taking superior supervision;
2. content of recommendations issued within such supervision;
3. unit of supervising public prosecutor’s office;
4. reference supervision file number.

Data concerning instance supervision on appeals considered by superior public prosecutor.

Apart from it, following data are registered:

1. details on experts, scientific or research institutions, including expert’s identity and specialisation, subject and scope of the opinion;
2. fees and other expenses incurred in preparatory proceedings;
3. sampled organs, tissues and cells;
4. forwarding or making main and reference files available to investigations and inquires, including date and reason of such actions and details on person or institution to which files are forwarded or released.

The decisions of the organ considering complaints on public prosecutor's decisions on proceedings' termination are also registered in informatics system.

Registration of correspondence includes entering the following data: date of receipt or forwarding of correspondence, its type, signature, sender, addressee, way of delivery or forwarding. Number of attachments is recorded. If correspondence is delivered by return receipt confirmation, delivery date or return date with giving the reason of qualifying correspondence as delivered, are recorded as well.

Files digitalisation

"Sydig" system application meant for records of conducted proceedings constitutes a novelty at units of public prosecutor's offices. Its implementation became possible due to Norwegian Financial Mechanisms, project identified as PL0235 "Text documents processing within justice administration". The project is valued at 1 600 528 EUR, in which 1 360 499 EUR – 85% comes from NMF. Within the framework of the project two operations are put into practice: "Sydig" informatics system creation and hardware delivery[5].

By ordinance of National Public Prosecutor[6] the system has been implemented in the following public prosecutor's offices:

1. Appellate Public Prosecutor's Office in Bialystok,
2. Appellate Public Prosecutor's Office in Gdansk,
3. Appellate Public Prosecutor's Office in Katowice,
4. Appellate Public Prosecutor's Office in Cracow,
5. Appellate Public Prosecutor's Office in Lublin,
6. Appellate Public Prosecutor's Office in Lodz,
7. Appellate Public Prosecutor's Office in Poznan,
8. Appellate Public Prosecutor's Office in Rzeszow,
9. Appellate Public Prosecutor's Office in Szczecin,
10. Appellate Public Prosecutor's Office in Warsaw,
11. Appellate Public Prosecutor's Office in Wroclaw,
12. District Public Prosecutor's Office in Bydgoszcz,
13. District Public Prosecutor's Office in Gdansk,
14. District Public Prosecutor's Office in Gliwice,
15. District Public Prosecutor's Office in Lodz,
16. District Public Prosecutor's Office in Opole,
17. District Public Prosecutor's Office in Poznan,
18. District Public Prosecutor's Office in Warsaw – Prague in Warsaw,
19. District Public Prosecutor's Office in Wroclaw
20. District Public Prosecutor's Office in Zielona Gora

The implementation of files' digitalisation system is supervised by National Public Prosecutor's Office.

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[5] D. Taberski, *"Sydig" files digitalisation system in practice*, Public prosecution and Law, no. 1.

[6] Ordinance 1/2010 of National Public Prosecutor of 5 January 2010 on procedure and conditions of implementation of "Sydig" records digitalisation system at common units of public prosecutor's offices.

The implementation of files' digitalisation system at particular organisational units of public prosecution is possible after fulfilment of the following conditions[7]:

1. A functioning local client network – server meeting technical requirements ensuring proper system usage and processed data safety;
2. Proper informatics service is provided by employees of public prosecutor's office;
3. Workplace of the employees of secretary's offices and public prosecutors which will be users of files digitalisation system, are equipped with proper devices connected to local network;
4. the employees who will be users of the system are adequately qualified and trained.

Implementation of files' digitalisation system at organisational unit of public prosecution is ordered by National Public Prosecutor. First, unit manager issues ordinance on conditions and safety within the system. Supervision of implementation actions at organisational unit of public prosecutor's office is performed by unit manager in line with general conditions.

System operating

Digitalisation of files in "Sydig" system is conducted in several stages. The person fulfilling orders pursuant to the ordinance on digitalisation – employee of secretary's office or public prosecutor's assistant execute the first activity by entering steering card – so called pilot. It is an equivalent for review sheet – information identifying each document needs to be entered – volume number, sheet numbers, type (decision, protocol, complaint etc.) name, date of creation and referred subject or object. Afterwards scanning of documents takes place, by means of scanners. Files stored in "Sydig" repository are able to be reviewed from each computer where client is installed and is connected to local network. It enables to review all scanned documents, search data entered in pilot by using various, useful filters (such as type of document, date or person it concerns) and search particular words in text. OCR9 is an integral "Sydig" part thanks to which scanned document recognition is possible which facilitates further programme using[8].

Electronic System of Making Circular Letters Accessible *(ESUDO)*

ESUDO is to accelerate, facilitate and reduce costs of circular correspondence delivering forwarded to employees or selected public prosecutors, and clerks and also confirmation of receipt. Current monitoring of messages forwarded within the system implemented by the ordinance is the responsibility of public prosecutor's clerks and other employees working

[7] Ordinance 1/2010 of National Public Prosecutor of 5 January 2010 on procedure and conditions of implementation of "Sydig" records digitalisation system at common units of public prosecutor's offices.

[8] D. Taberski, *op. cit.*

with computer connected to local network. *ESUDO* users familiarise themselves with electronic documents (*"Open document"* function) and confirm such action by function "I read". *ESUDO* users are able at any time to browse accessible archival documents. *ESUDO* enables to search particular document or group of documents ("Search" menu).

In order to make a document accessible by *ESUDO*, scanning and saving in PDF are required. Entering data to *ESUDO* is made in administrative menu by:

1. defining file localisation and data concerning the document:
   a. document title or key words;
   b. reference document number;
   c. date of document creation;
   d. type of document;
2. indication addressees for whom the document is referred to;
3. putting in "Remarks" column possible terms to read the document and other orders from decree;
4. approval of selection – after confirming the correctness of entered data – which will cause adding the document to *ESUDO* base with simultaneous enabling to addressees.

Editing entered data or deleting invalid data are followed by the order of person registering particular document.

After expiration of the term required to familiarise oneself with the document, list of users familiarised with the document is checked. If there are some persons who have not been familiarised with the document, those persons are monitored within internal electronic mail. In case of need, list of confirmations is printed and attached to the original.

Internal electronic mail

In order to offer exchanging information and documents between particular users within local network by means of *Outlook Express*, internal electronic mail service has been launched. Electronic mail accounts are configured at workplaces of each user of local network and their addresses kept in address books. Delivering mail to addressee causes automatic forwarding of receipt confirmation to sender. Internal electronic mail functions only within local network and does not remain in connection with electronic mail via Internet.

COMMON COURTS

Scope of court secretariats activity

As in the case of common units of public prosecution, court secretariats are responsible for founding and keeping records and sending them to other judicial authorities. Employees of those secretariats are also responsible for archiving and making available records of proceedings in progress. Therefore, in order to picture document workflow going on in courts one has to present the scope of court secretariats' activity.

A court secretariat is a panel of court officials and clerks, established in each division, performing office activities in court proceedings in jurisdiction of a given division (division secretariat). The range of secretariat's tasks includes: all activities connected with keeping cases' records and devices used for their recording, performing ordinances of the president of the court, division manager, judges and court referendaries, drawing up trial and court protocols, drawing up statistical statements and other activities specified in internal rules of conduct for common courts and in special regulations. Division secretariat work is coordinated by its manager, who is a direct subordinate of a respective division manager and answers to him/her for proper and timely performance of his/her secretariat's tasks and for working discipline of all employees of the secretariat.

As to activities concerning court proceedings, secretariat manager's responsibilities are in particular:

1. reception of documents coming to the division and presenting them to the division manager, if applicable, with records or relevant note, if handling of particular documents is outside the scope of secretariat manager's responsibility;
2. providing information, providing records for supervised review by entitled persons and issuing written notices;
3. issuing copies, excerpts, certificates and other documents upon order of the division manager, session chancellor, reporting judge or court referendary, authentication of document copies or of documents from records stored in the secretariat or in the unit archive;
4. checking in advance to a session whether as regards to the case of the session, relevant summons and notifications have been delivered, and in case of failure to confirm, or if the addressee has not received it, or the defendant would not be brought to the court, or any of the parties would not be present at the session, presenting records to the session chancellor or the division manager in order to issue additional ordinances which could prevent the session from being adjourned.

Founding and keeping records

Records are founded on the basis of a division manager's ordinance with registering the letter instituting proceedings. The ordinance concerning the letter instituting proceedings is put on a separate sheet filed imme-

diately before the letter to relevant records. A president of the court's ordinance concerning composition of the court in which the case is to be considered is also put on the sheet preceding the letter instituting proceedings.

Case records are put into a separate cover, prepared according to a set template and labelled with a signature. Records' covers of individual case categories should differ by colour. Records should be stapled or permanently bound using another technique, and their sheets should be numbered. Changes of sheet numbering must be notified and the reason for the changes must be given. The notification is put on the sheet whose numbering has been changed, and if the change concerns several sheets, the notification is put on the first of them. Records' signatures consist of a Roman numeral indicating a division, and if the division is subdivided to sections, an Arabic numeral indicating the section, repertory symbol, case reference number and following a slash, two last digits of the year in which the records were founded (e.g. I.2.K.145/03). In case of changing a case records signature, a new signature is put on the cover next to the old one, which is then crossed out in a way allowing reading it. If case records whose signature has been changed are put into a new cover, its original signature must be written on the new cover and then crossed out in the above mentioned way. Collectively considered cases have one, collective set of records with one signature. If collectively considered cases have separate records, the records must be merged and kept under the signature of the oldest of them. Signatures of the rest of the merged records must be written in brackets on the cover. When such cases are separated, separate records are founded for the separated case, in compliance with regulation §64. The signature of the separated case must be indicated in brackets on the cover of the newly founded records.

Records which contain no more than 200 sheets constitute a volume. The number of volume sheets is written on the last page. In case of exceeding 200 sheets, a new volume of records must be founded with continuity of sheet numbering. Reference numbers of volumes are written in Roman numerals on their cover. If case records contain more than one volume, the total number of volumes is indicated on the cover of the first volume under the signature. A division manager may order a review sheet be made, on which documents and numbers of their sheets are written. The review sheet is placed at the beginning of each records volume. Documents received in the process of proceedings in case are merged to records based on the order of reception. Documents submitted during trials or hearings and confirmations of receipt for summons and notifications are placed before the protocol of the trial or hearing they concern. If documents or objects are withdrawn from the records, a note must be made at the relevant point in the records, stating the name of the receiver. The receiver's ID number shall be written on the confirmation of receipt.

At a division manager's ordinance issued after court proceedings concerned with verdict enforcement, records are handed over to the archive unit. The division manager may order an earlier handover of records to the ar-

chive unit and founding of substitute files. Substitute files are attached to the original records after the reason for their foundation expires. Records shall be handed over to the archive unit at least once every six months, on dates agreed upon with the archive manager. The date of handing records over to the archive unit is noted in the repertory and in the register in the field "Comments" ("Uwagi"). Records stored in secretariats shall be arranged based on groups corresponding to particular stages of proceedings (records of cases designated for a session, pending, those in regard to which proceedings have been suspended, etc.), and within the groups – by years, based on the order of signature numbers. Completion of proceedings in a court of first instance, in cases with appeal, is indicated by filing a sheet with a number of case record sheets written by the secretariat manager. The sheet includes the reason for presenting the records to a court of appeal and the delivery date of the records to such a court. Case records from which the court of first instance examined the evidence are also submitted to the court of appeal.

The court of appeal keeps a collection of its judgments. This collection consists of judgement excerpts arranged by case subjects. Completion of proceedings in a court of appeal, in cases with cassation, is indicated by filing a sheet with a number of case record sheets written by the secretariat manager. The sheet includes the reason for presenting the records to the Supreme Court and the delivery date of the records to such a court.

<u>The following repertories are kept in district courts:</u>

- "K" for cases in which a bill of indictment or its substitute document was submitted to a district court, for cases concerning the aggregate sentence, prosecutor's motions for discontinuation of proceedings for insanity plea and motions for conditional discontinuation of penal proceedings.
- "KS" for cases concerning tax offences in which a bill of indictment or its substitute document (e.g. motion for unsolicited submission to liability) was submitted.

<u>The following repertories are kept in regional courts:</u>

- "K" for cases in which a bill of indictment was submitted to a regional court, for cases concerning the aggregate sentence, prosecutor's motions for discontinuation of proceedings for insanity plea and motions for conditional discontinuation of penal proceedings, for inspection and vetting cases initiated in the course of regulations of the act of 18 October 2006 on disclosing information about safety authorities' documents of the 1944 – 1990 state and contents of those documents,
- "Ka" for cases in which an appeal from a district court verdict was lodged,
- "Kz" for cases in which complaints against decisions of district courts or against ordinances of presidents of such courts were lodged, excluding complaints against decisions of courts concerning enforcement proceedings,

- "Kzw" for cases in which complaints against decisions of district courts concerning enforcement proceedings were lodged.

Immediately after registering a case subject to entry in repertory "K", "Ks", "W" or register "Ko", "Kp", records shall be founded for such a case and labelled with a relevant signature and symbol. Records of cases in which pre-trial detention was applied are indicated by the word "areszt" ("arrest"). Every document concerning cases with the accused in custody is noted with "areszt". A note concerning the date and period of limitation of the offence charged is written on the records jacket in the right top corner of the volume containing the bill of indictment or its substitute document, by writing a given date preceded by the word "przedawnienie" (limitation). In case of proceedings against several defendants or in case of charging a defendant for more than one offence, only the shortest limitation period is indicated.

Making court files available

In court proceeding, contrary to preparatory proceedings, making records available is the rule. This issue was regulated by Art. 156 of the Code of Criminal Procedure. According to the article, case records may be made available to: parties in a case; subjects liable to return financial gain obtained by means of crime; defence attorneys; legal agents and statutory representatives. There is also an additional possibility of making certified copies of the records. The president of the court may also allow making records available to other persons. Payable photocopies of documents from case records are handed in at a request of a defendant or a defence attorney. Such photocopies may also be handed in to the above mentioned participants of legal proceedings. The Code of Criminal Procedure provides for the possibility of introducing limitations regarding availability of court files – if there is a threat of revealing a state secret.

Process of making court files available

In the process of proceedings a document may be handed over to the party or the person who has submitted it only at an ordinance of a session chairman or a reporting judge. Handing over of a document takes place after filing an authenticated copy or an extract from the document or an authenticated copy of the extract. Making records available for a party and handing over to it case documents submitted, or handing documents over on the basis of records may take place after confirming the person's identity. As regards persons other than parties in a case, it may take place only after confirmation of relevant entitlement following from regulations of court proceedings. Reviewing of records takes place in the presence of a court clerk. The division manager allows reviews of case records in his/her secretariat by entitled representatives of social organisations which may join pending proceedings or declare participation in the proceedings. If a person entitled to review records is in custody, the division manager may allow, at the person's request, sending the

records to a penitentiary or a custody suite, unless special circumstances favour the review in the secretariat.

Complaints and motions

As in the case of common units of public prosecution, in common courts, there is no system for online submission of complaints and motions. The only possibility is to appear in a given court at specified judges' office hours. Information concerning office hours can be found on websites of particular courts.

Keeping registers

The following means of registering in courts exist:

- repertories;
- lists;
- card-indexes;
- sets of calendars of causes;
- sub-ledgers.

These means are used for registering court procedures, controlling the course of cases, drawing up statistical reports and they constitute a basis for labelling, arranging and storing of records. Entries to these registers are made immediately after a basis for them comes into being. Repertories, lists and sub-ledgers, hereafter referred to as "office books" are kept using a yearly system, with numbering from the beginning of a given year, with exclusion of exceptions mentioned in these regulations. The same book may be used in following years, beginning its numbering from the beginning of the following year, provided there are enough blank pages for half a year. The name of the court and division, book's name and calendar year shall be written on the cover and the first page of an office book. Office books shall be bound with numbered pages. The total number of pages is written and certified on the last page. After a calendar year, the secretariat manager closes the book, writing the number of items in the book under the last entry and signing this note. The closing of a case is indicated in office books by marking its reference number with a coloured mark. This means putting an "L" mark on the reference number. An accidental or erroneous case entry to an office book is corrected by crossing it out, without changing the reference numbers of following cases. Other accidental or erroneous entries must be crossed out, with a note and valid data next to it. The person who crosses out an accidental entry certifies it with his/her signature together with a date. Division secretariat manager keeps a set of calendars of causes in files, separate for each calendar year. Calendars of causes are arranged chronologically and stored for two years.

Case registration is done by putting the letter instituting proceedings down into a relevant repertory and alphanumeric index. An alphanumeric index is kept for each repertory and list.

The secretariat manager runs a "Monitoring index of all sent files" which comprises the following sections:

1) reference number;
2) case marking;
3) file sending date;
4) addressee denotation;
5) anticipated return period;
6) reminders of file returning sending dates;
7) file return date;
8) comments.

In "Comments" section dates of reception of documents sent at a time ought to be noted, which after document return should be added to them. These documents are stored in an appropriate file until document return. An annotation is made in repertoire if a file is returned to another court or unit or another authority. The secretariat manager checks the Monitoring index monthly and if necessary sends file return reminders of which he/she informs the unit supervisor.

A "Monitoring index of drawing up statement justifications on time and arranging means of appeal" is kept in courts. Monitoring index is kept separately for each of the divisions; in divisions divided into sections – separately for each section, and in divisions of regional courts considering cases at first instance and appeal – separately for each case type. Justifications drawn up *ex officio* for which a means of appeal has been put forward are also noted in the monitoring index. Monitoring index is kept by a secretariat manager of a given division or section. At a secretariat manager's request, the division manager may order another secretariat's employee to manage a monitoring index. Number of sheets in a monitoring index should allow for the number of judges and justifications drawn up yearly by particular judges. Each monitoring index sheet should include the name of the judge whose cases are to be controlled. When setting up a monitoring index for a new calendar year, case reference numbers of cases unmarked in the previous year's monitoring index ought to be written on the first sheets of given judges. In such a monitoring index all the court actions taken in inter-instance phase are registered in order to check the current supervision of their timely execution.

In criminal divisions of the first instance the secretariat manager keeps a "Monitoring index of cases threatened by limitation", used for storing signatures of cases whose limitation period is shorter than two years. Criminal division secretariat manager keeps the monitoring index up to date on a regular basis by recording signatures of unresolved cases in which due to extending court proceedings the limitation period is shorter than two years. Cases entered into the monitoring index are under permanent supervision of the division manager and the secretariat manager.

Mail reception and sending

A paper filed to court is marked with receipt stamp with a court's marking and an annotation is made with data and time of reception, number of appendices and a receiver's signature. At a request of a person filing a paper, registry office or an employee authorised to receive mail certifies paper's reception on its copy or in the register. The secretariat manager presents incoming paper to the president (another judge) for him/her to make orders concerning dealing with the paper or depending on the content of the paper to make other administrative orders on his/her own. An annotation as to fulfilling the order is made next to the order by a secretariat employee. Ordinances and annotations connected with document workflow and their handling ought to have a date and a legible signature or an abbreviated signature and a stamp with a signing person's name.

Parcels are sent from court by registry office or an employee assigned to mail reception and sending. The date of transferring a paper or a parcel to be sent to the registry office (assigned employee) is annotated in appropriate files and office books by a secretariat employee. Parcels sent to institutions which are located in the same building are transferred directly against confirmation of receipt without contacting the registry office. Papers sent by a court are delivered to addressees in envelopes against confirmation of receipt which should include in particular the date and type of delivery. Confirmation of receipt is added to case files immediately after its delivery. Defining a type of sent paper on the confirmation of receipt cannot include any information with regards to its substantive content. If a paper is delivered against confirmation of receipt by an authority other than mail service a form of receipt confirmation for postal court papers deliveries is used.

In a document sent by a court, court name, case reference number, date of signing, position and function performed and name of the signer is given. Full name can be substituted with an appropriate abbreviation, provided there is a name stamp. If needed, the case subject is indicated on the left side of the document under case reference number. In reply to the received document, a date and case reference number is set. A signed copy of the document sent by a court is left in the files with a sending date annotation. For frequently repeated actions forms and templates designed for such purposes shall be used.

Court office work in IT system

The president of the court can order court secretariats to replace traditional solutions in terms of running registering devices with IT systems which satisfy the minimum requirements for IT systems defined by the Ministry of Justice.

The secretariat manager or an authorised employee:

1) exercises systematic control over appropriate data protection;
2) is responsible for storing mail concerning software version, breakdowns and servicing;
3) informs an appropriate authority of executing technical guidelines.

Data included in letters instituting proceedings and other data useful during proceedings which have been extracted in electronic form may be entered into the system employed:

1) from Public Prosecutor's Office System "LIBRA";
2) from entities filing documents initiating proceedings;
3) from other than those indicated in 2) – parties and participants of proceedings;
4) from other court divisions' IT systems received with the data of a transmitted case or with a transmitted means of appeal.

The following tasks can be carried out with the use of the IT system employed:

1) registration of initiating documents (statements of claim, motions, indictment) which are introduced to court in repertoires kept in a division in the IT system;
2) independent of the registration mentioned in 1) it is possible to ascribe a permanent and unchangeable case number in IT case register of a given division during the considering of a case;
3) registration of data concerning entities in a case: petitioner, respondent, accused, applicant and witness, etc;
4) automatic case distribution based on previously introduced assumptions or individual case distribution (manual distribution);
5) keeping session and trial agenda, aided by free date, a given judge and free room search so as to avoid a risk of interference;
6) automatic calendar of causes preparation on the basis of set case room and dates;
7) automatic generation of notices and notifications of trial (session) dates on the basis of repertoire data and trial (session) agenda notes;
8) automatic mail merge (envelopes and returns) generation and recording;
9) drawing up and registration of documents (statements, ordinances and papers) emerging while a case is being run, filled with case access data;
10) drawing up case and sessions reports on the basis of templates updated with data entered into the IT system;
11) drawing up statements, ordinances, calls and other papers on the basis of templates updated with data entered into the IT system;
12) registration of incoming motions such as appeals, cassation, objections, charges and complaints;
13) automatic sorting of cases in repertoire according to a case reference number or other introduced ways of searching;

14) searching for a particular case on the basis of: case reference number, surname/name (or part of it) of entities participating in a case, a judge in charge of a given case etc.;
15) keeping control over the current case state and checking the trial's previous proceedings, in particular notifying of lack of action other than case registration and lack of action for a given period of time in particular case groups and concerning a particular clerk;
16) keeping an incoming correspondence log;
17) keeping a register of court cooperatives, such as: experts appointed by court, officially sworn translators, candidates for insolvency officials etc.;
18) registration of returns and possibly using bar codes and storing information abort return registration in every case;
19) automatic drawing up reports from registering devices;
20) making available for those participating in a proceeding and their representatives case data via available IT networks.

"Judge 2" System[9]

"Judge 2" is an IT system currently operating in common courts. ZETO Świdnica, a company which has been providing IT services for Polish courts for over 12 years now, is the author of the system as well. "Judge" System is an all-embracing tool for court case management and keeping electronic record devices. Vast experience and state-of-the-art technologies implementation allowed for creating an easy to operate application which ensures safety and fast data access. Compliance with legislative and official certification requirements guarantees the ultimate quality and the possibility of data exchange with other applications.

Modules available within the system:

- Civil division;
- Criminal division;
- Labour division;
- Family division;
- Coverage division;
- Labour and coverage division;
- Magistrates' division;
- Commercial division;
- Civil appeals division;
- Criminal appeals division;
- Coverage appeals division;
- Labour and coverage appeals division;
- Commercial appeals division;
- Penitentiary division;
- Inspection division;
- Non-pecuniary criminal enforcement;
- Non-pecuniary family enforcement;
- Registry Office;

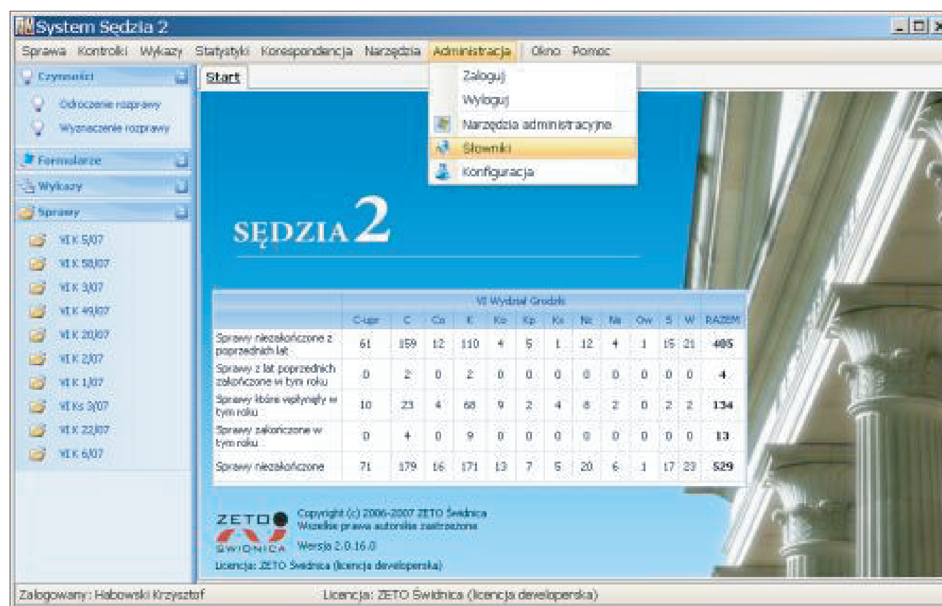
[9] Information concerning "Judge 2" System comes from http://www.zeto.swidnica.pl/

- Electronic document workflow;
- Customer service;
- Judges;
- Court portal;
- e-calendar SWOR;
- Website extension;
- Other court departments' general cases;
- Supervision;
- Support for case workers;
- Support for pecuniary executive.

The system allows for:

- 78 electronic repertoires (I and II instance);
- automatic control creation;
- 48 records and period statements;
- session agenda;
- employee agenda;
- incoming and outgoing mail registers;
- personal data change register;
- occurrence notification.

Figure 4. "Judge 2" System – interface



Source: *http://www.zeto.swidnica.pl/index.php?id=24,0,0,1,0,0*

Electronic documents

The system actively supports diverse papers' creation through filling the documents with data gathered in repertories. Using over 200 ready-made

templates, one may create notices, notifications, calendars of causes, injunctions, letters rogatory, verdicts, decisions, ordinances and reports. Each of the issued documents can be edited manually and printed.

More effective court operation

- notification about deadline terminations (e.g. of court appointed expert evidence or judge's justification preparation);
- support for statistics and period statement creation;
- checking room availability;
- checking employee availability;
- verification of correctness of data entered;
- electronic data exchange with other entities;
- checking deadline maintenance;
- checking workload and effectiveness.

Work aid functions

- full system personalisation;
- editors of most commonly performer activities;
- searching and browsing through cases, entities and sessions;
- name record;
- entered data verification and indicating ways of correct complementation of missing information;
- using bar codes on returns;
- cooperation with franking machine.

The system comprises an incorporated central public prosecutor's offices and court base along with their addresses. Data entering is also facilitated by an incorporated name, postal codes, towns, countries, citizenship, currencies, legislative acts and legislation base. There are 52 automatically updated data entries, e.g. date of birth with PESEL number, sex deducted from a name, town and Voivodship deducted from a postal code.

The System has grand data exchange possibilities. Every information displayed in the programme can be printed.
Data can be saved as PDF, Excel, TXT, HTML, RTF, MHT and graphics formats JPG, PNG, BMP, GIF, WMF, TIFF, EMF.

Data export to XML files enables transferring the information entered to other courts, authorities, internet calendars of causes. Similarly, data import from electronic indictment, civil statement of claim, motion for penalty or cases entered in other courts is possible.

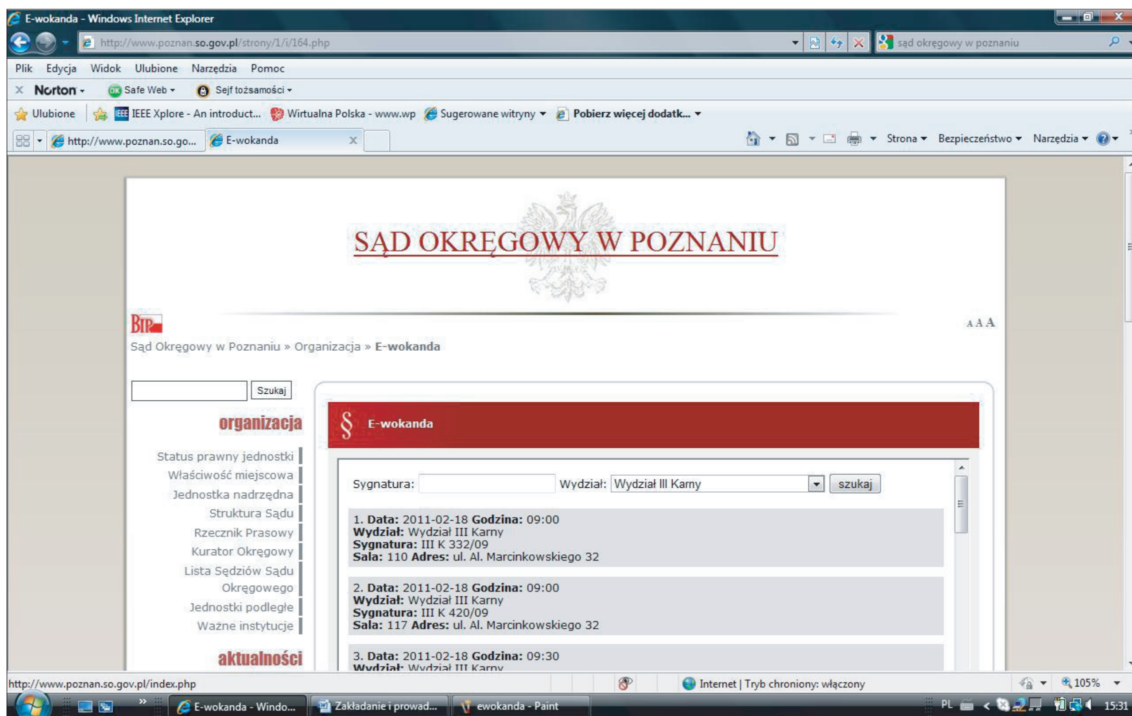
Electronic signature

The system allows for integration with public key infrastructure, which in turn enables electronically signed mail recording and signing and verifying documents created in the programme.

Electronic calendar of causes

Electronic calendar of causes enables full replacement of paper calendar of causes placed in front of court rooms. Information on sessions, reference numbers, sued parties, adjudicating panel are updated on the display. Displays are installed either in front of each court room or collectively for a few rooms, the whole department or in the court's main hall. "Judge 2" System automatically displays information on all sessions planned for a particular day on e-calendars. There is no need to draw up a calendar on the session day. Using the session agenda one may browse through all the past calendars, it is not necessary to keep additional calendar file.

Figure 5. E-calendar – a list of cases by reference numbers



Source: http://www.poznan.so.gov.pl/strony/1/i/164.php

Court portal

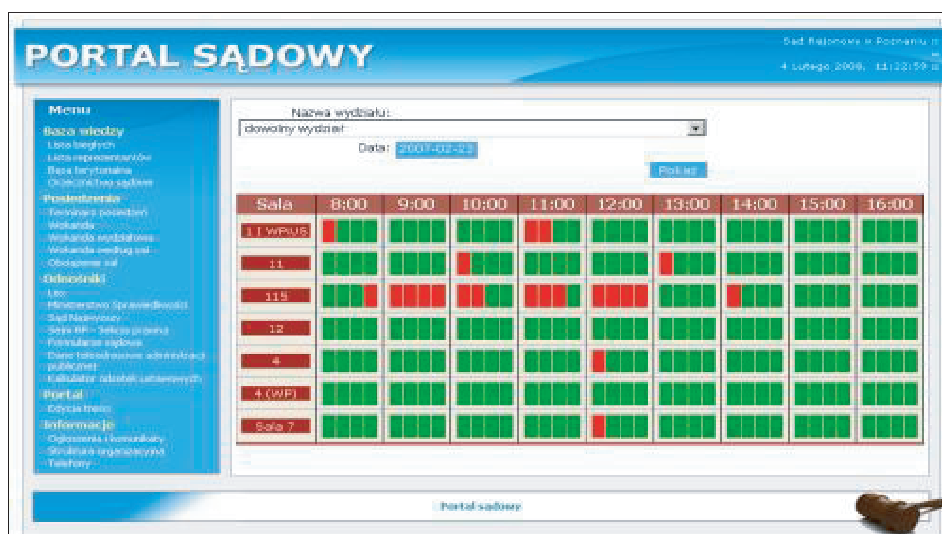
The portal plays an educational role both for court employees and customers. It allows for browsing some of the "Judge 2" system information through an Internet browser. It also enables the creation of its own subpages with an incorporated editor. All kinds of information useful for court employees and customers may be added: messages, announcements, phone numbers, informational structure, building plan, court room layout, etc. The Portal has a court and public prosecutor's office territorial base as well. Any unit can be sought via it with the data on its

address and phone and fax numbers. The Portal is also equipped with a list of useful Internet resources links.

Trial Support and Organisation System (SWOR)

Trial support and organisation functions are a part of the court portal. With the use of an Internet browser one may look through the session agenda. It also enables finding past and planned sessions by judge, court room, type and time period. A central list of court appointed experts with their field of expertise, scope of work and full mail and contact data is a useful tool. The list of court appointed experts can be browsed by field of expertise, name or surname. A similar functionality has been set up for professional representatives such as lawyers, barristers, patent agents, case workers etc. The system enables updated monitoring of number of people in a given court room. Therefore, more efficient court room management is possible.

Figure 6. Court Portal – interface



Source: http://www.zeto.swidnica.pl/index.php?id=24,98,0,0,1,0

Compliance with requirements and standards

- Common court office hours (23 February 2007);
- Office instruction (MS Nr 81/03/DO Instruction with later changes);
- DCORS type approval – minimum requirements for IT systems;
- DCORS type approval – data structure and file format;
- Act on activity informatisation of public duty implementing entities;
- Personal Data Protection Act;
- Recording and statistic records – the scope of recorded data;
- SIP AO XML format – electronic indictment import;

- Poczta Polska Regulations;
- ISO 9001:2000, ISO 3166, ISO 4217.

Technology

- Efficient MS SQL data base;
- Modern MS.NET Framework environment;
- User-friendly window and tab interface;
- Innovative browser and list mechanism;
- Unique document and paper creating system;
- Full compatibility with MS Windows Vista.

Electronic inbox

Mail may be sent to court in electronic form via electronic inbox. It facilitates citizens settling office matters via the Internet. It is necessary to have an account on ePUAP platform (free account) and e-signature verifiable through a valid qualified certificate. Thus public institutions will be able to carry out the duty as regulated by the Act on activity informatisation of public duty implementing entities, of e-signature (file and application motioning and other electronic activities). To put templates and forms of e-documents in order, a Central Document Template Repository (CRD) has been set up, which is a base in which all the valid administrative templates and forms can be found.

BIBLIOGRAPHY

The document is created based on the following legal regulations:

1. Regulation of Minister of Justice of 23 February 2007 on functioning of common courts
2. Regulation of Minister of Justice of 24 March 2010 on internal functioning of common units of public prosecution
3. Ordinance of Minister of Justice of 12 December 2003 on structure and scope of activities of court secretary's offices and other court administrative departments
4. Ordinance 5/10 of Public Prosecutor General of 31 March 2010 on structure and scope of activities of secretary's offices and other administrative departments at common units of public prosecution
5. Regulation of Minister of Justice of 16 June 2003 on detailed conditions and procedure of delivering court letters in penal proceedings
6. Ordinance 2/2010 of National Public Prosecutor of 5 January 2010 on implementation of "Sydig" records digitalisation system
7. Ordinance 1/2010 of National Public Prosecutor of 5 January 2010 on procedure and conditions of implementation of "Sydig" records digitalisation system at common units of public prosecution
8. Ordinance 14/10 of Appellate Public Prosecutor in Poznan of 1 March 2010 on implementation and conditions of functioning of Electronic

System of Document Access and internal electronic mail at Appellate Public Prosecutor's Office in Poznan

9. Ordinance 14/10 of Public Prosecutor General on 22 April 2010 on the conditions and evidence of customers' reception on complaints and motions at Public Prosecutor General's Office

ELECTRONIC TOOLS FOR CRIMINAL JUSTICE IN FINLAND – BEST PRACTICE CASE

1. INTRODUCTION

Finland was selected as a case study from the Scandinavian countries because of its exceptionally developed technical infrastructure and relatively cheap telecommunications. Finland has one of the highest numbers of internet users per capita in the world and well developed registers.

Finnish and Swedish are the two official languages in Finland and citizens can communicate with the public authorities in both languages. The Finnish legal system is based on the Scandinavian and European tradition.

The Finnish system assesses the court's performance using productivity, economy and effectiveness indicators. Productivity is calculated in terms of the number of decisions per judge or per unit of administrative staff. The principal indicator of the economy or efficiency of the court is the cost per decision, calculated by dividing the annual budget of a particular court by the number of decisions made by its judges. The calculation of effectiveness is more complex. It is based on the assumption that expeditious proceedings are fundamental to the judicial process and their rights of the citizens. Consequently case processing times are taken as the key measure of effectiveness.[1]

2. THE FINNISH SYSTEM OF (CRIMINAL) JUSTICE[2]

The Finnish Constitution guarantees all people the right to have their case heard appropriately and without undue delay by a court or other public authority. All citizens have the right to any decision affecting their rights and duties being reviewed by a court or other judicial body.

In addition, the Constitution contains basic provisions for fair trials and good governance. These provisions are guaranteed with public proceedings, the right to be heard, the right to receive a decision containing reasoning, and the right to appeal against the decision.

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1 European Commission for the Efficiency of Justice (CEPEJ), 2010, Quality management in courts and in the judicial organisations in 8 council of Europe member states, Phillip M. Langbroek, p. 44.

2 All information on the Finnish system of justice is taken from the brochures of the Ministry of Justice, www.om.fi, "The Judicial System of Finland, Criminal Procedure Act 689/1997".

The independence of the judiciary is constitutionally guaranteed. The courts are under the sole obligation to apply the law in force.

General Courts in Civil and Criminal Matters

District Courts

Finland is divided into a number of judicial districts, each with a District Court *(käräjäoikeus)*. The districts vary greatly in size, both in terms of population and area. A District Court is made up of a Chief Judge *(laamanni)* and a number of other professional judges *(käräjätuomari)*.

In civil cases, proceedings start with a pre-trial phase, after which the case is adjourned to the main hearing. The case also can be resolved in the course of the partly written and partly oral pre-trial procedure.

In criminal procedure the principles of orality, directness, and concentration of the trial are stressed upon. The main hearing is divided into the opening statements of the parties, the presentation of evidence and the conclusions.

The rights of the accused are respected as stated in the European Convention of Human Rights. In Finland, the victim has the right to claim damages from the accused in connection with the criminal proceedings and it is the public prosecutor's duty in certain situations to present the claim for damages on behalf of the victim.

In criminal cases, and in some cases concerning family law, the court is composed of one presiding professional judge and three lay members (volunteers elected by the municipal councils). Minor cases are tried by one judge alone.

Courts of Appeal

The second instance in an ordinary case is the Court of Appeal (hovioikeus), which hear civil and criminal appeals.

All decisions by the District Courts may be appealed to the Court of Appeal. The parties have a right to refer both to questions of fact and questions of law.

In the Courts of Appeal, three judges hear the cases. The Court of Appeal first carries out a screening procedure, where the presiding Judges determine whether or not to consider the matter further. If the Court of Appeal considers that the decision has been correct already in the district court, the Court will not entertain the appeal.

The appeal procedure is similar in both civil and criminal cases. After preliminary preparation, the case can be resolved either after hearing or in a written procedure. Unless the appeal is clearly without merit, the

Courts of Appeal must arrange an oral hearing if the Court evaluates case evidence again or upon request of a party.

The Supreme Court

The third and final instance is the Supreme Court *(korkein oikeus)*, seated in Helsinki. Its most important task is to establish precedents, thereby giving guidelines to the lower courts on the application of the law.

The Supreme Court hears both civil and criminal appeals, however, cases are admitted only under certain conditions.

The Supreme Court may grant a leave to appeal in cases in which a precedent is necessary for the correct application of the law, a serious error has been committed in the proceedings before a lower court or another special reason exists in law.

Normally, two members decide whether leave should be granted. If leave is granted, the case is decided in a panel of five members. If the matter is important in principle and has far-reaching consequences, it is decided in a plenary session or in a reinforced panel of eleven members.

Usually, the Supreme Court decides cases on the basis of written materials; however, the Court also conducts oral hearings and inspections.

Special Courts handling criminal cases

The High Court of Impeachment *(valtakunnanoikeus)*, which has been convened only a few times, hears criminal cases relating to offences in office allegedly committed by a member of the Council of State, the Chancellor of Justice, the Parliamentary Ombudsman, a member of either the Supreme Court, or the Supreme Administrative Court. In such cases, the Prosecutor General, the Chancellor of Justice, or the Parliamentary Ombudsman is responsible for prosecution.

The Prison Court *(vankilaoikeus)* makes decisions on the isolation of dangerous repeat offenders and orders young offenders to serve their sentence in juvenile prisons.

Prosecutors

The Prosecutor General *(valtakunnansyyttäjä)* is appointed by the President and is the highest prosecuting authority in Finland. As the director of the prosecution service, the Prosecutor General manages and supervises its operation and work.

The State Prosecutors *(valtionsyyttäjä)* who work in the Office of the Prosecutor General, appraise the evidence and decide whether charges should be brought in cases with wider national significance. The State Prosecutors have the right to act throughout the country and are appointed by the Government.

The Prosecutor General appoints the Finnish District Prosecutors *(kihlakunnansyyttäjä)* who serve as local prosecuting authorities.

The prosecutors must base their decisions to bring charges on the preliminary investigations of the police department; it is their duty to appraise the available evidence and determine whether there is a *prima facie* case. If not, the prosecutor will make a decision not to prosecute. Prosecution may similarly be refused in cases, for instance, where the alleged offence is of minor significance.

Finland is a member of Eurojust, established by the European Union Member States in 2002 to support cooperation between prosecuting authorities and investigation of serious international crimes.

Shortly, district courts determine first degree criminal cases in Finland. Criminal cases include theft, drunken driving and acts of violence. District court decisions can normally be appealed to the Court of Appeal. An appeal can be lodged with the Supreme Court against a Court of Appeals judgment, however, only in cases where the Supreme Court grants a leave to appeal.

An offence is reported to the police who start a criminal investigation if there is reason to believe that a crime has been committed. Not all offences reported to the police lead to criminal investigation.

3. CASE MANAGEMENT SYSTEMS AND EXCHANGE OF INFORMATION AMONG THE AUTHORITIES

The use of technology in the courts in Finland dates back to the early 1980s when the legal databank, *Finlex* was introduced. In 1986, some courts implemented the Court Decision System, in criminal cases only, the Real Estate Information System, and case management systems. By the end of the 1980s, all courts in Finland had installed personal computers, mainly for word processing and to access the mainframe system. The first court systems were distinct from *Finlex* (the law database, www.finlex.fi), the Real Estate Information System, and the Court Decision System.

The evolution of case management systems was introduced for the management of civil cases and then for the criminal cases' management that followed. Since the criminal case management system was based on civil cases, hereby the civil cases' management systems are also presented.

During the planning of the new civil procedure in Finland which entered into force in 1992, it was realised that the most numerous civil cases would be effectively dealt with through written proceedings. As the decision given by the court in the written proceedings would in most cases be based on the fact that the defendant does not contest it, the decision could be rendered summarily by the clerks in the court; a judge would

not be needed. With 350,000 summary cases pending before the reform, it was deemed essential to install an automated case management system for the new procedures. The procedure was adapted to take full advantage of the possibilities of automation and electronic communication. This technological adaptation made it possible to use IT extensively in written preliminary hearings.

In this framework *two systems were developed, the **TUOMAS** case management system and the **SANTRA** electronic transfer system.*[3] These two systems work in combination as follows:

The courts receive applications electronically by way of the SANTRA system or through electronic mail and fax. **Plaintiffs using SANTRA transfer the data on all their applications to the common "mailbox" of the courts. The SANTRA system then forwards the applications to the individual mailboxes of the courts. The courts then update their own TUOMAS systems on the basis of data in their mailboxes.**[4] The court summons the defendant, typically through the postal system. The Finnish Post operates an electronic posting service (EPS), which the court can use, **as the Court is not required to receive signed summons**,[5] and the Court need not send the original document of the application in most cases.[6] ***The TUOMAS system produces the documents or files required for summonses. Sending the files to the Finnish Post is automated both in TUOMAS and in SANTRA.*** TUOMAS will track the deadlines given to defendants for contesting. If the deadline has passed, TUOMAS will produce the decision of the court based on the data in the application and summons. ***In many cases the court will contact the plaintiff by email or fax if the plaintiff has informed the court that the address to send the message is an electronic mail address.*** **The Court will** use electronic mail and calendar software in later phases of civil proceedings to schedule hearings and summon parties. In most of the contested cases, the judge makes a summing-up at the conclusion of the preliminary stage. TUOMAS stores and tracks all the documents in a case, forming an electronic database for future use. ***Testimony received in the main hearing is usually audiotaped.*** Minutes of the hearing are produced, but the Court no longer uses verbatim transcripts of hearings. Instead, the Court indicates what has transpired during the hearing. ***If a person wants to know what a witness has said, he or she can listen to the tape.*** Naturally, the court decision is still a written document. The judge can use the texts of the application and the summing-up in writing the decision if stored in the TUOMAS system. ***In debt collection cases, a plaintiff using SANTRA will also receive the decision back to its data-systems via SANTRA.*** That court can use this data to apply for enforcement. The automated enforcement system of the pertinent authorities can make a direct use of that data.

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[3] Information on SANTRA and TUOMAS is taken from *Kari Kujanen CIO of the Ministry of Justice*, E-services in the courts in Finland, Jusletter 8 November 2004.

[4] http://www.rechtsinformatik.ch/Tagungsband_2004/kujanen.pdf p. 4-6.

[5] The document submitted to court does not need to be physically signed as long as there is sufficient information in the message to enable the court to contact the sender if it doubts the originality of the message.

[6] Judge sends online the particular document to the Finnish Post. Finnish Post prints this document and delivers it to the addressee.

A hard copy of that decision is posted to the plaintiff, because it is still needed for the formal filing of the request for enforcement.[7]

Case management system in criminal cases is more complicated as more parties and public authorities are involved; the police, the prosecutor, the injured parties and the courts. ***The SAKARI case management system covers the workflow of the prosecutors and the courts, with link to the system that police use.*** The new system has roughly the same case management features as the Tuomas system in civil cases, but more emphasis has been given to the management of the cases in the court. ***Since late 1999 the new Sakari system has been utilised in some 60% of all criminal cases."***[8]

More on SAKARI case management system[9]

Sakari system has been used since 1996. On 31.3.2009, Ministry of Justice set up a project to develop the criminal judgment application system including the Sakari system. The term for the nominated committee is 1.4.2009 – 31.12.2011.

The Ministry of Justice may give orders to courts and prosecutors records ("diaari"), also about the application of Sakari system. The most recent order is given on 14.10.2005 (9/39/2005) to Prosecutor Offices as well as to the District Courts. The purpose of the order is that all the Prosecutor Offices and the District Courts register criminal cases following the new rules of registering. The aim is to assist the flow of information between police, prosecutor and district court. A uniform way of registration procedure is an instrument to improve comparison between different units (in prosecutor or district court) in the amount of caseload and workload for the purposes of supervision of work, statistics and control management.

Criminal cases based on the Criminal Act constitute the main part of the recorded cases in the Sakari system.

Several features of SAKARI case management system are the same as the TUOMAS case management system for civil cases due to the similar history. SAKARI case management dates back to 1990s, when the prosecutors' office and the district courts had to implement case tracking system to provide information about basic data of the person involved in the crime, suspected crimes committed as well as issuance of the related decisions. This case tracking system was implemented before the criminal reform – the uniform penalty system. This reform established

[7] http://www.rechtsinformatik.ch/Tagungsband_2004/kujanen.pdf

[8] *M. Fabri, F. Contini*: Justice and Technology in Europe: How ICT is changing the Judicial System, 2001, Kluwer Law International, Hague, ISBN 90-411-1694-X

[9] *F. Contini., G. F. Lanzara*: ICT and Innovation in the public sector, PALGRAVE MACMILLAN, 2009, p. 122, Online http://books.google.com/books?id=duEjQHFk7bUC&pg=PA122&dq=functions+of+the+SAKARI+system+in+Finland&hl=en&ei=YJZ4TfWsBc_Gswaa0NDhBw&sa=X&oi=book_result&ct=result&resnum=3&ved=0CDcQ6AEwAg#v=onepage&q&f=false

that all the possible criminal offences committed by one suspect would be considered as one single case and will be processed by one judge. The prosecutors could share all gathered information among each other and based on the outcome they could decide before which court the case is to be filed. This was the case when suspect had committed several crimes, with several separate ongoing investigations under separate jurisdiction. This procedure of course required sufficient technological equipment, computers, emails etc.

The subjects benefiting from by SAKARI system are the police, the prosecutors, the district courts and the prisons. The system manages documents relating to a criminal case electronically as well as the editing of documents needed for a trial.

The information flow goes into the following direction: police → prosecutor → court. After the decision is made, it goes the other way around – from the court to the prosecutors' office. After investigation is completed, the information figured out is being processed from police electronically managed system into SAKARI case management system in standard structured document, which a prosecutor can use or edit in.

The police and the prosecutors' office communicate via email and they also exchange important documents such as witness statements electronically. In case these documents are in hard copy form only, these will not be scanned. Once the form is filled and put into the system, through SAKARI one can search on cases pending with the same suspect, if under any circumstances he/she has committed a crime elsewhere within the country, to unify pending proceedings in one that is brought before the judge. The communication between the prosecutor and the judge is online, using the same intranet which has to fulfil certain security standards. The prosecutor can also see the court`s calendar. The prosecutor releases the application for criminal summons in the Sakari system. However all the papers are also delivered (by post or otherwise) in hard copy to the District Court. Through Sakari the Prosecutor can send information to the District Court e.g. information on urgency of the case (e.g. imprisonment, travel ban, under 18 years).

After the decision is taken, the prosecutor can find out the basic information in SAKARI case management system and the ruling itself is sent to the prosecutor electronically. The prosecutor can visit the Court Decision system[10] to obtain basic information about the sentence. An appeal against the ruling can be sent via email and the communication with the court of appeal can be implemented in an electronic way as well.

In the District Court Sakari contains important information along the whole case such as all possible dates, phases of handling, parties, contact details, representatives, methods of service, decisions and final judgment, notice of discontent to the judgment, secrecy.

[10] For the Court Decision system, see below.

Benefits

A well-kept case-tracking system database contains "virtually all the important information … [concerning] every action, cause or matter filed in the court, including parties' particulars, the nature and quantum of the claim, the document filed and the outcome of hearings, etc. Having all this data in electronic format opens up a number of options to further enhance the efficiency of the court. Office automation functionalities have been developed to allow the user to automatically fill standard documents, (e.g. notification tickets), extracting data directly from the database, (e.g. the date of the event that is notified, names and addresses of lawyers and parties). This not only reduces the workload of personnel but also the probability of making mistakes. In most cases, once generated, these documents are printed, signed and sent by mail or by other means of transmission. In **Finland**, the documents are sent electronically to the post office in the area where the addressee lives, then printed and delivered physically.[11]

"The initial registration without double or triple filings has reduced data entry errors and helped the data support staff to proceed quickly, thanks also to the fact that prosecutors and judges were using the applications themselves to prepare their own documents thus saving the administrative staff time." The more complete the fulfilment of the application by the police is, the less work is needed by the prosecutors.

SAKARI is being updated on a regular basis by a group of professionals – representatives of the organisations that deal with the fight against crime. This group defines the priorities and future development of the SAKARI case management system for its better use.

The Court Decision System

Using the **Court Decision System**, notifications processed in that system are sent electronically to the prison administration, the enforcement service for collection of fines, the criminal record, the motor vehicle authority (in charge of withdrawing the right to drive), the customs and the Statistics Finland. Some of this information is also passed to the police for recording into their systems. What is interesting is that the Court Decision System is also used in the production of the hard copy of the court decision at the same time the notification is produced[12].

In the Court of Appeal Turku it is possible for a client to use client PC which is connected to court PC. Clients or anyone can go to court "diaari" database, there is all the cases pending in the court, names of the parties and dates of the case. But a client cannot get into it by his or her own PC and there is no access to the case papers itself. The case files have to be ordered separately from the courts "kirjaamo" client services and there is a cost based on the number of pages per paper. But the submissions can be done then electronically.

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[11] See *M. Velicogna*, ICT within the Court in the E-justice era, www.effectius.com, Effective justice solutions, p. 4.

[12] *Kari Kujanen*, E-services in the courts in Finland, Jusletter 8 November 2004.

4. ACCESS OF CITIZENS TO CRIMINAL PROCEEDINGS IN FINLAND THROUGH ELECTRONIC TOOLS

The citizen's account

In the Report of Inspection of the District Courts 2008 (in the area of Turku Court of Appeal) done by the Inspector at the Court of Appeal in Turku it is stated: "…the use of e-mail (electronic transmission) as a delivery method of written pleadings to the court is very common. All the court, parties and their representatives use it. Very often e-mail has made things going easier to handle…"[13]

In Finland, every citizen can create his/her own account, while dealing with State Authorities. ***Using Citizen's Account, a citizen can view the status of his/her affairs in process, electronically receive decisions and notifications concerning him/her, submit electronic documents to the authorities and manage his/her contact information.***

Citizen's account is a secure method for electronic communications, decisions and messages between the authorities and the citizens. The use of Citizen's account requires the citizen's permission. Identification to the service is done using either personal online bank identifiers or an electronic certificate card. Citizen's account lets him/her to:

- Receive in electronic form official decisions and statements concerning him/her;
- Deliver electronic documents to authorities;
- Maintain his/her own electronic contact information.[14]

The Citizen's service provides for specific rules and instructions concerning the safety of use of the electronic services.

Electronic tools for criminal justice through the Citizen's Service

Through the Citizen's Service of Finland (www.suomi.fi), a service of Finnish public administration for citizens, the Finnish citizen can do the following actions electronically:

- Download the form for claim for compensation (based on the Act of Compensation for Crime Damage), complete the online form and submit it to the Compensation Services of the State Treasury to the address mentioned on the form.
- Download the Legal Aid application form, complete and submit it. Legal aid extends to all legal matters including criminal cases. Under certain circumstances in criminal proceedings a defendant is guaranteed a publicly funded defense attorney, regardless of his or her financial standing. Victims of serious crimes of violence and sex crimes may be awarded publicly funded legal counsel, regardless of their income.

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[13] In Finnish the citation is: Turun hovioikeus, alioikeuksien tarkastajan tarkastuskertomus vuodelta, 2008, page 456.

[14] https://www.suomi.fi/suomifi/english/eservices/information_about_citizens_account/index.html

From March 1, 2010, legal aid can be applied for electronically. The electronic application, in Finnish and in Swedish, can be found through the Ministry of Justice website (www.oikeus.fi) at the page *Oikeusavun asiointipalvelut* (Legal Aid e-Service) or directly on address http://asiointi.oikeus.fi.

The applicant needs a Finnish online bank user ID to apply electronically. If the electronic application is inaccessible to the applicant, he or she may apply for legal aid at a Public Legal Aid Office. Contact information for the Legal Aid Offices can be found on the web link of the Ministry of Justice.

- Moreover, one can apply electronically for a criminal record extract through www.suomi.fi as well as an international criminal record extract choosing also the language in which you prefer the extract to be issued (English, French, Spanish or German). The application is submitted electronically and the extract comes to the applicant's address together with the bill to be paid (cost 11 euro).

How to report a crime electronically

Since 2003, the Ministry of Interior has implemented a new strategy of ***reporting crimes online***. This site was opened purely to improve the customer service, but it worked out and is commonly used in Finland.[15]

On the web page of Finnish police,[16] one can find the necessary online documents that one needs to fill in, reporting crime online. Before pre-trial investigation can begin, the police need to have as detailed a description as possible of the offence and of the parties involved. The parties are the injured party (person/persons affected by the criminal act) and the suspect/s.

As presented on the police website, the following information is required when reporting an offence:

- description of what happened and how it happened;
- precise time and place of the events;
- name of the offender, if known;
- description of the offender (age, height, build, facial features, eye color, teeth, speech, hands, way of walking, dress);
- how and in which direction the offender fled;
- if the offender had a vehicle, the vehicle registration number and other means of identification (make, color, model);
- how dangerous the offender is (armed, state of mind, threats, substance abuse, etc.).

The police will enter the reported information in the Investigation and Legal Assistance System sub-file of the Data System for Police Matters.[17]

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[15] http://www.tonews.com/post/3516002/clari/online_crime_reports_a_success_in_finland.html

[16] www.poliisi.fi

[17] http://www.poliisi.fi/poliisi/home.nsf/pages/A9CCC9A6A06501E1C2256BBA002D412E?opendocument

In the police website the citizen can find standard forms of reporting the following crimes:

- Report of an offence concerning stolen property;
- Report of an offence concerning damaged property;
- Report of an offence concerning a stolen or lost firearm;
- Report of an offence concerning a stolen or lost document issued by the police.

The citizen fills in the form and delivers it personally to the police department in whose area the crime was committed. A list of the police departments is available on the website of the police.

Cyber crime

An internet tip-off system is in use in Finland for intervening in on-line threats. The Finnish internet tip off system is intended for intervening at least in on-line threats of violence and racist slander. The Ministry of the Interior enabled the set up of the Internet tip-off system by providing the police with additional resources for on-line activities.[18]

The Security Survey conducted in Finland indicated that more and more citizens value the online services of the police. Especially those under the age of 20 years were positive about the possibility of talking to the police in Internet chat rooms. For example, the police have been involved in IRC-galleria and Facebook. The police Internet tip-off system improved the Internet safety of young people in particular, as three out of four young people aged 12-15 visit discussion fora as a pastime and entertainment. The planning of the police Internet tip-off system gathered momentum after the school shootings in Jokela and Kauhajoki.

5. TRANSNATIONAL ISSUES

In Finland, everyone has the right to check data concerning him/her in the Europol Computer System. A request for scrutiny must be presented to the police, who forward the matter to the European Police Office (Europol). Europol sends the reply directly to the person who made the request. Everyone also has the right to request free of charge the Data Protection Ombudsman to verify that the National Bureau of Investigation stores and forwards data concerning him/herself to the Europol Computer System lawfully and that the data is used legally. The request can be made at the District Police. In addition, everyone has the right to request Europol's Joint Supervisory Body to verify that the collection, storage, processing and use of his/her personal data in the European Police Office is lawful and correct. A request to this end must be made

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[18] http://www.poliisi.fi/poliisi/home.nsf/ExternalFiles/vuosikertomus_2009_e/$file/vuosikertomus_2009_e.pdf

to the District Police or to the Data Protection Ombudsman, who must put the matter forward without delay to be processed by Europol's Joint Supervisory Body.[19]

Everyone has the right to know what data concerning him/her is stored in the national section of the Schengen Information System, which includes the same data as the Central Schengen Information System maintained by the technical support function.

Everyone has the right to request the Joint Supervisory Body, established for the supervision of the technical support function of the Schengen Information System, to verify that the collection, storage, processing and use of his/her personal data in the Central Schengen Information System is lawful and correct. A request for information or scrutiny must be presented to the District Police, from where the request must be forwarded without delay to the Data Protection Ombudsman. The request must be made in person to the District Police, and persons submitting such requests must prove their identity.[20]

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[19] http://www.poliisi.fi/poliisi/home.nsf/pages/0303EC85253ECD06C2256C29002A1C56?opendocument

[20] http://www.poliisi.fi/poliisi/home.nsf/pages/B43B1F0D90C2998AC2256C29002A7DCE?opendocument

THE E-JUSTICE MODEL IN BELGIUM

1. THE JUDICIAL SYSTEM IN BELGIUM

The Belgian legal system is a **system in the civil law tradition**, comprising a set of codified rules applied and interpreted by judges.

The organisation of the courts and tribunals in Belgium is a **solely federal responsibility**.

The judicial branch consists of regular courts in different appeal levels (private and criminal law matters). In 1948, an administrative court was added. A constitutional court was only set up in 1980. A distinction is made between judicial officers (judges in the lower and higher courts) and prosecuting officers (the public prosecutor's office or public prosecution service).

Belgium has five major judicial areas, the **five appeal court jurisdictions**: Brussels, Liege, Mons, Ghent and Antwerp.

These jurisdictions are divided into 27 judicial districts, each having a **court of first instance**.

In addition, the judicial districts have **21 employment courts and 23 commercial courts**.

The districts are divided, in turn, into 187 judicial cantons, each housing **a cantonal court**.

Each of the ten provinces, as well as the administrative district of Brussels-Capital, has an **assize court**. The assize court is not a permanent court. It is convened whenever accused persons are sent before it.

The ordinary courts rank in four levels: "Tribunal de Police" (criminal) and "Tribunal des Juges de Paix" (civil) are the lowest levels for small felonies or conciliation matters. Normal starting level (first instance) is the "Tribunal de Première Instance" (civil and criminal), which is called correctional court or juvenile court in criminal matters. Very recently, specialised tax chambers have been added to the formal organisation of the courts of first instance. Commercial courts have lay judges alongside professional magistrates and social law cases appear in the labour tribunal. Serious offences appear before the "Cour d'Assises", the only Belgian court with a jury. The appeal level is the "Cour d'Appel", where civil, criminal and commercial matters are dealt with; only the "Cour de Travail" is a specific appeal court for social law cases coming from the lower labour tribunals. Finally, the "Cour de Cassation" is the highest ap-

peal level, dealing only with points of law. No new facts can be brought before this court, just like in the French system.

Although civil and criminal courts are both in the same "ordinary" court system, it must be stressed that criminal cases have a specific "foreplay", with preliminary investigations, an Examining Magistrate and a Public Attorney. All this is written down in the Code of Criminal Procedure (1867), as is done for civil cases in the (new) Code of Civil Procedure (1967). Judicial review as such belongs to the ordinary courts, but administrative redress is possible before an administrative court, where the highest administrative court is the Council of State.

The nature and severity of an offence, the nature of a dispute and also the size of the sums involved determine **the type of court** that must hear the case.

In some circumstances, it is the nature of the dispute that determines the court to be seized. Thus, a cantonal court has jurisdiction over neighbourhood disputes and the court of first instance has jurisdiction over divorce. In other cases it is the capacity of the parties. Generally, most disputes between traders go before the commercial court.

Once the type of court with jurisdiction has been determined, it is necessary to designate **the place** where the case will be considered.

In civil matters, the proceedings may be heard before the judge for the domicile of the defendant or before the judge for the place where the obligation was contracted or was to be performed.

In criminal matters, the court of the place where the offence was committed, the court of the place where the suspect resides and the court of the place where he or she may be found have equal jurisdiction. In the case of legal persons, it is the court of the place where it has its registered office and of the place where the said legal person has its principal place of business.

Courts and tribunals and their hierarchy

Table 1. Structure of courts and tribunals in Belgium

4	**COURT OF CASSATION**		
3	Appeal courts	Employment courts of appeal	Assize courts
2	First instance courts	Employment courts	Commercial courts
1	Cantonal courts	Police courts	

Table 2. An overview of the courts dealing with appeals, depending on which body issued the judgment being appealed

Judgment		Appeal
Cantonal court	– civil cases	First instance court (civil section)
	– commercial cases	Commercial court
Police court	– criminal cases	First instance court (Misdemeanours court)
	– civil cases	First instance court (Civil court)
Employment court		Employment court of appeal
First instance court		Appeal court
Commercial court		Appeal court

At the appeal stage the judges (of the first instance or appeal court) deliberate the merits of the case for a second and last time and give a final ruling. The parties, however, still have the opportunity to appeal in cassation. The role of the public prosecutor's office is performed by the Crown counsel (attached to a lower-level court) or the prosecutor-general (attached to an appeal court or employment court of appeal). Decisions of the lower-level courts are called judgments, as are decisions of the appeal courts and the Court of Cassation.

In addition to the courts mentioned above, two other types of court exist in Belgium. They have a monitoring role: the Council of State and the Constitutional Court. The Council of State is a superior administrative court and monitors the administration. It intervenes when a citizen considers that the administration has not observed the law. The role of the Constitutional Court is to ensure that acts, decrees and ordinances are in conformity with the Constitution and to oversee proper division of powers between the public authorities in Belgium.

2. DATABASES OF BELGIAN LEGAL DOCUMENTATION

The electronic history (1988 – 2000)

Before 1997, the outstanding electronic legal device was a Kluwer database on CD-ROM called Judit, with no serious challenge from other products. It still exists today as a CD. Judit has been a reference tool created in the late eighties, with hardly any full texts, but with (bibliographic) references to legislation, case law and journal articles. To read the referred documents themselves, one has to get hold on the paper products which it refers to: the Official Gazette and the law reviews and books.

This Judit-monopoly in the nineties notwithstanding, electronic legal publishing had actually already started in the sixties with the building of the Justel dial-in databases at the Ministry of Justice. But due to a complete lack of user-friendly products, those databases became only known to the public 35 years later, when they were made available on the Internet in 2000. All of a sudden, these quite large public databases appeared free online, offering access to consolidated legislation and case law of the Supreme Courts and the Constitutional Court. Furthermore, the Official Gazette has been published daily online since 1997 and the Council of State moved to exclusive electronic free publishing of its case law in the same year. Since 1995, the parliament has its draft bills (documents) and hansards (debates) in full text on the web.

E-publishing since 2000

To meet the challenge from the new public websites, Kluwer published Judit and TWS (see below) together on the web in early 2000, calling the "new" database Jura. But this did not end its problems on the online market: full text of lower case law and journal articles was still almost exclusively in printed resources, whereas lawyers were finding their way to the web: they began to expect more full text in legal databases. Furthermore, other legal publishers started trying to set up electronic databases themselves. An early attempt at the end of 1990's by Mys & Breesch to create a full text database, Judas, failed. Between 2000 and 2004 some separate journals created a website with full text. In 2003, Kluwer mounted the www.kluwerconnexion.be website, on which CD-ROM's could be accessed online. This was an attempt to respond to the declining interest in its loose-leaf products and their CD-ROM versions. Finally, in 2004 Larcier published a complete new website called Strada, offering various full text resources, including some important law reviews. This was a breakthrough, and was almost instantly (2005) followed by an important enlargement of the content of Jura with full text of most law reviews that Kluwer publishes. Then, in November 2005, Intersentia, Die Keure and Bruylant produced a new website, called Jurisquare, with the combined holdings of most of their journals. It took a while, but real full text e-publishing seems currently under way.

Official Gazette

The "Moniteur belge" or "Belgisch Staatsblad" is the Official Gazette of the country. It holds every piece of new legislation from all parliaments and governments: "acts" (loi/wet) by the federal parliament, "decrees" (décret/decreet) by the regional parliaments and all kinds of statutory instruments: "Arrêté royal" ("Koninklijk Besluit"), "Arrêté ministeriel" ("Ministerieel Besluit"), and all "arrêtés" or "besluiten" by the various regional governments. Since it also holds a lot of other official information (exams and nominations, insolvencies, immigrations, etc.) it is quite a heavy daily newspaper, dating back to 1831.

Since July 1997, the Official Gazette is published daily on the Internet on the website of the Federal Justice Department (formerly the Ministry of

Justice) (www.moniteur.be or www.staatsblad.be[1]). It has a search engine for full text. Texts are presented both in HTML and in PDF. In 2003, the government stopped the publication of the paper version. But since 2005, due to a judgment of the Constitutional Court, a limited number of paper copies are available again in local libraries, for people with difficulties in accessing the Internet.

Consolidated Legislation (Juridat) (Federal Justice Department)

Since the summer of 2000, a huge and quite comprehensive governmental database with consolidated texts of legislation, including older versions, is available for free on the Internet. The database is very interesting for high level legal research. The search engine offers a lot of possibilities, and texts are in Dutch and French. Actually, this legislation database is part of a set of databases; other databases involve case law and a bibliography of legal texts, all of them published by the Justice Department. They will all be mentioned in this guide later.

The portal of the Judiciary of Belgium gives access, among other things, to case-law, Belgian legislation and the Official Gazette.

The name of this legislation database is indeed "Consolidated Legislation". But the mentioned total set of databases from the Justice Department has been called Justel, Judoc, E-justice, Juridat and recently Justel again. Also their URL's have been subject to changes and have caused a lot of confusion since 2000. One can reach them in different ways:

- www.juridat.be (the official website of the Belgian Courts);
- www.just.fgov.be (the website of the Federal Justice Department);
- www.cass.be (webserver of the "Court de Cassation", the Supreme Court).

BelgiumLex (BelgieLex – BelgiqueLex)

The Justice Department is not the only governmental body that produces a legislative database. The Council of State and Parliament have likewise developed their own databases over the years. So finally, in an effort to sum this all up and somehow trying to end the confusion, the government created another website with an apparently very clear name, www.belgiumlex.be. BelgiumLex is not a database itself; rather it is a portal to give an overview of all governmental legal databases, pointing to the various databases from the Justice Department, the Parliament and the three highest courts. However, it might not end the confusion, because it gives access to legislation and case law at the same time. Furthermore, it points to new databases like Reflex from the Council of State, that are not easy to use. Reflex is a legislation database without full text, but it will give the complete history of every article of a law in all its details.

[1] Note that the above links do not lead directly to the Official Gazette, but to the general website of the Federal Justice Department, only the next page presents the Gazette, amongst other features of that website.

Electronic information provision and Courts

In Belgium, like in France, each court can develop its own website, following the guidelines established by the Ministry of Justice. The Ministry of Justice has thus been keen to permit the decentralised development of websites by individual courts and tribunals. To keep things coordinated a central portal has been created on the website of the Court of Cassation (http://www.cass.be/pyramide_fr.php). Under this portal the various courts and tribunals have the possibility to build and maintain their own website following a common, but more or less open template. Courts and tribunals have started to make use of this possibility and began to develop their own websites.

3. THE USE OF E-TOOLS TO IMPROVE THE ADMINISTRATION OF JUSTICE

Initiatives towards e-justice

In Belgium, during the early 1980's, certain initiatives have been undertaken focusing on the internal use by tribunals of computers and the development of certain software aiming to support the tribunal members' work. However these initiatives were locally driven, largely fragmented and uncoordinated. PCs with word processing software were made available to members of the administrative court registry upon personal request to respond to urgent demands.[2] At the beginning of 1990s, the government started to invest more substantially in ICT for courts and tribunals,[3] starting the so-called 'mammoth project', to cover the entire Belgian court structure and replace the obsolete technical facilities by a single, efficient IT solution. This project's aim was to supply the entire Belgian court system. Furthermore, within the framework of an ICT promotional project in 1997, all judges were provided with a laptop computer from the Ministry of Justice.

In 2000, the Federal Council of Ministers approved an e-Justice programme, designed to use ICT to modernise the work of the Belgian judiciary. The Council also gave the green light to the development of a federal eGovernment portal serving as a one-stop shop for public services for citizens and businesses, and for the development of an IT system enabling the various Departments and Agencies to exchange data and information through the Federal Government's Intranet 'Fedenet'.

Three main concerns explain the launching of a global and strongly centralised project: (1) the development of the Internet which creates an opportunity but also an absolute need to integrate the different databases;

[2] J. Dumortier et al., The Challenge of the Information Society: Application of Advanced Technologies in Civil Litigation and Other Procedures; Report on Belgium, XI World Congress on Procedural Law, Vienna, 23-28 August 1999.

[3] J. Dumortier, "Judicial Electronic Data Interchange in Belgium", in M. Fabri et al. (eds), Judicial Electronic Data Interchange in Europe: Applications, Policies and Trends, 2003 p. 127.

(2) the obligation to avoid all the problems raised by the incompatibility between the material used at the different levels; and (3) the idea that such a centralised project would lower at midterm perspective the costs of the functioning of the tribunals.

Several technical working groups have been set up in order to elaborate and formulate the needed recommendations to address to the legislator, to the furnisher chosen, and definitively to the different actors involved in this revolution. The first concrete steps started in 2002; two acts have been promulgated, and no less than 18 royal decrees have to be drafted, in order to fix the legal basis (defined in a Bill[4] approved on 18 March 2005 by the Belgian Council of Ministers) for the implementation of an ambitious e-Justice project initiated under the name of "Phenix". Designed to modernise and standardise the systems used by the Belgian justice, the Phenix project was supposed to offer a centralised solution to improve and speed up the country's judicial system.

Proposed by Belgian Minister of Justice Laurette Onkelinx, the Bill established a clear legal framework allowing courts and other judiciary institutions and actors to communicate and exchange official documents by electronic means. Phenix was part of a long-term strategy for the implementation of a coherent e-justice system based on the concept of "electronic files", using Open Source standards, and thus the whole computerisation of all courts and tribunals in Belgium: 1. through the introduction of ICT at all the steps of the judicial procedure, no matter the matter concerned: criminal, civil, commercial, and so forth; 2. through the involvement of the actors involved in the different phases: the lawyers, the magistrates, the registrars, the public prosecutors. Created at the start of each judiciary procedure, each "electronic file" would be progressively enriched as the procedure evolves – by the courts, the police, the lawyers, the parties, etc.

In addition to facilitating the internal management and efficiency of judiciary processes and to delivering concrete benefits for citizens in terms of lower costs and simpler, faster procedures, the purpose of the system was also to allow lawyers and their clients to follow procedures in a convenient way.

Providing legal value to electronic procedural documents

Pursuant to the legal framework created, the qualified signature was declared as the only means to electronically sign a procedural document. In practice this notion referred to signatures created by means of the Belgian eID card. What is also noticeable in the aforementioned legislation is the importance given by the legislator to apply and follow strictly the data protection principles in order to build up the Phenix Information System.

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[4] Act of 10 August 2005 establishing the information system Phenix; see http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2005081057&table_name=loi

Article 2 of the 2005 act setting up Phenix is enunciated as follows: "Il est créé un système d'information appelé Phenix qui a pour finalités la communication interne et externe requise par le fonctionnement de la Justice, la gestion et la conservation des dossiers judiciaires, l'instauration d'un rôle national, la constitution d'une banque de données de jurisprudence, l'élaboration de statistiques et l'aide à la gestion et l'administration des institutions judiciaires."("To set up an Information system called Phenix, which has as purpose the internal and external communication requested for the Justice needs, the setting up of a case law data base, the working out of statistics and the assistance to the management and administration of judicial institutions"). This provision and the precise enumeration of the different purposes of the Phenix project are illustrative of the importance given by the legislator to follow strictly the first Privacy principle: all processing must be created for legitimate, determinate, and explicit purposes.

The following provisions of the act are describing more precisely these different purposes and implicitly are setting the recipients of the different processing, the data to be processed, and the duration of the data storage, according to the principle of proportionality: "Data might be processed and kept only if they are necessary for the achievement of the legitimate purpose of the processing." Two examples might be given on that point. Article 7 distinguishes the court decisions databases used for internal purposes and the court decisions databases diffused publicly. As regards the second category, the act imposes the duty to make the decisions anonymous before any diffusion. What is not asked as regards the first category insofar is that the purpose of this second processing ought to support the members of the jurisdiction having issued the decision to "maintain a consistency as regards its jurisprudence," as explained by the Ministry of Justice. Another example definitively is the use of certain data for statistical purposes (art. 10 and ff), which might help internally to support decisions about the management of the tribunals, but might never be used for controlling the work achieved by each judge individually.

A second act approved on 10 July 2006 "relative to the judicial procedure by electronic means" aimed at modifying certain provisions into the Civil and Penal Procedural Code in order to give legal value to the documents generated by the use of the electronic procedure settled up by the Phenix Information System.[5]

Three main principles are asserted: the first one is the freedom for everybody to choose or not the electronic procedure: "Sauf dispositions légales contraires, personne ne peut être constraint de poser des actes de procédure ou de recevoir des documents relatifs à des actes de procedure par voie électronique" ("Unless there are applicable provisions to the contrary, no person can be constrained to perform procedural acts or receive documents, relative to the acts, electronically"). This consent principle is however alleviated by the possibility to impose the use of

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[5] Jean-François Henrotte, "Phenix et la procédure électronique", Collection: Commission Université-Palais (CUP), Larcier, 2006; Jean-François Henrotte, Yves Poullet, "Cabinets d'avocats et technologies de l'information: balises et enjeux", Bruylant, Collection "Les cahiers du CRID", 2005.

the electronic procedure to certain professions by royal decree. In order to ensure the real consent of the actors to use the electronic procedure but also the opposability of the electronic exchanges, a list of the actors, professional or not, who do accept the new tools to communicate in the context of the procedure will be held and published by the Ministry of Justice or by the professional associations. The consent might be withdrawn. Precisely the use of an electronic judiciary address is left to the free choice of the persons. The electronic address is defined under Art. 6 of the 2006 Act, as: "l'adresse de courier électronique, attribuée par un greffe et à laquelle une personne a accepté, selon les modalités fixées par le Roi, que lui soient adressées les significations, notifications et les communications." ("the e-mail address, assigned by a court, which a person has accepted, in the manner prescribed by the King, where announcements, notifications and communications can be sent.")

The second principle is the equivalency principle. Under this principle, the electronic address is equivalent to a physical address and has the same permanency as the traditional one. Furthermore, it must be considered that all the electronic documents generated in the context of the procedure are assimilated as regards their legal value to a paper document and that electronic signature in that context has the same legal value than the traditional handwritten signature. It must be clear that under the 2006 Act not all electronic signatures, but only advanced or qualified, under the Belgian terminology, signatures complying with the EU requirements are recognised in the context of the e-justice system in order to ensure legal security. Finally, there is the principle of the unity of the electronic file insofar as the electronic nature of the file; it is no more necessary to distinguish copies and originals, insofar that the latter might be reproduced in an unlimited way.

The Phenix model: core principles and implementation hurdles

The Phenix project was tested during the first half of 2005 in the cities of Eupen, Tournai, and Turnhout. After the pilots, all Belgian courts were supposed to be progressively connected to the system, a process expected to be completed in 2008. However, the Phenix project was scrapped in its entirety in 2007, after the realisation of a full scale project turned out to be infeasible in practice. Instead, it was replaced with a number of smaller scale and bottom-up applications (such as the pilot ones initiated in 2008 in the cities of Charleroi and Torhout) to be developed under the joint name of Cheops.

Despite the present failure of its launching, the Belgian Phenix project could be viewed as a model for foreign countries. It is obvious that the promoters have been too ambitious and, perhaps, a more progressive approach associated with the actors, especially magistrates, registrars, and lawyers, step by step, working on specific domain and using pilot experiences would have been better. Notwithstanding these facts, the qualities of the legal framework put into place to ensure e-justice should be underlined. The Belgian legislator has designed a privacy compliant system and, through the organs settled up in the legal framework, the independence of the judiciary vis-à-vis the executive is safeguarded.

In fact, two points have to be considered as crucial in the future. First, since through a global information system at the hands of the magistrates their informational power is increased by their possibility to crosscheck certain pieces of information about the parties, it must be feared that the principle of the "equality of arms" would not be respected. In that respect, data protection requirements are important. At the same time, the fact that the information system is operated and sometimes developed by the administration poses a threat in the long term of a progressive loss of the independence of the judges. The solution proposed by the Belgian legislation is in that perspective noteworthy even if it appears a bit intricate and too complex as regards the day to day management.

As regards the modifications introduced by the legislator into the Code of Civil Procedure, we might subscribe to the main principles asserted through the multiple provisions: the consent permits to avoid any risk of discrimination between those who adopt the new electronic system and the others more reluctant to do it. The "functional equivalency" principle has permitted to introduce concepts like electronic address, electronic file, electronic signature, electronic announcement and notification. By doing that and by proposing a really secure communication system with the intervention of trusted third parties, control of access, double checking, etc., the Belgian legislator proposes to the other European legislators a really attractive model.

4. TRANSNATIONAL E-JUSTICE PROJECTS INVOLVING BELGIUM

Apart from its ongoing efforts to modernise the administration of its justice system through the use of electronic means, Belgium is also involved in several transnational projects aimed at fostering e-cooperation among EU Member states which are worth mentioning:

1. Pilot project 'Network of Judicial Registers'

Eleven EU countries (Belgium, the Czech Republic, France, Germany, Spain, Italy, Luxembourg, the Netherlands, Poland, Slovakia and the UK) already exchange information on criminal records electronically in the framework of the **'Network of Judicial Registers'** pilot project. The development of this project and its achievements – namely the IT architecture and the reference tables – were the basic inspiration for the ECRIS system.

2. ECRIS (European Criminal Records Information System)

The ECRIS computerised system was established to achieve efficient exchange of information on criminal convictions among EU countries.

In response to this obvious need, ECRIS was created to improve the exchange of information on criminal records throughout the EU.

It will establish an electronic interconnection of criminal records databases to ensure that information on convictions is exchanged between EU countries in a uniform, speedy and easily computer-transferable way.

The system will give judges and prosecutors easy access to comprehensive information on the offending history of any EU citizen, no matter in which EU countries that person has been convicted in the past. Through removing the possibility for offenders to escape their criminal past simply by moving from one EU country to another, the system could also serve to prevent crime.

3. e-CODEX (e-Justice Communication via Online Data Exchange)

e-CODEX is a large-scale project designed to improve access by European citizens and businesses to legal resources across borders – specifically information on laws and procedures in other EU countries. Moreover, the project seeks to improve the interoperability of the information systems of legal authorities within the EU, and supports the implementation of common standards and solutions that make cross-border case-handling activities easier.

High mobility between EU countries and increasing European integration means that procedures requiring cooperation between different national judicial systems are increasing.

The use of ICT makes judicial procedures more transparent, efficient and economic while facilitating access to justice for citizens, businesses, administrations and legal practitioners.

To achieve a pan-European interoperability layer, e-CODEX will build on national solutions as well as on the European e-Justice Portal, contributing to the further development of the latter.

Connecting the existing systems will allow communication and data exchange based on the development of common technical standards and foster cross-border cooperation in the area of European e-Justice.

The project involves 17 participants:

- 14 **EU countries** (Austria, Belgium, Czech Republic, Estonia, France, Germany, Greece, Hungary, Italy, Malta, the Netherlands, Portugal, Romania, Spain);
- one **candidate country** (Turkey);
- two major **associations of legal practitioners** (CCBE and CNUE).

ELECTRONIC TOOLS FOR CRIMINAL JUSTICE IN GREECE: AN ELECTRONIC SYSTEM FOR JUSTICE UNDER DEVELOPMENT

1. INTRODUCTION

Greece is in the process of developing the use of electronic tools in the criminal justice system.

In 2008, the Greek Parliament adopted Law No. 3659/2008 on "Improving and speeding up the proceedings in the ordinary administrative courts, and other regulations".

According to article 42(1) *"The court decisions and orders, the reports, the applications and any other document which is addressed to the courts or published by them, can be sent and transferred through the use of electronic means. In similar ways it is possible to pay the court fees and any other fees …"*. Furthermore, paragraph 2 provides the use of teleconference in certain cases since *"… it is permitted to question witnesses, experts and parties, without their physical presence in the court room ... with simultaneous transmission of image and sound inside the court room"*. Finally, paragraph 4 promotes keeping electronic records of the court's work.[1]

This report focuses on two issues of Greek legal practice: (a) the existing e-tools for lawyers as a good practice and (b) the proposals of the Ministry of Justice on the enhancement of the electronic access to criminal justice.

2. EXISTING E-TOOLS FOR LAWYERS, PROVIDED BY "ISOKRATIS" ELECTRONIC SYSTEM

The Athens Bar Association has developed an electronic system mainly for the use of lawyers called "Isokratis" (www.dsanet.gr). "Isokratis" provides for:

Electronic Access to:

- national legislation;
- national jurisprudence;

[1] See also "Introducing the concept of 'E-justice' in Europe: How adding an 'E' becomes a modern challenge for Greece and EU", by Napoleon Xanthoulis, Effective Justice Solutions, 2010, p. 8, www.effectius.com.

- European law;
- court decisions;
- monitoring a complaint submitted (the lawyer using his/her password can enter the database, insert the reference number of the criminal case and check at which stage the case is);
- courts' registers of dates of hearings;
- calculation of default interest;
- Law Library (http://www.dsalib.gr).

Electronic Services for the facilitation of lawyers and Social Insurance Funds:

- certificates;
- status of contracts;
- calculation of the payment of lawyers;
- access to the land registry;
- samples of legal documents;
- e-mail for lawyers;

Table 1. Users of the system

Daily Users	15,000
Simultaneous Users	650
Total Users	**47,500**

- **Quantitative Data:**

Table 2. Number of Court decisions uploaded on the system

Administrative Procedure	161,948
Civil Procedure	86,438
Criminal Procedure	34,558
Total	**282,944**

Advantages of "Isokratis" system:

- active system of legal information;
- access to legal services for lawyers and the public;
- developed system according to national and European standards;
- interoperability with other systems;
- connection with the electronic governance laboratory of the Informatics Department of the University of Athens.

3. PROPOSALS BY THE ATHENS BAR ASSOCIATION FOR THE FACILITATION OF THE WORK OF LAWYERS[2]

The Athens Bar Association suggests the following tools for enhancement of the justice system:

- further development of the electronic filing, classification and codification of the national legislation together with its interoperability with the European Law, ministerial decisions, circulars, case-law, etc;
- electronic management of civil, criminal and administrative procedure;
- electronic filing and retrieval of Courts' data (case-law, minutes, etc);
- possibility to study the case (from distance) by the judge;
- interoperability of public records (land registry, commercial registries etc);
- electronic application/filing of complaints, legal documents etc;
- electronic circulation and delivery of judicial documents, of receipts and legal aid applications;
- teleconferences;
- optional examination of witnesses and experts through teleconference after a request from the parties involved;
- promotion and protection of fundamental rights of citizens.

Finally, the following must be taken into consideration during the planning process of the e-justice system:

- the latest scientific developments in the use of IT and Communication technology by judges, judicial staff and lawyers;
- the different levels of familiarity of Judges in Member States with the European law.

Priorities set by the Athens Bar Association:

- access to the national and European legislation (already provided by "Isokratis");
- access to national jurisprudence and European case-law (already provided by Isokratis);
- establishment of a safe access system to the civil and criminal procedure by lawyers involved, in order to follow their cases;
- creation of an integrated electronic processing system of all Bar Associations of the country, which will include lawyers' and law firms' records.
- continuous training of judges, lawyers and legal officers, for the support of the "Electronic Justice" and its applications.

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[2] Isokratis: Legal Database of the Athens Bar Association, To vima tou dikigorou (monthly journal issued by the Athens Bar Association), v. 85, May 2010, p. 7-10.

4. THE PROPOSALS OF THE MINISTRY OF JUSTICE FOR ENHANCEMENT OF ELECTRONIC ACCESS TO JUSTICE

Taking into consideration the current needs for simplification of criminal procedures through the development of modern electronic tools for justice, the Greek Ministry of Justice, Transparency and Human Rights in cooperation with Information Society are suggesting the following electronic tools to access criminal justice system and are initialising the procedures for their realisation.[3]

1. NATIONAL CRIMINAL RECORD (e-tool provided for the benefit of the public, exchange of information among authorities and transnational e-cooperation in criminal matters)

This project is part of the creation of the Integrated Information System of the National Criminal Record, where criminal records from all of the Prosecutors' Offices of the Courts of First Instance of the country are registered in a modern and systematic way.

This project aims at:

1. Access of public to national criminal record electronically. Anyone can enter the system, apply online and get a copy of criminal records from the electronic website.
2. Inter-functionality between public administration and the central database of the Integrated Information System of the National Criminal Record of the Ministry of Justice and the central databases of information systems of criminal records of the other EU Member States.

Those who benefit:

1. Judicial authorities (prosecutors, investigators, etc);
2. Directors of prisons, therapeutic institutions;
3. Public sector in general;
4. Foreign embassies or consulates for those due to migrate;
5. Authorities in charge for the appointment of judges, teachers and professors, security forces and candidates for military and security forces academies.
6. Police stations responsible for issuing gun licenses, use of explosives' licenses, etc.

2. ELECTRONIC SUBMISSION AND MONITORING OF LEGAL DOCUMENTS (complaints, writs, etc) – an online service for lawyers, judges and the public (e-tool for the benefit of lawyers and the public, exchange of information among authorities)

The Ministry initialises a project of electronic governance to serve the needs of the public, support the state in drafting its policy, minimise the

[3] www.ministryofjustice.gr

cost and provide more rational management and use of the available human resources and simplification of criminal justice procedures.

The **problems** that this tool aims to confront:

1. Large queues for the payment of judicial expenses;
2. Queuing for submission of legal documents in court secretariats;
3. Overcrowding and overloading of the work of court services;
4. Excessive length of response time by the Courts since the complaint is filed (1,200,000 legal documents are submitted annually to courts and 250,000 contracts);
5. Judges are not able to study the case from distance.

The following actors will benefit from electronic submission:

1. Ministry of Justice;
2. European Union, E-Justice portal;
3. Courts services;
4. Social Insurance Funds;
5. Ministry of Finance;
6. Bar Associations;
7. Lawyers;
8. The public through the speeding up of judicial proceedings.

3. E-TOOLS FOR THE DETENTION CENTRES (prisons) (e-tools provided for lawyers and the public, exchange of information among authorities)

E-tools provided will include:

- electronic application and issue of detention certificate;
- electronic application and issue of disciplinary inspection certificate;
- electronic application and issue of medical certificate;
- electronic planning of visits by lawyers;
- electronic planning of visits by the public (relatives);
- electronic transfer of information to other public authorities involved;
- online application forms/documents for the processing of applications of the detention centres to the central services and other institutions involved;
- electronic availability of specific information/electronic file of the detainee to his/her legal representatives;
- announcement of emergency incident;
- information services for interested parties (detainees, relatives, lawyers, embassies, etc)/Publication of general information and contact information.

E-tool to confront the following issues:

- connection between regional detention centres and the central services of the Ministry of Justice, Transparency and Human Rights, which will lead to the improvement of services provided to the public;

- reinforcement of the social standing of detainees, improvement of the exercise of their rights and the integrated, fast and complete briefing of all involved bodies and advisors in human rights' related issues;
- development of the information system of the central services of the Ministry of Justice, Transparency and Human Rights aiming to provide safe and trustful access to information networks for detainees and ex-prisoners;
- equal and non-discriminatory availability of e-tools to all citizens regardless of social status targeted to control the digital gap;
- development of special applications aiming to aid the public.

Table 3. Number of users that will benefit from e-tools

Detainees	12,000
Detainees' relatives	40,000
Lawyers	10,000
Social services and institutions	
Ex-prisoners	200,000

4. E-TOOLS FOR THE REHABILITATION OF RELEASED PRISONERS (E-tool for the public and exchange of information among the authorities)

The priority of this project is to create a **website**, which will offer services for ex-prisoners but also prisoners due to be released.

The e-tools developed and offered via the website will be:

- career guidance and employment opportunities;
- service for drafting CVs according to standards and possibility to submit them electronically for job vacancies as they appear on the electronic announcement board;
- electronic application of the explanatory report of the social worker;
- electronic counselling service for working, drugs issues and others;
- electronic exchange of information within public authorities involved;
- electronic application and issue of residence coupons;
- search and information service on labour/working issues;
- electronic library service;
- training services;
- social network service, forum;
- information services in different languages;
- electronic announcement board;
- information and social awareness on the problems of prisoners, ex-prisoners and juvenile offenders.

5. ELECTRONIC ARCHIVING, FILING AND AVAILABILITY OF COURT RECORDS. (e-tool provided for lawyers and the public and exchange of information among the authorities)

The objective is to improve the archiving, filing and availability of court records, improving in this way transparency, efficiency of the justice system, as well as guaranteeing respect of the rule of law and improvement of services for the public.

The e-tool consists of a website that will provide the following applications for the citizen:

- electronic submission of application for copy of court records (by lawyers, interested parties);
- downloading of copies of court records;
- downloading of application for issuance of court records;
- electronic exchange of information among judges and judicial secretariats;
- electronic exchange of information among other Information Systems.

Furthermore, within the framework of the Operational Programme for Administrative Reform the Ministry of Justice will implement the following tool for criminal justice:

6. CLASSIFICATION OF CRIMINAL OFFENSES, PENALTIES AND MEASURES (e-tool for transnational cooperation)

The objective of this priority is to create interconnection software according to a common protocol, which will allow the exchange of information among criminal record databases of the EU Member States.

The tool will provide for:

a) a list of criminal offenses which are committed or are under criminal jurisdiction in Greece;
b) a list of various types of penalties and other measures which are enforced as well as the possible decisions after the verdict which can modify the execution of the penalty.

ITALY: THE DEPLOYMENT OF ICT TOOLS TO IMPROVE THE EFFICIENCY OF THE JUSTICE SYSTEM

1. INTRODUCTION

A first measure of quality of the judicial system is the average time for resolution of disputes, compared and coordinated with the need for a rational use of resources. This means that every citizen has the right to a fair trial within a reasonable time and without undue delay, since this is a fundamental right not only by national constitutions but also by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Italy is not exactly at the forefront of judicial efficiency. The crisis in the performance of the Italian justice system, as well as its negative impact on the protection of legal rights, on the life of citizens, and on the business activities, are well known to practitioners, policy makers, and scholars all over Europe. The annual reports of the courts and prosecutor's offices regularly announce that new negative records have been reached in the length of civil and criminal proceedings, or in the number of criminal cases dismissed as they reach the statute of limitations. Italy is also one of the Member States accounting for the major number of complaints for violations of Article 6 of the European Convention on Human Rights.[1]

In this scenario, the Italian Ministry of Justice has made growing efforts and invested a lot of resources to develop and deploy ICT policies and

[1] **Article 6 – Right to a fair trial**

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
   a. to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
   b. to have adequate time and facilities for the preparation of his defence;
   c. to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
   d. to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
   e. to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

information systems, as means to improve the performance and reduce the length of judicial proceedings, as well as for the standardisation of justice procedures within and across the different offices.

Actually, the working applications that are currently running in the Italian courts and prosecutor's offices are very few, considering the huge number of projects, and in comparison with some other European countries. In Italy, there are sufficient rules and projects for the dematerialisation and computerisation of justice, but the main hurdle is a lack of concretisation or a gap in their implementation. However, there have been and still are several projects underway, which would indicate the direction of ICT evolution in the Italian justice system.

2. THE INTRODUCTION OF ICT SOLUTIONS FOR THE ADMINISTRATION OF JUSTICE

ICT systems were first introduced in the 1980s, with basic tools for automating administrative office work, simple audio equipment in the courtroom, and collections of law on CD-ROM and centralised databases. Then cases started being managed through the ICT, but only locally and often without knowledge sharing: **REGE** (see below) started this way in the early 1990s.

Entire office suites then came into use, along with a few systems for managing dockets: they were sporadic initiatives, based on an uncoordinated 'Act first, think later' approach, but then as the benefits became apparent, the ICT started winning more acceptance and replacing a system overwhelmingly based on the paper shuffle.

In parallel, it became clear that any further growth in the same direction was going to require restructuring of the justice system through planning and training.

In the second phase, governance bodies were thus established – such as AIPA *(Autorità per l'Informatica nella Pubblica Amministrazione)* for the public sector and DGSIA (*Direzione Generale Sistemi Informativi Automatizzati* – Automated Information Systems General Directorate) for the justice system – which worked to coordinate the early initiatives with two related goals uppermost in mind: expanding these projects and giving them a strong footing.

For the first goal, AIPA combined skills and expertise in the ICT with an ability to work out the relations among the different participants in the justice system, that is, law enforcement, the bar and bench, the ministry, CSM – all of whom had different goals, values, workloads, and procedures.

The second goal was pursued by drawing judges and prosecutors into the very design process of developing ICT solutions for the administra-

tion of justice, all the while bringing in ICT experts and consultants: this made it possible to overcome the traditional 'make or buy' alternative and have tailored systems whose use judges and prosecutors could easily master.

This second phase led to a number of improvements: integrated office and case-management systems, more statistical data which formed a basis to assess performance, automated transcription of hearings and e-filing of documents, and a greater use of open networks to administer justice (as through intranet systems) and offer consultancy (as through PolisWeb).

In the third phase, presently underway, the whole e-Justice system has become a focus of policy aimed at further integrating its different components and procedures, laying to this end greater emphasis on Web technologies.

The problem is especially felt in criminal justice, whose different participants (e.g., police and probation officers, prison guards, prosecutors, and courts) operate by markedly different methods and procedures. The effort is therefore to standardise operations as much as practicable, thus taking full advantage of tools such as digitally signed documents and certified e-mail.

The criminal justice system has automated registries and has implemented numerous information systems to support investigation mainly of organised crime. The challenge now is to develop information systems for support in the various phases of a criminal trial, so as to have a fully interconnected system.

Digital Code of the Public Administration

In Italy there is a specific regulation, contained in a code for the computerisation of public administration named *"Codice della Amministrazione Digitale"*. The Digital Administration Code (CAD) is a code of regulations, which governs the use of information as a privileged instrument in relations between the government and Italian citizens.

It was enacted by Legislative Decree of March 7, 2005, No 82, published in the Official Journal 112 of 16 May 2005 and came into force on January 1, 2006. But in 2006, just months after its entry into force, the Code was the subject of a series of amendments, prepared by Legislative Decree 4 April 2006, No 159.

The Code aims to ensure and regulate the management, access, transmission, storage and availability of information in digital mode using technologies and communication within the public administration, relations between government and the private sphere and in some limited cases, also regulates the use of electronic documents in the private documents.

The enactment of the Code has given rise to conflicting impressions by observers and in the legal doctrine.

On the one hand, there are those who have welcomed the Code's release as a major act of streamlining the matter. On the other hand, some (not a minority) have been very sceptical about the actual scope for innovation in the decree, for several reasons:

First, because the code contains many statements of principle, often quite impressive, but accompanied with no operational provisions allowing them to be implemented.

Second, because it would split up a regulatory framework that was already organic: the regulation of electronic documents, according to this view, was in fact their natural home in the "single text on administrative documentation" (DPR 445/2000), where the electronic and paper acts were covered at the same time under a perfect alternative between both.

Finally, those more sceptical towards the "code" consider that it would degenerate the original intent to use IT as a tool for administrative simplification, making scanning an end in itself, underestimating the potential risks that might arise, the first being the worsening of the digital divide between citizens who have confidence with the tool and those who for social or personal reasons have difficulty dealing with the administration electronically.

Digital Justice

The Ministry of Public Administration and Innovation and the Ministry of Justice have launched the Digital Justice System which focuses on a platform developed *ad hoc*.

The new system speeds up the work of legal practitioners, lawyers, clerks, ensuring all communications, improving the quality of the work of clerks, as well as reducing delays of court rulings. In this way the reliability, confidentiality and impartiality of the procedures are not only maintained but strengthened.

In this digital programme, the use of **PEC** (electronic mail certified) is essential: communications between judges or clerks and lawyers on the transfer of documents or records to the court by lawyers are made exclusively through certified e-mail.

The certified e-mail will soon be joined by other important projects, including online payment options and the ability to download a copy from the network acts.

The initiative also provides for the digitalisation and navigability (and interactive use) of all the documents filed at the Registry of the judge for preliminary investigations and review of the Court of Rome.

The cost of the Digital Justice programme amounts to a few hundreds thousands euro, not millions.

As stated in the report on the administration of justice in 2010, presented by the Minister of Justice to the Senate on 18 February 2011, regulatory initiatives such as computerisation of the courts are foreseen by the Conversion Act of February 22, 2010 No. 24, which contains important provisions relating to the computerisation of the enforcement procedures, and in particular the ability to conduct via the internet **auction proceedings**. The Ministry of Justice is planning to adopt the technical rules for the electronic process of civil and criminal penalties under Article 4, paragraphs 1 and 2 of the mentioned Law.

The Ministry of Justice will adopt the PEC system of certified electronic e-mail for all transmissions to and from the Justice domain, thus enabling professionals and citizens to use a single channel of electronic communication, whose action is already mandatory for professionals under Decree Law 185 of 29 November 2008 in relation with the public administration and has been further strengthened by the recent Legislative Decree 30 December 2010 n.235.

The Ministry of Justice has also proposed the implementation of the "Portal of the e-services" in order to provide documentation, information and instructions, and to allow access of authorised persons (lawyers and assistants to the Judge) that do not have the access point.

In the future, this tool will also allow free access to the collections of case law and basic information about the status of pending cases, available anonymously, so as to enable, in particular, a direct use by citizens.

In the year 2011, the Ministry of Justice will define the legal status of information technology, a regulation that will govern the statistical data in anonymous form necessary to examine in detail the functioning of the judiciary.

3. EXCHANGE OF INFORMATION AMONG NATIONAL JUDICIAL SYSTEM AND AMONG LEGAL PROFESSIONALS AND ACCESS TO JUSTICE BY THE CITIZENS THROUGH E-TOOLS

Abi for e-justice

In 2010, the Italian Banking Association (ABI), created the portal "Abiforejustice",[2] dedicated to issues of e-Justice in Italy and Europe.

Aims of the portal:

- to pay particular attention to the training of magistrates, lawyers, clerks and other professionals, providing them with e-learning courses, simulations, procedural and practical exercises, as well as tracking and

[2] www.abiforejustice.it

monitoring services of the education to obtain the credits;
- to offer a broad portfolio of training and regional seminars, conferences, international events and workshops on the topic of e-justice;

The purposes of the portal are:

- to transfer knowledge and skills necessary for the proper use of tools in the procedural computer systems and, more generally, on e-justice services;
- to contribute to the exchange of information and best practices among operators;
- to facilitate the construction of a specialised culture on e-Justice;
- to provide in the future more associated services and instruments in the development process through the electronic PDA "ABIGIUSTIZIA" integrated in the Portal.

The portal has been created for:

- the judiciary;
- clerks;
- judicial officers and administrative staff;
- lawyers;
- banks;
- other professionals.

The Access Point "ABIGIUSTIZIA" aims to:

- support the development of operational electronic process for banks, professionals and practitioners of e-justice;
- grant access to data and exchange of documents with the judiciary and registrars of the courts to persons and organisations that do not yet own a PDA.

However, even if sponsored by the Ministry of Justice, this portal is not entirely free and public.

52 Public Prosecution Offices *(Procure della Repubblica)* have subscribed to the organisational protocols promoted by the *Associazione Banche Italiane (ABI)* for the efficiency of procedures, the use of information technology and reducing costs in criminal investigations.

Presentation of case-law

Italgiure, a portal of the Supreme Court, contains a complete database of legislation and law doctrine, but this service requires subscription.

Service in line of "judge of peace"[3] *(Giudice di Pace)*

The service allows all citizens and lawyers internet access to information on the status of proceedings brought before the judge of peace through

[3] http://gdp.giustizia.it/

the database software of the Ministry of Justice Peace Information System (SIGP: "Sistema Informatico Giudice di Pace"), in use at the offices of justice of the peace. If the user provides an e-mail address, he/she can receive information and updates on the proceeding selected.

SICC *(sistema informatico civile e contenzioso)* is part of the computer systems for an Electronic Civil Trial along with other different systems that permit to record any event of the case giving rise to automatic definition of the state procedure.

Projects carried out by the Research Institute on Judicial Systems

It is also worth mentioning the work carried out by the Research Institute on Judicial Systems, in the field of information and communication technologies for the administration of justice.

In the framework of a project funded by the Italian Ministry of Education and Research, this Institute has contributed to the establishment of the **Court Technology Laboratory (CTLab)**, a new space for new and innovative testing and evaluation of products designed for the training of legal professionals and administrative staff on their applications and, more generally, to share experiences and projects at national and international level. This body gave birth to several applications such as:

- An **electronic database** with the rulings of the Disciplinary Committee of the Higher Judiciary Council *(Consiglio Superiore della Magistratura)* polled by a software "DBT";
- **"Giurimole software"**, to perform textual analysis of the judgments, with which it has conducted an experimental monitoring of a body of civil judgments of the Supreme Court, judgments of the Court of Bologna and judgments in tax matters;
- Development and testing of **e-services for the judge of peace** *(giudice di pace)*, in collaboration with institutions Cineca, University of Bologna and Justices of the Peace of Bologna.

4. DEVELOPMENT OF ICT IN THE ADMINISTRATION OF CRIMINAL JUSTICE

The criminal justice system has automated registries and implemented numerous information systems to support investigation mainly of organised crime. A challenge now is to develop information systems for support in the various phases of a criminal trial, so as to have a fully interconnected system.

a. Jurisdiction management is mainly based on two information systems:

1. RE.GE. Project

Since the end of the 1980s, the development of case tracking or case management system has been the main technological battleground of the Italian justice system. In criminal procedures, the case management system developed by the Ministry of Justice for the use of the Italian Courts and Prosecutors' Offices is called ReGe. ("Registro Generale"). Installed in the 165 Courts of First Instance, in the attached prosecutor's offices, and in quite a few of the 26 courts of appeal throughout Italy, ReGe consists of a software aiming at the management of general registries, an automated version of the criminal registry used by trial courts. First implemented in 1989 with the new Criminal Procedure Code, the system has since been evolving through more sophisticated database management and Web technology. The software is a typical automated case tracking system based on a client – server architecture. The software allows a limited data interchange between the courts and the attached prosecutor's offices. It was designed as an automation of the handwritten paper docket, as a register of actions of the case life from the criminal complaint until the sentence. The system can also be used to automatically extract the statistical crime data and to enable information exchange between the prosecutor's office and the court. Each court or prosecutor's office end user is differently qualified with a user ID and a password to access the system, and then modifies or updates records. There are several different levels of passwords based on the qualification of the end users.

The administrative staff has successfully adopted the ReGe case management systems because it supported the existing workflow along the line of the normative, standardised procedural flow that defines their daily work. Judges and prosecutors, on the contrary, have tried to developed bottom-up and "homemade" applications that support their independent work.

However, this system has given rise to considerable problems of interoperability between the different offices and for that reason it was eventually abandoned. Another cause of this failure was that the Ministry of Justice reduced the support granted to this initiative. In the meantime, the Ministry launched other projects.

The most important is **Minerv@**, aimed at developing a standard application to support prosecutors and judges' workflow in criminal procedures (such as launching an investigation or advanced management of criminal dossiers). But after 10 years of testing, the **result of Minerva** is no yet known, and the prototype seems still to be under a never ending testing phase.

Another relevant project is **Drift** of the **Polis** information infrastructure that has been developed to facilitate the writing of judges' summons and their collection and turned to be used by lawyers to access the data provided by the administrative staff more than the sentences of judges.

2. NSC

NSC (*Nuovo Sistema informativo del Casellario giudiziale*; New Information System for the Records Office). The effort to automate judicial record-keeping has recently made headway with implementation, in 2007, of an ICT data-entry and management system for data relative to any court-issued provision, enabling the issuing office to accurately enter the information through a user friendly interface developed in a Web environment. The NSC system was brought into operation pursuant to DPR No. 313 of 14 November 2002, a consolidated text laying out the statutory requirements and rules the records office must operate by. But the NSC does not fulfil the whole of the DPR: indeed, this DPR sets out data-entry procedures for the records office and the office for crime-dependent administrative penalties, and these procedures are already operational, but there has yet to be a database for verifying the caseload of criminal cases on the national docket. This was foreseen under the national ICT plan for the three-year period from 2007 to 2009, which calls for a project for automatically feeding the records office with the data stored in the so-called source systems (e.g. REGE).

b. **Sentencing and enforcement** are managed by two main information systems:

(a) An automated registry of criminal sentences for magistrates supervising the execution of monetary fines and other criminal punishments.
(b) An automated enforcement system for magistrates supervising the execution of prison sentences and alternative measures. The system can be used to draft documents and build databases collecting information on people seeking reduced penalties.

c. System Integration and Interoperability

Several information systems benefit from cooperation between investigative bodies, judiciary offices, and external and international organisations.

Two such systems are SIDDA and SIDNA, supporting investigation by the National Anti-Mafia Office (DNA) and the District Anti-Mafia Offices (DDA). These systems are designed as information services based on a central repository that organises data collected by local offices and makes it possible to exchange information relating to trials against organised crime. Secure communication is guaranteed through proprietary software enabling data encryption and security checks across a unitary justice network. The repository stores multimedia data such as texts, images, and video and audio recordings (from wiretapping). Under special conditions, the database may be accessed by judicial police too.

Local DDA offices can only access their own data, while the national coordinating office (DNA) has access to all information on file.

d. The information systems supporting international cooperation between the judiciary and prosecuting offices are:

(a) A system supporting investigative groups cooperating under Eurojust. This is a DGSIA information system helping prosecutors in different EU Member States carry out investigations and coordinate under Eurojust. Different prosecutors and groups investigating the same case can use the system to collect, find, retrieve, exchange, compare, and analyse investigative data. The technology is the same as in SIDDA and SIDNA.

(b) e-Court. This (partly EU-funded) system helps criminal courts cross the EU cooperate by sharing integrated multimedia data. The ICT technology includes 'intelligent' information retrieval with document indexing, thesaurus refinement, and multilingual searching.

(c) A criminal data management system based on cooperation between the Justice and Interior Ministries. The system enables the criminal investigative units of the Interior Ministry to centralise their data and relay it to the Justice Ministry, which in turn forwards it to the relevant prosecuting offices so that they can update their automated REGE registries. This is expected to bring a number of benefits:
(i) criminal offices will work more efficiently through access to constantly updated REGE data; (ii) backlogs and errors due to misreading of paper documents or incorrect data entry will be reduced to a minimum; (iii) a law-enforcement institution receiving updated information about a crime will be able to give feedback.

e. ICT within Courts

TRIN (Intelligent Court) is a system that enables multimedia management of hearings, with additional tools for audio and video recording serving to integrate the transcript tools already available at the court.

Videoconferencing[*]

Many courts in Member States are now equipped with videoconferencing facilities in the courtroom or in special hearing rooms for witnesses and experts.

* For detailed information see the Annex "Videoconferencing facilities Italy".

ANNEX 1. INFORMATION ON THE VIDEOCONFERENCING EQUIPMENT IN THE COURTS OF ITALY

No	City	Court name	Address	State
1	Agrigento	Tribunale di Agrigento	Contrada Petrusa	Aula operativa
2	Agrigento	Tribunale di Agrigento	Via Mazzini, 179	Aula operativa
3	Alessandria	Tribunale di Alessandria	Via Casale, 50/d – Loc. S. Michele	Aula operativa
4	Alessandria	Tribunale di Alessandria	Via Casale, 50/d – Loc. S. Michele	Aula operativa
5	Alessandria	Tribunale di Alessandria	Via Casale, 50/d – Loc. S. Michele	Aula operativa
6	Alessandria	Tribunale di Alessandria	Via Casale, 50/d – Loc. S. Michele	Aula operativa
7	Alessandria	Tribunale di Alessandria	Via Casale, 50/d – Loc. S. Michele	Aula operativa
8	Alessandria	Tribunale di Alessandria	Corso Crimea, 81	Aula operativa
9	Ancona	Tribunale di Ancona	Corso Mazzini, 95	Aula operativa
10	Aosta	Tribunale di Aosta	Loc. Les Iles – Brissogne	Aula operativa
11	Aosta	Tribunale di Aosta	Loc. Les Iles – Brissogne	Aula operativa
12	Aosta	Tribunale di Aosta	Loc. Les Iles – Brissogne	Aula operativa
13	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa
14	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa
15	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa
16	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa
17	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa
18	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa
19	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa
20	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa

[1] Please note:

Videoconferencing equipment is installed in 169 rooms available in all first and second grade Courts. Here are the technical characteristics of the equipment present in all rooms:

- H.320 over ISDN lines
- Codecs: AVC9384, AVC8000, AVC8200
- AES Encryption
- 16 simultaneous remote session; each session up to 30 remote sites simultaneous connections with a speed up to 384 Kbps
- Maintenance of a session in case of the loss of a channel ISDN “downspeed”
- Each court room is equipped with multiple screens
- Camera with pre-positioning and programmable zoom
- Configuration by remote control

No	City	Court name	Address	State
21	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa
22	Ascoli Piceno	Tribunale di Ascoli Piceno	Via Navicella, 218	Aula operativa
23	Avellino	Tribunale di Avellino	Piazza D'Armi	Aula operativa
24	Avellino	Tribunale di Avellino	Piazza D'Armi	Aula dismessa
25	Bari	Corte d'Appello di Bari	Via Generale Planelli	Aula operativa
26	Bari	Tribunale di Bari	Via Nazariantz, 1	Aula operativa
27	Bari	Tribunale di Bari	Piazza Enrico De Nicola	Aula operativa
28	Bari	Tribunale di Bari	Via Nazariantz, 1	Aula operativa
29	Bari	Tribunale per i Minorenni di Bari	Via Tommaso Fiore, 49/d	Aula operativa
30	Benevento	Tribunale di Benevento	Via Raffaele De Caro	Aula operativa
31	Bologna	Corte d'Appello di Bologna	Piazza dei Tribunali, 4	Aula operativa
32	Bologna	Tribunale di Bologna	Piazza dei Tribunali, 4	Aula operativa
33	Bologna	Tribunale di Bologna	Via G. Garibaldi, 6	Aula operativa
34	Bologna	Tribunale di Bologna	Via G. Garibaldi, 6	Aula operativa
35	Bologna	Tribunale di Bologna	Piazza Trento e Trieste, 3	Aula operativa
36	Bologna	Tribunale per i Minorenni di Bologna	Via del Pratello, 36	Aula operativa locale (no MVC)
37	Brescia	Tribunale di Brescia	Via Moretto, 78	Aula operativa
38	Brindisi	Tribunale di Brindisi	Via P. Togliatti, 2	Aula operativa
39	Brindisi	Tribunale di Brindisi	Via P. Togliatti, 2	Aula operativa
40	Busto Arsizio	Tribunale di Busto Arsizio	Largo Giardino, 4	Aula operativa
41	Cagliari	Tribunale di Cagliari	Piazza della Repubblica, 18	Aula operativa
42	Caltagirone	Tribunale di Caltagirone	Viale Mario Milazzo, 218	Aula operativa
43	Caltanissetta	Corte d'Appello di Caltanis-setta	Via R. De Roberto Malaspina	Aula operativa
44	Caltanissetta	Corte d'Appello di Caltanis-setta	Via Liberta', 3	Aula operativa
45	Caltanissetta	Tribunale di Caltanissetta	Via Liberta', 3	Aula operativa
46	Caltanissetta	Tribunale di Caltanissetta	Via Liberta', 3	Aula operativa (no backup)
47	Caltanissetta	Tribunale di Caltanissetta	Via Liberta', 3	Aula operativa
48	Caltanissetta	Tribunale di Caltanissetta	Via Liberta', 3	Aula operativa
49	Caltanissetta	Tribunale di Caltanissetta	Via Liberta', 3	Aula operativa
50	Caltanissetta	Tribunale per i Minorenni di Caltanissetta	Via Don Minzoni	Aula operativa
51	Campobasso	Tribunale di Campobasso	Viale Elena	Aula operativa
52	Castrovillari	Tribunale di Castrovillari	Contrada Petrosa	Aula operativa
53	Catania	Corte d'Appello di Catania	Piazza Verga	Aula operativa

No	City	Court name	Address	State
54	Catania	Corte d'Appello di Catania	Loc. Bicocca	Aula operativa
55	Catania	Corte d'Appello di Catania	Loc. Bicocca	Aula operativa
56	Catania	Tribunale di Catania	Piazza Verga	Aula operativa
57	Catania	Tribunale di Catania	Via Francesco Crispi	Aula operativa
58	Catanzaro	Corte d'Appello di Catanzaro	Piazza Matteotti, 3	Aula operativa
59	Catanzaro	Corte d'Appello di Catanzaro	Piazza Matteotti, 3	Aula operativa
60	Catanzaro	Tribunale di Catanzaro	Via Francesco Paglia, 47	Aula operativa
61	Chieti	Tribunale di Chieti	Piazza Vittorio Emanuele, 1	Aula operativa
62	Como	Tribunale di Como	Piazza Vittoria, 6	Aula operativa
63	Cosenza	Tribunale di Cosenza	Via Sicilia	Aula operativa
64	Cosenza	Tribunale di Cosenza	Via Sicilia	Aula operativa locale (no MVC)
65	Cremona	Tribunale di Cremona	Via dei Tribunali, 13	Aula operativa locale (no MVC)
66	Crotone	Tribunale di Crotone	Via Vittorio Veneto s.n.c.	Aula operativa
67	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
68	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
69	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
70	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
71	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
72	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
73	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
74	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
75	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
76	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
77	Cuneo	Tribunale di Cuneo	Via Roncata, 75	Aula operativa
78	Enna	Tribunale di Enna	V.le Diaz, 1	Aula operativa
79	Erice	Tribunale di Trapani	c/o carcereErice	Aula operativa
80	Ferrara	Tribunale di Ferrara	c/o Casa Circ. Ferrara Via Arginone 327	Aula operativa
81	Ferrara	Tribunale di Ferrara	c/o Casa Circ. Ferrara Via Arginone 327	Aula operativa
82	Ferrara	Tribunale di Ferrara	c/o Casa Circ. Ferrara Via Arginone 327	Aula operativa
83	Firenze	Corte d'Appello di Firenze	Via Cavour, 57	Aula operativa
84	Firenze	Tribunale di Firenze	Via dell'Agnolo, 8	Aula operativa
85	Firenze	Tribunale di Firenze	Via dell'Agnolo, 8	Aula operativa

No	City	Court name	Address	State
86	Firenze	Tribunale di Firenze	Via dell'Agnolo, 8	Aula operativa
87	Firenze	Tribunale di Firenze	Via dell'Agnolo, 8	Aula operativa
88	Firenze	Tribunale di Firenze	Piazza San Firenze, 5	Aula operativa (no backup)
89	Firenze	Tribunale di Firenze	Piazza San Firenze, 5	Aula operativa
90	Firenze	Tribunale di Firenze	Piazza San Martino, 2	Aula operativa
91	Foggia	Tribunale di Foggia	Viale I Maggio	Aula operativa
92	Foggia	Tribunale di Foggia	Viale I Maggio	Aula operativa
93	Gela	Tribunale di Gela	Via G. Donizetti, 2	Aula operativa
94	Genova	Corte d'Appello di Genova	Piazza Portoria, 1	Aula operativa
95	Genova	Tribunale di Genova	Piazza Portoria, 1	Aula operativa
96	Grosseto	Tribunale di Grosseto	Via Monte Rosa	Aula operativa
97	Lamezia Terme	Tribunale di Lamezia Terme	Piazza della Repubblica	Aula operativa
98	L'Aquila	Tribunale per i Minorenni di L'AquilaVia	Acquasanta, 1	Aula operativa
99	Latina	Tribunale di Latina	Piazza Bruno Buozzi, 1	Aula operativa
100	Lecce	Corte d'Appello di Lecce	Borgo S. Nicola	Aula operativa
101	Lecce	Tribunale di Lecce	Viale Michele De Pietro	Aula operativa
102	Lecce	Tribunale di Lecce	Viale Michele De Pietro	Aula operativa
103	Locri	Tribunale di Locri	Piazza Nuovo Tribunale	Aula operativa
104	Marsala	Tribunale di Marsala	Piazza Borsellino, 1	Aula operativa
105	Matera	Tribunale di Matera	Via Aldo Moro	Aula operativa
106	Messina	Corte d'Appello di Messina	Via Tommaso Cannizzaro – Piazza S. Pugliatti	Aula operativa
107	Messina	Tribunale di Messina	Via Tommaso Cannizzaro – Piazza S. Pugliatti	Aula operativa
108	Messina	Tribunale di Messina	Zona Falcata c/o Marina M.	Aula dismessa
109	Messina	Tribunale di Messina	Via Tommaso Cannizzaro – Piazza S. Pugliatti	Aula operativa
110	Messina	Tribunale di Messina	Via Tommaso Cannizzaro – Piazza S. Pugliatti	Aula operativa
111	Messina	Tribunale di Messina	Via Tommaso Cannizzaro – Piazza S. Pugliatti	Aula operativa
112	Mestre	Tribunale di Venezia	Via delle Messi	Aula operativa
113	Mestre	Tribunale di Venezia	V.le San Marco	Aula operativa locale (no MVC)
114	Mestre	Tribunale per i Minorenni di Venezia	Via Bissa s.n.c.	Aula operativa
115	Milano	Corte d'Appello di Milano	Via Ucelli di Nemi	Aula operativa
116	Milano	Corte d'Appello di Milano	Via Ucelli di Nemi	Aula operativa

No	City	Court name	Address	State
117	Milano	Corte d'Appello di Milano	Via Freguglia, 1	Aula operativa
118	Milano	Tribunale di Milano	Via Camporgnago, 40	Aula operativa
119	Milano	Tribunale di Milano	Via Camporgnago, 40	Aula operativa
120	Milano	Tribunale di Milano	Via Camporgnago, 40	Aula operativa
121	Milano	Tribunale di Milano	Piazza Filangieri, 4	Aula operativa
122	Milano	Tribunale di Milano	Corso Porta Vittoria, 18	Aula operativa
123	Milano	Tribunale di Milano	Corso Porta Vittoria, 18	Aula operativa
124	Milano	Tribunale di Milano	Via Freguglia, 1	Aula operativa
125	Milano	Tribunale di Milano	Via Camporgnago, 40	Aula operativa
126	Milano	Tribunale di Milano	Via Camporgnago, 40	Aula operativa
127	Milano	Tribunale di Milano	Via Camporgnago, 40	Aula operativa
128	Milano	Tribunale di Milano	Via Camporgnago, 40	Aula operativa
129	Milano	Tribunale di Milano	Via Camporgnago, 40	Aula operativa
130	Milano	Tribunale per i Minorenni di Milano	Via Leopardi, 18	Aula operativa
131	Modena	Tribunale di Modena	Corso Canalgrande, 77	Aula operativa
132	Monza	Tribunale di Monza	Piazza Garibaldi, 10	Aula operativa
133	Napoli	Corte d'Appello di Napoli	Via G. Porzio – Poggioreale	Aula operativa
134	Napoli	Corte d'Appello di Napoli	Piazza Cenni	Aula operativa
135	Napoli	Corte d'Appello di Napoli	Piazza Cenni	Aula operativa
136	Napoli	Tribunale di Napoli	Piazza Cenni	Aula operativa
137	Napoli	Tribunale di Napoli	Via Roma V.S. 350	Aula operativa
138	Napoli	Tribunale di Napoli	Via Roma V.S. 350	Aula operativa
139	Napoli	Tribunale di Napoli	Via Roma V.S. 350	Aula operativa
140	Napoli	Tribunale di Napoli	Via Roma V.S. 350	Aula operativa
141	Napoli	Tribunale di Napoli	Via Roma V.S. 350	Aula operativa
142	Napoli	Tribunale di Napoli	Via G. Porzio – Poggioreale	Aula operativa
143	Napoli	Tribunale di Napoli	Centro Direzionale Isola F	Aula operativa
144	Napoli	Tribunale di Napoli	Piazza Cenni	Aula operativa
145	Napoli	Tribunale di Napoli	Piazza Cenni	Aula operativa
146	Napoli	Tribunale di Napoli Sorveglianza	Nuovo Palazzo di Giustizia Torre C Centro Direzionale	Aula operativa
147	Nocera Inferiore	Tribunale di Nocera Inferiore	Via Federico Rocco, 1	Aula operativa
148	Nola	Tribunale di Nola	Palazzo Orsini Piazza Giordano Bruno	Aula operativa
149	Nola	Tribunale di Nola	Palazzo Orsini Piazza Giordano Bruno	Aula operativa
150	Novara	Tribunale di Novara	Via Sforzesca, 49	Aula operativa

No	City	Court name	Address	State
151	Novara	Tribunale di Novara	Via Sforzesca, 49	Aula operativa
152	Novara	Tribunale di Novara	Via Sforzesca, 49	Aula operativa
153	Novara	Tribunale di Novara	Via Sforzesca, 49	Aula operativa
154	Novara	Tribunale di Novara	Via Sforzesca, 49	Aula operativa
155	Novara	Tribunale di Novara	Via Sforzesca, 49	Aula operativa
156	Novara	Tribunale di Novara	Via Sforzesca, 49	Aula operativa
157	Novara	Tribunale di Novara	Via Sforzesca, 49	Aula operativa
158	Nuoro	Tribunale di Nuoro	Via Leonardo Da Vinci, 17	Aula operativa locale (no MVC)
159	Padova	Tribunale di Padova	Via due Palazzi	Aula operativa
160	Palermo	Corte d'Appello di Palermo	Via Bachelet	Aula operativa
161	Palermo	Corte d'Appello di Palermo	Via Bachelet	Aula operativa
162	Palermo	Corte d'Appello di Palermo	Piazza Vittorio Emanuele Orlando	Aula operativa
163	Palermo	Corte d'Appello di Palermo	Piazza Vittorio Emanuele Orlando	Aula operativa
164	Palermo	Corte d'Appello di Palermo	Piazza Vittorio Emanuele Orlando	Aula operativa
165	Palermo	Tribunale di Palermo	Piazza Vittorio Emanuele Orlando	Aula operativa
166	Palermo	Tribunale di Palermo	Piazza Vittorio Emanuele Orlando	Aula operativa
167	Palermo	Tribunale di Palermo	Via Bachelet	Aula operativa
168	Palermo	Tribunale di Palermo	Via Bachelet	Aula operativa
169	Palermo	Tribunale di Palermo	Via Bachelet	Aula operativa
170	Palermo	Tribunale di Palermo	Via Bachelet	Aula operativa
171	Palermo	Tribunale di Palermo	Via Bachelet	Aula operativa
172	Palermo	Tribunale di Palermo	Via Remo Sandron	Aula operativa
173	Palermo	Tribunale di Palermo	Piazza Vittorio Emanuele Orlando	Aula operativa
174	Palermo	Tribunale di Palermo	Piazza Vittorio Emanuele Orlando	Aula operativa
175	Palermo	Tribunale di Palermo	Piazza Vittorio Emanuele Orlando	Aula operativa
176	Palermo	Tribunale di Palermo	Piazza Vittorio Emanuele Orlando	Aula operativa
177	Palermo	Tribunale per i Minorenni di Palermo	Via Principe Di Palagonia, 135	Aula operativa locale (no MVC)
178	Palmi	Tribunale di Palmi	Piazza Amendola	Aula operativa
179	Palmi	Tribunale di Palmi	Piazza Amendola	Aula operativa

No	City	Court name	Address	State
180	Paola	Tribunale di Paola	Rione Giacontesi s.n.c.	Aula operativa
181	Parma	Tribunale di Parma	Via Burla 59	Aula operativa
182	Parma	Tribunale di Parma	Via Burla 59	Aula operativa
183	Parma	Tribunale di Parma	Via Burla 59	Aula operativa
184	Parma	Tribunale di Parma	Via Burla 59	Aula operativa
185	Parma	Tribunale di Parma	Via Burla 59	Aula operativa
186	Parma	Tribunale di Parma	Via Burla 59	Aula operativa
187	Parma	Tribunale di Parma	Via Burla 59	Aula operativa
188	Parma	Tribunale di Parma	Via Burla 59	Aula operativa
189	Parma	Tribunale di Parma	Via Burla 59	Aula operativa
190	Patti	Tribunale di Patti	Via Molino Croce	Aula operativa
191	Perugia	Tribunale di Perugia	Via XIV Settembre	Aula operativa
192	Perugia	Tribunale di Perugia	Loc. Capanne	Aula operativa
193	Pescara	Tribunale di Pescara	Via Lo Feudo, 1	Aula operativa
194	Pisa	Tribunale di Pisa	Via San Giovanni Bosco, 43	Aula operativa
195	Pisa	Tribunale di Pisa	Via San Giovanni Bosco, 43	Aula operativa
196	Pisa	Tribunale di Pisa	Via San Giovanni Bosco, 43	Aula operativa
197	Potenza	Tribunale di Potenza	Via Nazario Sauro, 71	Aula operativa
198	Potenza	Tribunale di Potenza	Via Nazario Sauro, 71	Aula operativa
199	Potenza	Tribunale di Potenza	Via Nazario Sauro, 71	Aula operativa
200	Prato	Tribunale di Prato	Via MontagNola, 76	Aula operativa
201	Prato	Tribunale di Prato	Via MontagNola, 76	Aula operativa
202	Prato	Tribunale di Prato	Via MontagNola, 76	Aula operativa
203	Prato	Tribunale di Prato	Piazzale Falcone e Borsellino, 8	Aula operativa
204	Ragusa	Tribunale di Ragusa	Via Natalelli	Aula operativa
205	Reggio Calabria	Corte d'Appello di Reggio Calabria	Piazza Castello, 2	Aula operativa
206	Reggio Calabria	Corte d'Appello di Reggio Calabria	Piazza Castello, 2	Aula operativa
207	Reggio Calabria	Tribunale di Reggio Calabria	Viale Calabria	Aula operativa
208	Reggio Calabria	Tribunale di Reggio Calabria	Viale Calabria	Aula operativa
209	Reggio Calabria	Tribunale di Reggio Calabria	Viale Calabria	Aula operativa
210	Reggio Calabria	Tribunale di Reggio Calabria	Viale Calabria	Aula operativa
211	Reggio Calabria	Tribunale di Reggio Calabria	Via Sant'Anna – Palazzo Ce.Dir	Aula operativa
212	Reggio Calabria	Tribunale di Reggio Calabria	Via Sant'Anna – Palazzo Ce.Dir	Aula operativa

No	City	Court name	Address	State
213	Reggio Calabria	Tribunale di Reggio Calabria	Via Sant'Anna – Palazzo Ce.Dir	Aula operativa
214	Roma	Corte d'Appello di Roma	Via Arenula, 70	Aula operativa
215	Roma	Corte d'Appello di Roma	Via Arenula, 70	Aula operativa
216	Roma	Corte d'Appello di Roma	Via Arenula, 70	Aula operativa
217	Roma	Tribunale di Roma	Via Casale di S. Basilio, 168	Aula operativa
218	Roma	Tribunale di Roma	Via Casale di S. Basilio, 168	Aula operativa
219	Roma	Tribunale di Roma	Via Casale di S. Basilio, 168	Aula operativa
220	Roma	Tribunale di Roma	Via Varisco, 20	Aula operativa
221	Roma	Tribunale di Roma	Via Varisco, 20	Aula operativa
222	Roma	Tribunale di Roma	Via Varisco, 20	Aula operativa
223	Roma	Tribunale di Roma	Via Golanetto	Aula operativa
224	Roma	Tribunale di Roma	Piazzale Clodio	Aula operativa
225	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
226	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
227	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
228	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
229	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
230	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
231	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
232	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
233	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
234	Roma	Tribunale di Roma	Via R. Majetti, 165	Aula operativa
235	Roma	Tribunale di Roma	Via B. Longo, 72	Aula operativa
236	Roma	Tribunale di Roma	Via B. Longo, 72	Aula operativa
237	Roma	Tribunale di Roma	Via B. Longo, 72	Aula operativa
238	Roma	Tribunale di Roma	Via B. Longo, 72	Aula operativa
239	Rossano	Tribunale di Rossano	Via Santo Stefano	Aula operativa
240	Salerno	Corte d'Appello di Salerno	Corso Vittorio Emanuele	Aula operativa
241	Salerno	Corte d'Appello di Salerno	Via Tonnazzo Loc. Fuorni	Aula operativa
242	Salerno	Corte d'Appello di Salerno	Corso Vittorio Emanuele	Aula operativa
243	Salerno	Tribunale di Salerno	Corso Garibaldi	Aula operativa
244	Salerno	Tribunale di Salerno	Corso Garibaldi	Aula operativa
245	Salerno	Tribunale di Salerno	Corso Garibaldi	Aula operativa
246	Santa Maria Capua Vetere	Tribunale di S. Maria Capua Vetere	Piazza Resistenza	Aula operativa
247	Santa Maria Capua Vetere	Tribunale di S. Maria Capua Vetere	Via Appia, km 6500	Aula operativa

No	City	Court name	Address	State
248	Santa Maria Capua Vetere	Tribunale di S. Maria Capua Vetere	Via Appia, km 6500	Aula operativa
249	Santa Maria Capua Vetere	Tribunale di S. Maria Capua Vetere	Piazza Resistenza	Aula operativa
250	Santa Maria Capua Vetere	Tribunale di S. Maria Capua Vetere	Piazza Resistenza	Aula operativa
251	Santa Maria Capua Vetere	Tribunale di S. Maria Capua Vetere	Piazza Resistenza	Aula operativa
252	Santa Maria Capua Vetere	Tribunale di S. Maria Capua Vetere	Piazza Resistenza	Aula operativa
253	Sciacca	Tribunale di Sciacca	Via Quasimodo, 1 – Contrada Perriera	Aula operativa
254	Siracusa	Tribunale di Siracusa	Via Monasteri – Contrada Cavadonna	Aula operativa
255	Siracusa	Tribunale di Siracusa	Viale S. Panagia, 109	Aula operativa
256	Spoleto	Corte d'Appello di Perugia	Via Maiano, 10	Aula operativa
257	Spoleto	Corte d'Appello di Perugia	Via Maiano, 10	Aula operativa
258	Spoleto	Corte d'Appello di Perugia	Via Maiano, 10	Aula operativa
259	Spoleto	Corte d'Appello di Perugia	Via Maiano, 10	Aula operativa
260	Spoleto	Corte d'Appello di Perugia	Via Maiano, 10	Aula operativa
261	Spoleto	Corte d'Appello di Perugia	Via Maiano, 10	Aula operativa
262	Sulmona	Tribunale di Sulmona	Via Badia, 28	Aula operativa
263	Sulmona	Tribunale di Sulmona	Via Badia, 28	Aula operativa
264	Sulmona	Tribunale di Sulmona	Via Badia, 28	Aula operativa
265	Sulmona	Tribunale di Sulmona	Via Badia, 28	Aula operativa
266	Sulmona	Tribunale di Sulmona	Via Badia, 28	Aula operativa
267	Taranto	Corte d'Appello di Taranto	Quartiere Paolo VI – loc. Macchie	Aula operativa
268	Taranto	Tribunale di Taranto	Via Marche	Aula operativa
269	Termini Imerese	Tribunale di Termini Imerese	Via F. Ugo Di Blasi	Aula operativa
270	Terni	Tribunale di Terni	Strada delle Campore, 32	Aula operativa
271	Terni	Tribunale di Terni	Strada delle Campore, 32	Aula operativa
272	Terni	Tribunale di Terni	Strada delle Campore, 32	Aula operativa
273	Terni	Tribunale di Terni	Strada delle Campore, 32	Aula operativa
274	Terni	Tribunale di Terni	Strada delle Campore, 32	Aula operativa
275	Tolmezzo	Tribunale di Tolmezzo	Via Paluzza, 77	Aula operativa
276	Tolmezzo	Tribunale di Tolmezzo	Via Paluzza, 77	Aula operativa
277	Tolmezzo	Tribunale di Tolmezzo	Via Paluzza, 77	Aula operativa
278	Tolmezzo	Tribunale di Tolmezzo	Via Paluzza, 77	Aula operativa

No	City	Court name	Address	State
279	Tolmezzo	Tribunale di Tolmezzo	Via Paluzza, 77	Aula operativa
280	Tolmezzo	Tribunale di Tolmezzo	Via Paluzza, 77	Aula operativa
281	Tolmezzo	Tribunale di Tolmezzo	Via Paluzza, 77	Aula operativa
282	Tolmezzo	Tribunale di Tolmezzo	Via Paluzza, 77	Aula operativa
283	Torino	Corte d'Appello di Torino	Corso Vittorio Emanuele II, 130	Aula operativa locale (no MVC)
284	Torino	Corte d'Appello di Torino	Corso Vittorio Emanuele II, 130	Aula operativa locale (no MVC)
285	Torino	Corte d'Appello di Torino	Corso Vittorio Emanuele II, 130	Aula operativa locale (no MVC)
286	Torino	Tribunale di Torino	Corso Vittorio Emanuele II, 130	Aula operativa locale (no MVC)
287	Torino	Tribunale di Torino	Corso Vittorio Emanuele II, 130	Aula operativa locale (no MVC)
288	Torino	Tribunale di Torino	Corso Vittorio Emanuele II, 130	Aula operativa locale (no MVC)
289	Torino	Tribunale di Torino	Corso Vittorio Emanuele II, 130	Aula operativa
290	Torino	Tribunale di Torino	Corso Vittorio Emanuele II, 130	Aula operativa
291	Torino	Tribunale di Torino Sorveglianza	Via Bologna, 47	Aula operativa
292	Torre Annunziata	Tribunale di Torre Annunziata	Corso Umberto I	Aula operativa
293	Torre Annunziata	Tribunale di Torre Annunziata	Corso Umberto I	Aula operativa
294	Trani	Tribunale di Trani	Piazza Duomo, 10	Aula operativa
295	Trapani	Tribunale di Trapani	Via XXX GEnnaio	Aula operativa
296	Trento	Corte d'Appello di Trento	Via S. Francesco D'Assisi, 2	Aula operativa
297	Trento	Tribunale di Trento	Largo Pigarelli, 1	Aula operativa
298	Treviso	Tribunale di Treviso	Viale Verdi, 18	Aula operativa
299	Trieste	Tribunale di Trieste	Via Foro Ulpiano, 1	Aula operativa
300	Varese	Tribunale di Varese	Piazza Cacciatori Delle Alpi, 4	Aula operativa
301	Venezia	Tribunale di Venezia	San Polo, 119	Aula operativa
302	Vibo Valentia	Tribunale di Vibo Valentia	Corso Umberto I°	Aula operativa
303	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
304	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
305	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
306	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa

No	City	Court name	Address	State
307	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
308	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
309	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
310	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
311	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
312	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
313	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa
314	Viterbo	Tribunale di Viterbo	Strada Santissima Salvatore	Aula operativa

THE DEVELOPMENT OF E-JUSTICE IN SPAIN

1. INTRODUCTION

Within its courts, Spain has a high quality level for the EU standards: basic technologies, technologies for the administrative staff and technologies for supporting judges have reached a good level of development. However, Spain has still a long way to go before its courts reach an optimal level of computerisation. Although there are several applications of information and communication technologies, it is not possible to follow a fully electronic judicial proceeding yet. Lack of budget for IT is a major problem in a country that is still using 80% of the old system of paper and electronic files for most of the "procedural tier".

Furthermore, there has not been a significant change in the organisational model of administration of justice and, therefore, in its operations. Although there are several reasons that can help us explain this situation, the main ones are resistance to change and the lack of coordination among different actors with competences in this field.

The implementation of the new judicial offices in Spain represents a good opportunity to overcome the often evident resistance. Different regional administrations of justice have developed specific plans to go from old judicial offices to new ones that among others incorporate the use of information and communication technologies and the elimination of paper from administration of justice.

2. EXCHANGE OF E-TOOLS INFORMATION WITHIN THE NATIONAL JUDICIAL SYSTEM AND AMONG LEGAL PROFESSIONALS

a) ICT within the Court

IUS + RED

In April 2010, the Ministry of Justice and the Ministry of Industry, Tourism and Commerce of Spain signed a collaboration agreement for the development of digital public services. The program called *Ius+network* ("Ius+Red"), accomplished through the Public Enterprise "red.es", aims to lay the foundation for technological development under the "Strategic Plan for the Modernisation of Justice".

The agreement, approved at the last Council of Ministers, aims to achieve a technologically advanced model of Justice. Among the planned actions is the digitisation of the registration function in the Peace Courts

("Juzgados de Paz"), the provision of e-services to courtrooms and the enhancement of the Digital Judicial Records.

Ius+network programme funding is allocated by the Ministry of Justice (for an amount of 47,429,753 euros) and the Ministry of Industry (for an amount of 29,110,882 Euros).

Civil Register Online

"Civil Register Online" is an ongoing project that already digitised 431 Municipal Civil Registries of Spain. This body is also responsible for the registration of births, marriages and deaths of Spanish citizens living outside the national territory (pursuant to information received from Spanish consulates around the world).

The digitisation of the Central Civil Registry will comprise approximately 10,000 registry books, more complex than the books of the municipal records digitised so far, due to the existence of inscriptions of various consulates (with pages of different sizes and formats in a single book), as well as the poor state of repair and binding of the older volumes.

These actions fall within the lines of the "Strategic Plan for the Modernisation of Justice", aimed at the transformation of the Central Civil Registry in a people-oriented Global Registry, pursuing excellence and quality by providing a more agile, swift and effective public service.

b) ICT and communication exchange between courts, parties and professionals of law

Iuriservice

Iuriservice is a Web-based system intended to provide the Spanish judiciary with a tool to facilitate knowledge management in daily judicial practice. It has been developed within the context of the SEKT project (2004 – 2006). The aim of SEKT was to develop and exploit semantically based knowledge technologies in order to support document management, content management, and knowledge management in knowledge intensive workplaces. Specifically, SEKT aimed at designing appropriate utilities to users in three main areas digital libraries, the engineering industry, and the legal domain providing them with quicker access to the right pieces of information at the right time.

This system provides the newly recruited judges with access to frequently asked questions (FAQ) trough a natural language interface. The judge describes the problem at hand, and the application responds with a list of relevant questions-answers that offer solutions to the issue, jointly with a list of relevant judgments.

The precedents of Iuriservice, nevertheless, are to be found in the Observatory of Judicial Culture (OJC). Created in 2001 out of a national research project, the OJC focuses on research on judicial behaviour, reasoning, and professional profiles of judges and magistrates. OJC's main purposes are to

identify how the judges are currently working, which are their difficulties, and to provide the Spanish judicial system with useful tools to improve the performance of its judiciary. The methodology put in place from the beginning required gathering good descriptions of judicial units (organisational roles, tasks, workload, identification of problems, etc.), and this required the elaboration of both ethnographic and statistical data. Thus, in 2002, the Young Spanish Judges Survey 2002 targeted 129 judges with less than 4 years experience (out of 352 judges in their first appointment). To perform comparative analysis, 139 senior judges were also surveyed. An important aspect of the survey was that people in charge of the interviews with judges were newly recruited judges at the Judicial School who volunteered to take part into the project. The main objective of the survey was to identify the most frequent problems that incoming judges usually face in their first appointment. A special emphasis was put on ICT, given their strong impact on the daily activity of judges (use of databases on legislation and jurisprudence, case management systems, and the Internet). By using multiple correspondence analysis (MCA) and cluster analysis methods, researchers constructed a typology of judges based on four clusters. Results showed that only the first one, composed of both junior and senior judges, used regularly digital databases and the Internet.

Judges as users have been an essential part of the *Iuriservice* project from the very beginning. Their role as final users, therefore, must not obscure their contribution to each stage of the project. The role of the users may be divided into three different stages: (1) users needs, (2) usability tests, and (3) final user field tests or user validation.

Integration of Iuriservice in the court technology system

Iuriservice was officially introduced in a formal session to members of the General Council of the Judiciary, representatives of the CENDOJ (Centro de Documentación Judicial), judges of the 58th class, and Directors of the Latin-American Judicial Schools who were present at that time at the Spanish School (November 27th, 2006).

On December 15th, 2005 the Plenary of the Spanish Judicial Council (CGPJ) issued an Order approving the extension until 2007 of the agreement on research between the CGPJ and the Autonomous University of Barcelona (UAB) (January 31st, 2001). The order states explicitly that researchers are under the restrictions on sensitive data established by the Spanish legislation (and art. 6 of the original agreement, concerning the confidentiality of judicial data). In addition, there is an agreement of research signed by the UAB, iSOCO, and La Ley-Actualidad S.A. (Wolters Kluwer) (2004). By virtue of this agreement, SEKT researchers have had access to the 450,000 judgments contained in La Ley legal database.

Key Benefits of Iuriservice

- pragmatic management of professional knowledge relevant to judges in their daily work;
- promotion of consistency in judicial decisions through the accumulation of relevant knowledge;

- reduced response time for new judges to their first cases;
- knowledge management (recovery of questions and case law) based on "understanding" of context rather than specific words.

PenalNet Plus[1]

Another relevant project is ***PenalNet Plus***, a pilot project led by the General Council of Spanish Lawyers,[2] in the framework of the European E-Justice program. *PenalNet* will create an encrypted videoconferencing system between European lawyers, will allow improved interoperability studies and will facilitate the expansion of the network to a greater number of European bars and solicitors, always based on the secrecy of professionals' communications and ensuring security in the EU legal sphere seamlessly and in an efficient way. It represents the first European network for secure and fluent e-communications intended for criminal lawyers.

PenalNet is an initiative supported and co-financed by the EU programme Criminal Justice 2007, (Directorate-General Justice Freedom and Security of the European Commission) and its development is currently undertaken by the *Consejo General de la Abogacía* (Spanish Bar) in cooperation with four partner Bars: the *Conseil National des Barreaux* (France), the *Magyar Ügyvédi Kamara* (Hungary) *Consiglio Nazionale Forense* (Italy), and *Uniunea Naţională a Barourilor din România*, (Romania).

The use of *PenalNet* by a lawyer means providing a cost-effective solution to citizens and clients, by using modern communication means to fully protect privacy and developing a professional network to promote the right of defence in cross-border practice.

The system provides a directory of registered European criminal lawyers, which allows faster interaction and efficiency and increases confidence between the professionals and amongst clients/citizens, whilst protecting their right to privacy as well as their professional secrecy.

PenalNet provides also a reliable communication based on the use of digital certificates, the most secure way to validate professional identity on the Internet.

The certificate holder's status as a lawyer is guaranteed by his/her national or regional bar association, which verifies his/her identity before issuing the certificate.

PenalNet digital certificates are issued in a CCBE's (Council of Bars and the Law Society's of Europe) European Lawyer Professional Identity Card, which uses the advanced digital signature, complying with the standards defined by the electronic signature Directive 1999/93/CE for Secure Signature Creation Devices.

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1 www.penalnet.eu

2 CGAE: Consejo General de la Abogacía Española.

Electronic signature guarantees that the documents have not been amended during communication, which allows greater security in cross-border criminal processes in Europe. Digital signature makes the authorship of the messages sent and received unquestionable, which guarantees that the issuing party cannot refute them.

The messages sent and received through *PenalNet* are encrypted and cannot be tampered or modified in any way.

PenalNet platform provides confirmation of reception and a return receipt, and users can be notified of messages sent to them through the means they prefer.

Currently, the Bar Councils of *PenalNet* are selecting the lawyers who will participate in *PenalNet*. The next step of the project is to include *PenalNet* in the European e-Justice website as well as to enlarge *PenalNet* to other Member States.

The presentations on *PenalNet* will continue in the forthcoming months in events such as the seminar "Towards a European on-line Justice" that the Spanish Presidency of the EU and the European Commission organised recently (19-20 April 2011).

Legal Documentation Centre

In 1997, the Governing Council of the Judiciary *(Consejo General del Poder Judicial)* created the *Centro de Documentación Judicial* (Legal Documentation Centre), CENDOJ, based in San Sebastián. The configuration of this new public service providing access to the case law produced in the various judicial bodies in the best possible technical conditions, as well as with special protection for people with regard to the handling of automated data, is based on the mandates and opinion generated by various plans, planning declarations of a political nature and rules generated in various spheres.

The database of the Official State Gazette, which contains information about constitutional case law, must be added to the CENDOJ database[3].

There are also private databases, with restricted access in return for payment of a fee.

Presentation of case law

Article 107 of the law LOPJ[4] states that the Governing Council of the Judiciary is responsible for the official publication of sentences and other decisions issued by the Supreme Court and other judicial bodies.

As regards the case law of the Supreme Court, CENDOJ has created a technological platform which is structured around a navigation system

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[3] From Eu portal E-justice.

[4] "Ley Orgánica del Poder Judicial", Law of Judiciary.

based on tabs[5]. The searcher is able to access all court decisions of the Supreme Court quickly and securely. The search for decisions can be carried out by means of selection fields which identify or classify the said decisions, and/or by means of empty text fields. There is also the option of directly accessing the last 50 decisions of each court. In this way citizens are able to access the most recent decisions to have been received and incorporated into the database which constitutes the corpus of case law.

The sentences are usually available on the databases in PDF, RTM and HTML formats.

The case law of the Supreme Court is published in full online and free of charge to read. The full texts are available, with personal data removed and with an efficient search engine which works on the texts of all decisions. The CENDOJ database provides the public, also free of charge, with the orders and sentences issued by the "Audiencia Nacional" (National High Court), the "Tribunales Superiores de Justicia" (High Courts of Justice) and the "Audiencias Provinciales" (Provincial Courts).

There are also publication rules in the Regulation which creates the *Centro de Documentación Judicial* (legal documentation centre)[6].

Videoconferencing*:

Many courts in Member States are now equipped with videoconferencing facilities in the courtroom or in special hearing rooms for witnesses and experts.

3. ACCESS TO JUSTICE TO THE CITIZENS THROUGH THE E-TOOLS

In this section, it is significant to mention the Law "25/2009" of 22th December, called the "Omnibus Law", a law through which professional groups are enabled to provide services to citizens through internet.

"Point of Single Contact"

The European Services Directive and the *"Ley Omnibus"*, amending the Bar Association Act, require these groups to lend their services to citizens through the "Point of Single Contact" or *"Ventanilla Unica de la Abogacía"*, a website where citizens can find information regarding the profession and carry out actions.

5 http://www.poderjudicial.es/search/index.jsp

6 From Eu portal E-justice.

* For detailed information see the document attached "Videoconferencing-facilities Spain"

The *Ventanilla Única de la Abogacía* is available at www.ventanillaunicaabogados.org, a website that the Spanish Bar has developed in collaboration with 83 Spanish regional Bars in order to comply with the obligations contained in Laws 17/2009 of 23 November 2009 regarding free access to the service activities and their execution, and 25/2009 of 22 December 2009 *("Ley Omnibus")*.

The service of this portal is integrated with *Ventanilla Única* for the Ministry of the President, www.eugo.es, allowing any citizen to access this portal and continue the procedure form of the selected profession.

The portal is aimed at lawyers or citizens who wish to obtain information or carry out procedures related to the bars, mainly those citizens who are interested in finding information related to the functioning of the bars (check annual reports or code of ethics, boards' calendar). It is also aimed at those bar associates and clients interested in making a claim or complaint against a lawyer or another bar associate.

The public may access information freely, but in order to carry out formalities and actions they need new electronic identity document, digital certificate and verification code to proceedings initiated on other public administration sites as www.eugo.es, the website of the Ministry of Presidency.

This project is promoted by the General Council of Spanish Lawyers *(Consejo General de la Abogacía española)* through the web site www.redabogacia.org.

Electronic file for access to legal aid

In 2010, the Spanish lawyers' associations processed over 200,000 electronic files of Legal Aid *(Justicia Gratuita)*, in more than 50 bar associations that are using the system developed by the Infrastructure Technology General Council of Spanish Lawyers *(Consejo General de la Abogacía Española)*.

The electronic processing service records turnaround times for document management requirements by up to 40 days, automatically collecting data to justify the right to legal aid, preventing citizens to have to personally obtain them from the different authorities involved, eliminating hassles and also minimising the errors of the administrative record.

With this service, Spanish lawyers' associations strengthen their role in the "e-Government", focusing their efforts on a better public service for citizens.

The system offers the bars an easy way of electronic access to institutions like the Tax Office, the National Treasury and Social Security, the Land Registry or the National Employment Institute.

The initiative to create the service "Electronic File Legal Aid" *(Expediente Electrónico de Justicia Gratuita)* is framed in the context of modernisation

of the Spanish bar based on its commitment to provide the best service to society.

To achieve this, the CGAE *(Consejo General de la Abogacía Española)* has developed, through its Technology Project, pioneering initiatives such as the Certification Authority of Spanish lawyers' associations, the Intranet Services for bar associated services, the e-school or Single Window, among others.

Agreement with Presidency

In its public duties, the Bar has been entrusted to guarantee the right of defence, referred to in Article 24 of the Spanish Constitution, and the management of Legal Aid, through Act 1/96 of January 10.

In 2010, it signed a technological cooperation agreement between the Legal Aid Department of the Presidency and the General Council of Spanish Lawyers by which the Legal Aid Commissions of the regions that have not yet transferred the responsibility for Justice, may use the electronic record of CGAE Legal Aid to shorten the processing and tackle them in a "leaner, safer and faster" way.

ANNEX 1. SOME STATISTICS

The following tables indicate the use of services *"RedAbogacía"* in 2010, the important network of Spanish lawyers serving the public and lawyers.

As the tables indicate, the tendency to use the extranet for lawyers' services has increased from its commissioning in June 2004.

The first table marks the historic sessions in 2006 – 2010 of www.redabogacía.org. The increase in 2010 regarding the number of sessions is over 20% compared to the same period last year.

The month with most sessions was November 2010 with a total of 112,711 visits (as shown in the box below left).

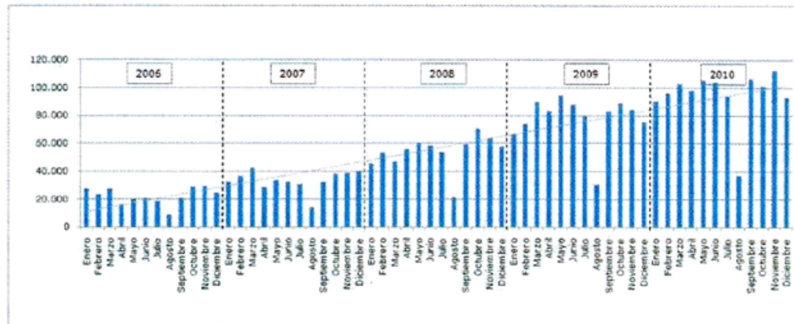
Table number 3 (bottom right) shows the status of implementation of the electronic signature. Today, all Bar Associations (except Madrid) are part of the "Certification Authority" of the Lawyers, to which they have distributed more than 100,000 cards college since 2004.

USO DE SERVICIOS **REDABOGACÍA 2010**

La tendencia de uso de la Extranet de Servicios de la Abogacía se va incrementando desde su puesta en servicio en Junio-04.

Histórico 2006-2010 - sesiones en www.redabogacia.org
El incremento en el 2010 en cuanto al número de sesiones es de más de un 20% respecto del mismo periodo del año anterior.

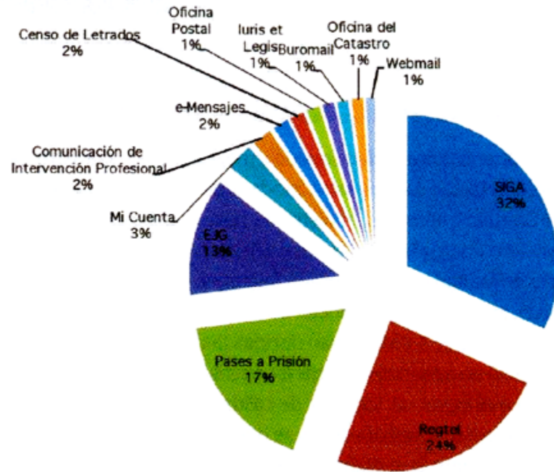
Expedientes Electrónicos de Justicia Gratuita tramitados (2006-2010)



El mes con **más sesiones** fue el de **noviembre**, que alcanzó un total de **112.711,** un 34% más que el mismo periodo del año 2009.

Sesiones RedAbogacía	2009	2010	Incremento
Enero	66.673	90.392	36%
Febrero	74.004	96.165	30%
Marzo	89.921	102.785	14%
Abril	83.393	98.305	18%
Mayo	94.453	105.350	12%
Junio	87.613	103.772	18%
Julio	79.899	94.065	18%
Agosto	30.663	37.252	21%
Septiembre	83.233	106.423	28%
Octubre	89.056	101.153	14%
Noviembre	84.248	112.711	34%
Diciembre	75.494	92.840	23%
	938.650	1.141.213	22%

Servicios con más accesos



Estado de implantación Firma Electrónica
En la actualidad todos los Colegios (salvo Madrid) forman parte de la Autoridad de Certificación de la Abogacía, a los que se les han distribuido más de 100.000 carnés colegiales electrónicos desde el 2004.

ANNEX 2. INFORMATION ON THE VIDEOCONFERENCING EQUIPMENT IN THE COURTS OF SPAIN

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
1	Albacete	Castilla La Mancha	Albacete	Audiencia Provincial	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
2	Albacete	Castilla La Mancha	Albacete	Audiencia Provincial (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
3	Albacete	Castilla La Mancha	Albacete	Audiencia Provincial Civil y Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
4	Albacete	Castilla La Mancha	Albacete	Audiencia Provincial Civil y Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
5	Albacete	Castilla La Mancha	Albacete	Juzgado de lo Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
6	Albacete	Castilla La Mancha	Albacete	Juzgado de Primera Instancia	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
7	Albacete	Castilla La Mancha	Albacete	Juzgado de Primera Instancia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
8	Albacete	Castilla La Mancha	Albacete	Juzgado de Primera Instancia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
9	Albacete	Castilla La Mancha	Albacete	Tribunal Superior de Justicia	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
10	Alcaraz	Alcaraz	Albacete	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
11	Alcazar de San Juan	Castilla La Mancha	Ciudad Real	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
12	Almadén	Castilla La Mancha	Ciudad Real	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
13	Almagro	Castilla La Mancha	Ciudad Real	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
14	Almansa	Castilla La Mancha	Albacete	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
15	Almazan	Castilla y León	Soria	Juzgado de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
16	Aranda de Duero	Castilla y León	Burgos	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
17	Arenas de S Pedro	Castilla y León	Avila	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
18	Arévalo	Castilla y León	Avila	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
19	Astorga	Castilla y León	León	Juzgado de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
20	Avila	Castilla y León	Avila	Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
21	Avila	Castilla y León	Avila	Juzgado de lo Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
22	Avila	Castilla y León	Avila	Juzgado de Primera Instancia e Instrucción/ Juzgado de lo Penal/ Juzgado de lo Social/ Juzgado de lo Contencioso Administrativo/ Juzgado de MeNIEres	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
23	Badajoz	Extremadura	Badajoz	Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
24	Badajoz	Extremadura	Badajoz	Juzgado de lo Penal	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
25	Badajoz	Extremadura	Badajoz	Tribunal Superior de Justicia (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
26	Béjar	Castilla y León	Salamanca	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
27	Benavente	Castilla y León	Zamora	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
28	Benavente	Castilla y León	Zamora	Juzgado de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
29	Briviesca	Castilla y León	Burgos	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
30	Burgo de Osma	Castilla y León	Soria	Juzgado de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
31	Burgos	Castilla y León	Burgos	Juzgado de Primera Instancia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
32	Burgos	Castilla y León	Burgos	Todos los Juzgados de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
33	Burgos	Castilla y León	Burgos	Todos los Juzgados de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
34	Burgos	Castilla y León	Burgos	Tribunal Superior de Justicia	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
35	Burgos	Castilla y León	Burgos	Tribunal Superior de Justicia (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
36	Burgos	Castilla y León	Burgos	Tribunal Superior de Justicia/ Audiencia Provincial	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
37	Cáceres	Extremadura	Cáceres	Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
38	Cáceres	Extremadura	Cáceres	Audiencia Provincial Civil (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
39	Cáceres	Extremadura	Cáceres	Juzgado de lo Contencioso Administrativo	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
40	Cáceres	Extremadura	Cáceres	Juzgado de lo Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
41	Cáceres	Extremadura	Cáceres	Tribunal Superior de Justicia	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
42	Calahorra	La Rioja	La Rioja	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
43	Caravaca	Murcia	Murcia	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
44	Caravaca	Murcia	Murcia	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
45	Carrión de los Condes	Castilla y León	Palencia	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
46	Cartagena	Murcia	Murcia	Audiencia Provincial Civil y Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
47	Cartagena	Murcia	Murcia	Tribunal Superior de Justicia de Murcia (Decanato)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
48	Cartagena	Murcia	Murcia	Tribunal Superior de Justicia de Murcia (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
49	Casas-Ibañez	Castilla La Mancha	Albacete	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
50	Cervera de Pisuerga	Castilla y León	Palencia	Juzgado de Primera Instancia	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
51	Ceuta	Ciudad de Ceuta	Ceuta	Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
52	Ceuta	Ciudad de Ceuta	Ceuta	Juzgado de lo Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
53	Cieza	Murcia	Murcia	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
54	Cistierna	Castilla y León	León	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
55	Ciudad Real	Castilla La Mancha	Ciudad Real	Audiencia Provincial Civil y Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
56	Ciudad Real	Castilla La Mancha	Ciudad Real	Fiscalía (Audiencia Provincial)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
57	Ciudad Real	Castilla La Mancha	Ciudad Real	Fiscalía (Audiencia Provincial)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
58	Ciudad Real	Castilla La Mancha	Ciudad Real	Juzgado de lo Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
59	Ciudad Real	Castilla La Mancha	Ciudad Real	Juzgado de lo Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
60	Ciudad Rodrigo	Castilla y León	Salamanca	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
61	Coria	Extremadura	Cáceres	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
62	Cuellar	Castilla y León	Segovia	Juzgado de Primera Instancia e Instrucción	YES	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
63	Cuenca	Castilla La Mancha	Cuenca	Audiencia Provincial Civil y Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
64	Cuenca	Castilla La Mancha	Cuenca	Fiscalía (Audiencia Provincial)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
65	Cuenca	Castilla La Mancha	Cuenca	Juzgado de lo Penal	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
66	Daimiel	Castilla La Mancha	Ciudad Real	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
67	Don Benito	Extremadura	Badajoz	Juzgado de lo Penal	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
68	Guadalajara	Castilla La Mancha	Guadalajara	Audiencia Provincial Civil y Penal	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
69	Guadalajara	Castilla La Mancha	Guadalajara	Juzgado de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
70	Haro	La Rioja	La Rioja	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
71	Hellín	Castilla La Mancha	Albacete	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
72	Herrera del Duque	Extremadura	Badajoz	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
73	Ibiza	Islas Baleares	Islas Baleares	Fiscalía de Ibiza	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
74	Ibiza	Islas Baleares	Islas Baleares	Juzgado de Instrucción/ Juzgado de lo Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
75	Ibiza	Islas Baleares	Islas Baleares	Juzgado de Instrucción/ Juzgado de lo Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
76	Ibiza	Islas Baleares	Islas Baleares	Juzgado de Primera Instancia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
77	Illescas	Castilla La Mancha	Toledo	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
78	Jumilla	Murcia	Murcia	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
79	La Bañeza	Castilla y León	León	Juzgado de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
80	La Roda	Castilla La Mancha	Albacete	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
81	León	Castilla y León	León	Audiencia Provincial (Fiscalía)	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
82	León	Castilla y León	León	Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
83	León	Castilla y León	León	Fiscalía-Juzgados de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
84	León	Castilla y León	León	Forenses-Juzgados de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
85	León	Castilla y León	León	Juzgado de lo Penal	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
86	León	Castilla y León	León	Juzgado de Primera Instancia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
87	León	Castilla y León	León	Juzgados de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
88	Lerma	Castilla y León	Burgos	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
89	Logroño	La Rioja	La Rioja	Audiencia Provincial (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
90	Logroño	La Rioja	La Rioja	Audiencia Provincial Civil – Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
91	Logroño	La Rioja	La Rioja	Audiencia Provincial Civil – Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
92	Logroño	La Rioja	La Rioja	Tribunal Superior de Justicia Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Commu-nity	Province	Court name	Encryp-tion possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Num-ber of cam-eras	Num-ber of screens
93	Lorca	Murcia	Murcia	Juzgado de lo Penal	YES	TAND-BERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
94	Lorca	Murcia	Murcia	Juzgado de lo Penal	YES	TAND-BERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
95	Lorca	Murcia	Murcia	Juzgado de Primera Instancia e Instrucción	YES	TAND-BERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
96	Madrid	Madrid	Madrid	Audiencia Nacional	YES	TAND-BERG 550 MXP	NO	IP H.323		H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
97	Madrid	Madrid	Madrid	Audiencia Nacional	YES	TAND-BERG 550 MXP	NO	IP H.323		H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
98	Madrid	Madrid	Madrid	Audiencia Nacional	YES	TAND-BERG 550 MXP	NO	IP H.323		H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
99	Madrid	Madrid	Madrid	Audiencia Nacional	YES	TAND-BERG 550 MXP	NO	IP H.323		H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
100	Madrid	Madrid	Madrid	Audiencia Nacional	YES	TAND-BERG 550 MXP	NO	IP H.323		H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
101	Madrid	Madrid	Madrid	Audiencia Nacional	YES	TAND-BERG 3000 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
102	Madrid	Madrid	Madrid	Audiencia Nacional	YES	TAND-BERG 3000 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
103	Madrid	Madrid	Madrid	Fiscalía General del Estado	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
104	Madrid	Madrid	Madrid	Juzgado Central de Instrucción	YES	TANDBERG 550 MXP	NO	IP H.323		H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
105	Madrid	Madrid	Madrid	Juzgado Central de Instrucción	YES	TANDBERG 550 MXP	NO	IP H.323		H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
106	Madrid	Madrid	Madrid	Juzgado Central de lo Contencioso Administrativo	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
107	Madrid	Madrid	Madrid	Juzgado Central de lo Contencioso Administrativo	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
108	Madrid	Madrid	Madrid	Juzgado Central de lo Contencioso Administrativo	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
137	Palma Mallorca	Islas Baleares	Islas Baleares	Fiscalía de Palma de Mallorca	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
138	Palma Mallorca	Islas Baleares	Islas Baleares	Juzgado de Instrucción/ Juzgado de lo Penal	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
139	Palma Mallorca	Islas Baleares	Islas Baleares	Juzgado de Instrucción/ Juzgado de lo Penal	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
140	Palma Mallorca	Islas Baleares	Islas Baleares	Juzgado de Instrucción/ Juzgado de lo Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
141	Palma Mallorca	Islas Baleares	Islas Baleares	Juzgado de Primera Instancia	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
142	Palma Mallorca	Islas Baleares	Islas Baleares	Juzgado lo de Penal	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
143	Palma Mallorca	Islas Baleares	Islas Baleares	Tribunal Superior de Justicia Civil& Social/ Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
144	Peñaranda de Bracamonte	Castilla y León	Salamanca	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
145	Piedrahita	Castilla y León	Avila	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
146	Plasencia	Extremadura	Cáceres	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
147	Ponferrada	Castilla y León	León	Adscripción Permanente (Fiscalía)	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
148	Puebla de Sanabria	Castilla y León	Zamora	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
149	PuertollaNIE	Castilla La Mancha	Ciudad Real	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
150	Quintanar	Castilla La Mancha	Toledo	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
151	Sª Mª la Real d Nieva	Castilla y León	Segovia	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
152	Sahagún	Castilla y León	León	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
153	Salamanca	Castilla y León	Salamanca	Audiencia Provincial Civil	NO	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
154	Salamanca	Castilla y León	Salamanca	Juzgado de Primera Instancia (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
155	Salamanca	Castilla y León	Salamanca	Juzgado de Primera Instancia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
156	Salamanca	Castilla y León	Salamanca	Juzgado de Primera Instancia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
157	Salamanca	Castilla y León	Salamanca	Juzgado lo de Penal	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
158	Salamanca	Castilla y León	Salamanca	Juzgados de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
159	Salamanca	Castilla y León	Salamanca	Juzgados de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
160	Salas de los Infantes	Castilla y León	Burgos	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
161	San Clemente	Castilla La Mancha	Cuenca	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
162	San Javier	Murcia	Murcia	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
163	Segovia	Castilla y León	Segovia	Juzgados de Primera Instancia e Instrucción (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
164	Segovia	Castilla y León	Segovia	Juzgado de lo Penal	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
165	Segovia	Castilla y León	Segovia	Juzgados de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
166	Sepulveda	Castilla y León	Segovia	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
167	Sigüenza	Castilla La Mancha	Guadalajara	Juzgado de Primera Instancia e Instrucción	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
168	Soria	Castilla y León	Soria	Audiencia Provincial	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
169	Soria	Castilla y León	Soria	Audiencia Provincial (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
170	Soria	Castilla y León	Soria	Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
171	Soria	Castilla y León	Soria	Juzgado de lo Social	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
172	Talavera	Castilla La Mancha	Toledo	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384		1	1
173	Tarancón	Castilla La Mancha	Cuenca	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
174	Toledo	Castilla La Mancha	Toledo	Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
175	Toledo	Castilla La Mancha	Toledo	Juzgados de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
176	Tomelloso	Castilla La Mancha	Ciudad Real	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
177	Tomelloso	Castilla La Mancha	Ciudad Real	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
178	Torrijos	Castilla La Mancha	Toledo	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
179	Totana	Murcia	Murcia	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
180	Trujillo	Extremadura	Cáceres	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
181	Valdepeñas	Castilla La Mancha	Ciudad Real	Juzgado de Primera Instancia e Instrucción	YES	NA	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
182	Valencia de Alcántara	Extremadura	Cáceres	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
183	Valladolid	Castilla y León	Valladolid	Juzgado de Primera Instancia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
184	Valladolid	Castilla y León	Valladolid	Juzgado de Primera Instancia	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
185	Valladolid	Castilla y León	Valladolid	Audiencia Priovincial (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
186	Valladolid	Castilla y León	Valladolid	Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
187	Valladolid	Castilla y León	Valladolid	Juzgado de Familia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
188	Valladolid	Castilla y León	Valladolid	Juzgado de MeNIEres	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
189	Valladolid	Castilla y León	Valladolid	Juzgado de Primera Instancia	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
190	Valladolid	Castilla y León	Valladolid	Tribunal Superior de Justicia (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
191	VillabliNIE	Castilla y León	León	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
192	Villalpando	Castilla y León	Zamora	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
193	Villanueva de la Serena	Extremadura	Badajoz	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
194	Villanueva de los Infantes	Castilla La Mancha	Ciudad Real	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
195	Villarcayo	Castilla y León	Burgos	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

No	City	Community	Province	Court name	Encryption possible YES/NO	Equipment type and make	Multipoint connection possible YES/NO	ISDN or IP	Speed (kbps)	Protocols and standards used	Number of cameras	Number of screens
196	Villarrobledo	Castilla La Mancha	Albacete	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
197	VitigudiNIE	Castilla y León	Salamanca	Juzgado de Primera Instancia e Instrucción	NO	FALCON	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
198	Yecla	Murcia	Murcia	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
199	Zafra	Extremadura	Badajoz	Juzgado de Primera Instancia e Instrucción	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
200	Zamora	Castilla y León	Zamora	Audiencia Provincial Civil	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1
201	Zamora	Castilla y León	Zamora	Juzgado de MeNIEres	YES	TANDBERG 550 MXP	NO	ISDN H320	384	H261, H262, H263, H263+, HDS4; G711, G722, G722.1, G728	1	1
202	Zamora	Castilla y León	Zamora	Juzgado de Primera Instancia e Instrucción (Fiscalía)	YES	SONY PCS-1600P	NO	ISDN H320	384	H261, H263+ G711, G722, G728, G723	1	1

JUDICIAL INDICATORS AS ELECTRONIC TOOLS FOR MEASURING THE EFFICIENCY OF JUSTICE IN ENGLAND AND WALES, AND GERMANY

Governance consists of the traditions and institutions by which authority in a country is exercised. This includes the process by which government employees are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that manage economic and social interactions among them.

The European Union and the Council of Europe are concerned with efficiency and cost management of all areas of EU countries' government. Such a concern has spread from the EU institutions to all the Member States. In this context, the Council for Europe has established the European Commission for the Efficiency of Justice (CEPEJ), whose aim is to develop, among other things, new indicators to measure efficiency of the judges' work.

The judicial indicators are electronic tools used to assess and – where possible – improve the efficiency and quality of judicial procedures. How to strike the balance between efficiency and quality has often been the subject of frequent discussions.

England and Wales largely use judicial indicators meant to measure proper levels of manpower and expenditure, and improvement towards scheduled outcomes to which the courts and other related institutions are committed. Those programmed outcomes stem from general goals set up by the Ministry of Justice. The subject matter of this study, the judiciary, is not frequently encountered in comparative legal research. Studies on specialised legal institutions and personnel most of the times yield to theoretical or constitutional matters. Therefore some data for these comparative purposes is missing or difficult to access.

After the thorough work prepared by the World Bank on judicial indicators[1], it has been an indisputable principle in their implementation that the better understanding of all aspects of work performed by judges and their staff, including both quantitative and qualitative aspects, coupled with an objective measurement of such a performance done with objective tools often increases the confidence of citizenry in courts and the Rule of Law. Furthermore quantity indicators should be used as parameters for determination of the number of judges needed in a judicial system rather than only reliance on indicators assessing performance of the judiciary.

[1] Buscaglia, E. and Maria Dakolias, Comparative International Study of Court Performance Indicators, World Bank Legal and Judicial Reform Series, 1999.

The scope of the present chapter is to offer an overview on rules, sources and praxis regarding those indicators in Germany, England and Wales. It will focus on the following issues:

- What are the performance indicators used in the judicial systems under study to measure the number of concluded cases and lead times?
- How are concepts of “staff”, “concluded cases” and “performance” defined?
- To what extent and in what way are resources used in order to gather data?
- What main goals do the indicators stem from?

1. METHODOLOGY

The methodological key in this study is “functionality” or the principle of functional equivalence. A comparative analysis compels to ask “Which rule, or concept, or institution in a given system B performs an equivalent function to the one under survey in system A?”. Functional equivalence is aimed to ensure a justified comparison, in other words “comparing like with like”.

It must be pointed out that while both England and Wales, and Germany have a rather similar judicial system, at least from a general point of view, differences do exist, both in the way courts’ systems are structured and the in consequential matrix created for their evaluation. This is especially true in particular when it comes to filtering mechanisms, as explained below. The relatively extreme positions of England and Wales, and Germany regarding entry barriers for prospective litigants and a simpler or more complex court structure heavily impact any comparative study on judges’ performance.

Another fundamental difference to be considered in a comparative analysis of judiciaries and the indicators measuring their performance is the legal system to which each country belongs. In the present study England and Wales, particularly its judiciary, represents the common law tradition, and Germany represents the Germanic branch of the civil law tradition.

In the common law tradition, which originated in England, the judiciary system has created a nationwide legal framework, building upon precedents. The role of judges as the primary lawmakers is reflected in the style of court decisions. In view of their huge responsibilities, only highly experienced barristers (QCs) will qualify for appointment to the Bench. As a consequence, the number of professional judges in England and Wales tends to be relatively small. By contrast, in the continental European tradition, to which Germany belongs, the legislator is the primary lawmaker. The framework of the civil law legal tradition is laid down in the major codes. Thus, the role of individual judges in the continent is

downplayed while magnifying the legal framework. Many judges have started their career shortly after graduation from law school, taking the special vocational training for intending judges.

Other important differences stemming from their antithetic ways of thinking come out when analysing both countries' judicial system. Historically, a more liberal legal culture in common law countries pushes common law judges to be sort of passive umpires, leaving much initiative (for example, cross-examination of witnesses) to the parties. By contrast, due to a more paternalistic and protectionist culture in continental European countries, the civil law tradition judges tend to be more interventionist, the result being two parties each of them having a dialogue with the judge. It must be said though, despite the fact that the civil law-common law distinction still determines whether procedural laws are codified or not, the judge in some common law systems has ceased to be a passive adjudicator and has increasingly assumed an interventionist role, similar to that of his/her civil law peers; this assertion is confirmed by the 1999 enactment of the English Civil Procedure Rules.

All legal systems belonging to the civil law family use more or less similar divisions of the law into (statutorily) well-defined main areas – an important aspect in view of judicial statistics. Legal systems belonging to common law, however, are not familiar with these main divisions.

Yet, in another aspect, membership to a legal family is not necessarily decisive. The presence of a system for review of constitutionality, for instance, seems to coincide primarily with a federal structure such as Germany, but from this general rule England is excluded. Only Germany constitutes a federal state, with a genuinely federalised judiciary system. The United Kingdom does not really constitute a federal state, but it is composed of fairly autonomous judiciary systems (i.e. England and Wales, Scotland and Northern Ireland), with only the House of Lords assuming jurisdiction over all three judiciary systems.

England and Wales has a single regular court system, with many specialised branches within the superior courts in particular (Queen's Bench Commercial, Queen's Bench Admiralty, Family, etc.), while a network of specialised Tribunals (from which appeal lies to the regular courts) co-exists with the official courts system. Germany arguably represents the highest degree of specialisation among courts, although the number of specialised semi-public institutions is lower. It could be argued, therefore, that specialisation has been formalised to a higher extent in Germany than elsewhere.

Both countries under study have – in general terms – a rather similar judicial administration with differences at the level of details in which relative extreme positions in several aspects are spotted. Germany has almost no entry barriers for prospective litigants seeking to use the judiciary, what allows many light cases to slip into the system. This may lead to high performance figures. However, performance may be mitigated by the German complex court structure. England and Wales, by contrast, have a high threshold for entering the judiciary system, as a result of

which only complex cases will ultimately be addressed by the judiciary. As a consequence, performance figures tend to be rather low.

Numbers of concluded cases per capita vary strongly across countries indicating serious differences in the filter mechanisms determining whether or not cases are submitted to court. Strong filter mechanisms lead to cases in court with large caseload on average. The filter mechanism is an important determinant of performance differences: a stronger filter mechanism often coincides with lower performance. It is also an important determinant of differences in the costs of the judiciary system: a stronger filter mechanism often coincides with lower total costs of the judiciary system.

From the above example it has become clear that low performance figures, as applied to any country, are by no means indicative of the efficiency of a judiciary system. It may well be argued that a judiciary system that succeeds in filtering out the less complex cases, as the British system does, is highly efficient exactly for that reason.

Caseload figures may also be tainted by differences in national practices of selecting, counting, merging or subdividing cases. Similar problems crop up in the figures relating to expenditures. Expenses, and costs, and efficiency in the use of resources entail additional problems of comparability as a consequence of different budgeting strategies and cost perceptions.

Performance measures (i.e. cases concluded per Euro spent or per employee) reveal no clear picture, either. Germany, for instance, has the lowest number of concluded cases per employee for criminal law, whereas it has a middle ranking in terms of civil law.

Little data is available regarding the rather fundamental issue of cost of litigation in both countries under study. Some surveys suggest that litigation is relatively expensive in England and Wales (due to the necessity of engaging two professionals, the fees charged by London city firms and court delays), and relatively inexpensive in Germany (due to the fixed-fee system, as well as the remarkably high percentage of citizens benefiting from a legal expense insurance).

Apart from differences between both countries impacting the use of judicial indicators, there are differences within each country between distinct areas of law. Moreover, major reform projects have changed or are likely to change the landscape considerably. As already mentioned, the most striking change arguably occurred in the English law of civil procedure following implementation of the 1999 Woolf reforms, which transformed the role of judges from passive arbitrators into rather active case managers.

The Woolf reforms also ended the old multi-stage procedural system, now compelling counsel to concentrate and substantiate their claims at an early stage. The Woolf reforms have been paralleled to some extent in France by the Coulon reforms, where the underlying motivation was

the same, namely enhance efficiency, but the departure there from past practices was much less drastic. Germany preceded France and England with its *Vereinfachungsnovelle*.

In summary, the problems of comparability that the present study faces are manifold, not the least, the German disperse reports (mostly done by Lander and regions applying different systems of evaluation) on indicators and goals issued by the German Federal and regional governments. In addition, documentation in this country is presented essentially for local consumption rather than easily available for international comparative analysis. It will be impossible to address all these problems in detail within the parameters laid down for this project. Much more extensive, in-depth research will be needed to analyse problems and lacunae or inconsistencies in national data compilation and reporting that may be addressed by other relevant European judicial committees or task forces.

2. OFFICIAL STATISTICS INFORMATION

England and Wales

- The Court Service Annual Report (The Court Service)
- Magistrates' Courts Business Report, Annual Report (Department for Constitutional Affairs)
- Judicial Statistics (The Lord Chancellor's Department)
- Criminal Statistics (Home Office)

Germany

- "Figures about Justice" (Federal Ministry of Justice)
- "Statistical Yearbook" (Federal Statistical Office)
- "Justice Statistics" (Federal Statistical Office)

England and Wales, The Netherlands and the German state of North Rhine-Westphalia are considered the European leaders in the endeavors to enhance efficiency of respective judiciaries. England specially offers a detailed data of services and the way they are assessed.

3. JUDICIARY OF ENGLAND AND WALES

Judicial indicators measuring efficiency, costs and quality: goals, sources and praxis

England and Wales have developed one of the most complete systems of judicial indicators, among them in criminal justice there are indicators to measure performance, quality and efficiency in criminal cases from charge to disposal keeping records of performance all throughout stages

of trial within the target timescale. The assessment of those indicators is clearly linked to goals and objectives as decided by the Minister of Justice in the annual Corporate Plan. Evaluation is presented in the Annual Performance Report of the MoJ.

a) Judiciary and budget

Considering the weight the judiciary system has in the country economy as a whole, the following indicators are used by the Minister of Justice to assess the importance given by society to the work of judges, and the good or flawed use by the judicial system of the resources allocated to it:

- judiciary system expenditures as a percentage of GDP;
- judiciary system expenditures as a percentage of tax revenues;
- number of judges per capita;
- number of cases concluded per capita.

The numbers or percentage obtained as indicators in the first three cases represent to a certain extent the relevance of the judiciary system given by the society upon professional, government-regulated jurisdiction. The figures may also reflect the inefficiency or ineffectiveness of the official judicial administration.

The indicator "numbers of concluded cases per capita" is a comprehensive measure, which offers a description of the judiciary system in terms of qualitative descriptors. Special attention in the evaluation is paid to features of the legal and judicial system influencing the flow of cases into the courts.

Indicators such as "number of concluded cases per capita" reveal great differences across countries and types of law in terms of the number of cases concluded per 1,000 inhabitants. Germany has less than 15 concluded criminal cases per 1,000 inhabitants indicating strong filter mechanisms in criminal law. England and Wales has only weak filter mechanisms for criminal law: over 40 criminal cases per 1,000 inhabitants are concluded.

b) Measurement of the performance of judiciary systems

The legal accountability of the bench depends on judicial review, the appellate system, due process procedures and the hierarchy of norms. Managerial accountability depends, on the other hand, on standards of efficiency, whereas societal accountability reflects controls exerted by private citizens and civil society organisations.

In order to evaluate the work of judges from a strict point of view of their professionalism, the British government has developed indicators for assessing performance. They are an e-tool to evaluate the relation between resources and services delivered by the magistrates and other personnel in the court system. To this purpose the concept of productivity has been introduced. The term productivity often has a negative

connotation, in the sense that it refers to bad management and/or employees with a low motivation or bad work ethics. However, productivity generally refers to organisational structures and social preferences.

The judiciary system, consisting of courts of law and other judicial institutions, converts resources (judges, clerks, buildings) into services (concluded cases). The performance of the judiciary system can be defined in many ways. A natural measurement of performance is the productivity ratio.

In a single-resource single-service sector, productivity is measured as the ratio of service provided to resource consumed.

$$\text{productivity} = \frac{\text{services}}{\text{resources}}$$

However, most public sector entities provide multiple services and use multiple resources. In such a case, services and resources must be aggregated into quantity indexes. Ideally, the service and resource quantity indexes would include service and resource prices to act as weights, but these are often missing in the public sector.

$$\text{productivity} = \frac{\text{p1 service1} + \ldots + \text{pm service m}}{\text{w1 resource1} + \ldots + \text{wn resource n}}$$

Here a very important issue arises. On the one hand, how many, and which, resources and services should be included in devising judicial indicators and how should they be weighted in the aggregation process? Indeed, the selection of relevant or useful resources and services is of great importance. However because of data limitations measured productivity may be flawed, one of the reasons being the deficiency of incorporating the right variables and constraints.

Both countries under study include the number of cases concluded as a measurement of services of the judicial system. Services provided by the judiciary are very heterogeneous: differences in types of cases among civil, criminal or administrative domestic courts may cause distorted measurement of productivity. Unfortunately, researchers are sometimes forced to use partial measures of productivity, such as the quantity of a single service provided per employee, or the number of concluded cases per employee. Although these are easy to compute and to understand, they yield a two-dimensional characterisation of an inherently multi-dimensional problem. Such problem is not resolved even by applying partial productivity measures, such as the number of concluded cases per employee and total factor productivity. Even worse, they can send conflicting signals concerning relative performance, and so they must be interpreted with extreme caution.

Because productivity depends on many factors, such as structure of the service, extensive or restrictive use of state of the art or old technol-

ogy, the efficiency with which the technology is implemented, and the characteristics of the operating environment in which service provision occurs, Germany, and England and Wales as well have devised judicial indicators taking those factors into account.

British scholars convincingly argue that increasing the scale of production may well deteriorate the quality (defined in terms of revisions and citations of court decisions) of service provided by the judiciary.

Low productivity may have its origin in poor use of technology or inadequate management. Often a flawed or deficient management prevents optimal values of services and resources from being accomplished. This is evaluated through inefficiency indicators, which can be defined as the ratio of observed to maximum feasible service provision obtained from given resources, or vice versa. Expensive purchases, wrong mix of resources, high absenteeism and low occupancy rates as a result of inadequate planning inevitably ends up in low efficiency.

In designing judicial indicators to define the type of performance, efficiency index, other factors have to be included in the equation:

- number of concluded cases per employee, including judges;
- number of concluded cases per judge;
- number of concluded cases per Euro spent.

c) Descriptors evaluating Cases Concluded and Processing Time (C, T)

The number of criminal law cases concluded by judges ranges from fewer than 200 cases a year in Germany to 900 cases a year in England and Wales.

The number of indicators that assess the number of concluded cases per employee or per Euro spent of the judiciary system reflect differences in judiciary systems' legal requirements and quality. Some more commonly used quality indicators are:

- number of appeals as a percentage of concluded cases;
- number of judges as a percentage of total employees;
- average personnel costs per employee;
- average duration of concluded cases.

The number of appeals as a percentage of concluded cases represents an indicator of the quality of justice, as well as a measure of appeal barriers (e.g. cost) and cultural preferences (e.g. honour, equity). There are two reasons why the rate of appeals serves as a key indicator for 'explaining' differences. First, appeals to the Higher Court generally require more means of production. Second, a low rate of appeals may reflect high quality justice, which may correspond to high costs for the initial cases.

In England and Wales, the percentage of appeal cases out of concluded cases is less than 2%, while in Germany it is less than 7%.

The indicators of labour productivity (LP), judges' productivity, (JP) and concluded cases per Euro spent (CCE) are widely used. These are defined as follows:

$$LP = \frac{\text{cases concluded}}{\text{utilisation of personnel}}$$

where utilisation of personnel is measured in full-time equivalents.

$$JP = \frac{\text{cases concluded}}{\text{utilisation of judges}}$$

The number of judges working on cases is measured in full-time equivalents.

$$CCE = \frac{\text{cases concluded}}{\text{total cost}}$$

These equations are applied to three different sectors of the judiciary system, i.e.:

- criminal law;
- civil law;
- administrative law.

d) Examples of indicators

The so-called indicator **"Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice"** is evaluated against Joint CJS target.

An offence is considered to have been brought to justice when a recorded crime results in an offender being convicted, cautioned, issued with a penalty notice for disorder, given a cannabis warning, or having an offence taken into consideration.

Indicators measuring completion are aimed to measure improvement toward achieving earlier and more proportionate resolution of legal problems and disputes by:

(1) Increasing advice and assistance to help people resolve their disputes earlier and more effectively;
   - The English and Welsh Civil and Social Justice Survey conducted by BMRB, with the results processed by the Legal Services Research Centre is a household survey of people's experience of civil justice systems, the strategies employed to deal with them, barriers to advice, services and financial support for advice and representation, the impact of problems and the impact of advice. The survey, since January 2006, has been carried out on a continuous basis.

(2) Increasing the opportunities for people involved in court cases to settle their disputes out of court; and

(3) Reducing delays in resolving those disputes that need to be decided by the courts.

Regarding items (2) and (3): these targets are measured by monitoring cases that are resolved in the county courts, excluding civil family matters, by collecting data from HMCS Caseman Computer System.

Indicator measuring percentage cases completion within X time. After presenting tables and diagrams, a government analysis is issued yearly by the Ministry of Justice of England and Wales, as the example below shows:

"Performance of 2010: the magistrates' courts (family proceedings courts) achieve 56% cases completed within 40 weeks. The proportion is below target levels. Target will be achieved if … by March…

… but when comparing to the same period last year, has remained stable…

Since April 2008 there has been a reduction in the number of outstanding cases in the magistrates' courts which is thought to be the result of local authorities adhering to the new procedures, working more closely with families pre-proceedings and looking at safe and appropriate alternatives to court."

"The proportion of cases completed within 40 weeks in the care centres achieve 48%. It is below target level and has been declining over the last 12 months. Current trajectories suggest that meeting this target by March 2010 will prove challenging. A key risk to delivery of this target is the large volume of outstanding cases which are already over 40 weeks old and outside the target time (43.5%).

Source: Ministry of Justice Autumn Performance Report 2008, p. 40.

e) Objectives and goals

As stated by the English and Welsh Ministry of Justice – in what is called "The Corporate Plan", issued yearly – the goal of judicial indicators is to contribute to the creation of a safe, just and democratic society. The affirmed objectives and priorities are allocated to four Departmental Strategic Objectives (DSOs). The main outcomes are also proposed in the Minister of Justice Corporate plan, drawing clear lines of accountability to and ownership of the citizens.

The strategic objectives are stated as follows:

1) Strengthening democracy, rights and responsibilities

Outcome:

- Constitutional modernisation, to strengthen democracy and create the conditions for increased citizen engagement;

2) Delivering fair and simple routes to civil and family justice

Outcomes:

- increased efficiency and effectiveness of the civil, administrative and family justice systems;
- provision of early advice and support to enable disputes to be resolved out of court or tribunal wherever possible;
- accessible justice system that provides support where it is needed;
- creating a safe, just & democratic society.

3) Protecting the public and reducing reoffending

Outcomes:

- protecting the public;
- reducing reoffending;
- increasing the efficiency and effectiveness of service delivery;
- work to counter the risks posed by violent extremist offenders.

4) A more effective, transparent and responsive criminal justice system for victims and the public.

Outcomes:

- increasing the efficiency and effectiveness of the criminal justice system;
- increasing the transparency of the criminal justice system so that it inspires confidence in local communities;
- a more responsive criminal justice system that has in mind the needs of victims and witnesses at its heart.

f) Source of data for indicators

Most common sources used for obtaining data to get indicators are:

- calculation of production information;
- calculation of personnel information;
- calculation of information on judges;
- calculation of information on other personnel;
- calculation of expenditures;
- calculation of personnel costs;
- calculation of non-personnel costs.

In the United Kingdom, England and Wales, Scotland and Northern Ireland each have their own legal system. These legal systems differ so dramatically that this work only analyses data for England & Wales. The organisational structure of the English and Welsh judiciary system comprises three parts:

- Court Service;
- Magistrates' Courts;
- House of Lords.

The data for these separate parts have to be obtained from different sources. Data on The Court Service come from three sources:

- the Court Service Annual Report;
- the Court Service Business Plan;
- the Lord Chancellor's Department's Judicial Statistics.

The first two reports refer to the financial year running.

Data on the Magistrates' Courts are also obtained from two sources:

- Magistrates' Courts Business Report, Annual Reports (Department for Constitutional Affairs);
- Criminal Statistics.

Production

Data on cases concluded are given for each type of court and, for higher courts, per division. Courts may be differentiated according to criminal, civil and administrative cases.

Expenditures

Magistrates' Courts expenditures and other costs are taken from the annual report of the Magistrates' Courts instead of from the national budget, as 20 per cent of the general grants are awarded by local authorities.

The personnel expenditures of the Magistrates' Courts include the "staff related costs" and expenditures for magistrates, which primarily concern their training.

Court Service expenditures are justified per division. As divisions were allocated in their entirety to one of the sectors, criminal, civil or administrative, the same was done for expenditures. Expenditures in the accounts include:

- national staff costs;
- depreciations;
- interest payable.

Staff costs include pension and benefit payments. The annual accounts list the notional employers' contributions to social security separately.

g) Other judicial indicators outsourced from electronic case management systems

SAMPLE I
Extract from "Judicial and Court Statistics 2009"
Annex A: "Annex A: Data sources and data quality".

This annex gives brief details of data sources for the figures given in this report, along with a brief discussion on data quality. All data in this

edition of Judicial and Court Statistics relates to the calendar year 2009, unless otherwise noted.

Chapter 1: County courts (non-family)

This information has principally been produced using the Management Information System (MIS), a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in the tables have been sourced from the county court administrative system "CaseMan", used by court staff for case management purposes. This contains good quality information about the incidence and dates of major events in a case's progress through the court system. Statistical quality assurance procedures include the identification and removal of duplicate entries for the same event in a case, and checks that data have been collated for all courts to ensure completeness.

The numbers of insolvency petitions, applications for administration orders and administration orders made are sourced from manual counts made by court staff. Since April 2009 these have been recorded in the One Performance Truth (OPT) database, a web-based data monitoring system allowing direct input of performance data by court staff. Prior to April 2009 they were inputted into the Business Management System, designed for the purpose of monitoring and assessing court workloads. Quality assurance measures are in place to ensure that data are of sufficient quality, including querying with courts where their counts look unusually high or low and obtaining corrected figures if errors are identified.

Table 1.9 shows statistics on unspecified "money" claims, broken into several value ranges. The figures split by amount are counted based on the claim issue fee paid, this indicating the value range of the claim. The issue fee was either not present or did not correspond to any of the claim value ranges (sometimes due to exemption or remission) in around four per cent of claims in each year.

The numbers of small claims hearings and trials are sourced from "CaseMan". Their accuracy is dependent on court staff entering correct hearing outcome codes onto the system, which is not essential information for case administration purposes. As a result, these statistics are considered to be of lower quality than the other main case event volumes derived from "CaseMan".

SAMPLE II
Extracts from "Provisional Quarterly Criminal Justice System Information – March 2010"[2]
Appendix C: Victim and witness satisfaction with the Criminal Justice System broken down by ethnicity and gender

The latest available data for victim and witness satisfaction with the Criminal Justice System broken down by ethnicity and gender are provided for cases closed 12 months to December 2009.

[2] http://www.justice.gov.uk/publications/docs/cjs-stats-bulletin-march2010.pdf

Table 1. shows the proportion of victims and witnesses who were satisfied or dissatisfied with their contact with the Criminal Justice System (CJS) broken down by ethnicity.

Although the majority of victims and witnesses were satisfied, significantly fewer people in the black and mixed ethnic groups (80% and 78% respectively) reported being satisfied than in the white group (84%).

Significantly more people in the black and mixed ethnic groups (both 18%) reported being dissatisfied than in the white group (13%). The difference in the proportion of black and Asian groups reporting being dissatisfied (18% and 13% respectively) was also significant. These differences are statistically significant at the 5% level.

Table 1. Satisfaction of victims and witnesses with their overall contact with the CJS by ethnicity, cases closed in the 12 months to December 2009 (Table A3.1 in the original report)

Percentages and base sizes						
	White	**Asian**	**Black**	**Mixed**	**Chinese or other**	**Total**
Satisfied	84	84	80	78	86	**84**
Neither satisfied or dissatisfied	2	2	1	3	2	**2**
Dissatisfied	13	13	18	18	11	**13**
Base	33,153	1,543	967	467	139	**36,269**

(1) – denotes where base sizes are too small to provide reliable estimates.
(2) Figures may not sum to 100 due to rounding.
(3) Respondents who did not state their ethnicity are excluded.
Source: Witness and Victim Experience Survey, Ministry of Justice.

Table 1.14[3] shows the average time between case issue, allocation to track (for fast and multi-track cases) and the start of a small claims hearing or trial, plus statistics on the duration of small claims hearings and trials. The statistics on average times between the major case milestones are sourced from "CaseMan". The statistics on hearing/trial durations are sourced from, respectively, the small claims sampler and the trial sampler. The small claims sampler is a manual form which 29 county courts (from a total of around 216 across England and Wales) are required to complete for three months during the year. The trial sampler is a manual form which all county courts are required to complete for two months during the year. As such, these statistics represent the results for minority

[3] As numbered in the original text.

subsets, and are not based on all such hearings/trials occurring across England and Wales during the year.

Figures in Table 1.21 showing the numbers of repossessions of property by county court bailiffs have been revised from those previously published. This is due to a revised methodology which takes account of the outcomes of warrants which are recorded onto the county court case management systems ("CaseMan" and "Possession Claim Online") by courts to which warrants were transferred following issue. Although the courts which issued the warrants are supposed to record the outcomes of them, this has not always happened in practice.

4. JUDICIARY OF GERMANY

Judicial indicators measuring efficiency costs and quality: sources and praxis

By far the most important source on German judiciary can be found in the general statistics publication by the government: the *Statistisches Bundesamt* (Federal Statistical Office; http://www.destatis.de), which collects data on the individual federal states and presents them in national total figures. Most figures, including the number of judges, production and costs can be found in the Statistical Yearbook *(Statistisches Jahrbuch)*. More detailed figures on numbers of personnel can be found in the Statistisches *Bundesamt's Rechtspflegestatistik*. The publication "Zahlen aus der Justiz" (Figures about Justice) from the Ministry of Justice is based on figures from the Federal Statistical Office. This publication offers some additional details on personnel and also includes case processing time information; it presents the numerical data and correlative diagrams. The breakdown of figures according to the different sectors of the judiciary system, particularly criminal and civil, requires additional information that is only available at the level of the individual federal states or even the individual courts. All publications are in German only, and data available discriminated by Lander in a non-homogeneous way of presentation, making a comparative analysis on the country as a whole difficult.

Judicial indicators: sources and praxis

Details on the number of cases concluded *(Erledigungen)* are obtained from the Federal Statistical Office. The statistics are differentiated between "Straf", "Zivil", "Familie", "Verwaltung", "Arbeit", "Sozial", and "Finanz". Incidentally, the distinction between criminal and civil is not the same in Germany as it is in England.

1. Statistics on judicial personnel and administrative expenditures

– Judges

Details on personnel are obtained from the *Rechtspflegestatistik* (Justice Statistics) of the Federal Statistical Office. These are year-end figures. Several other judicial statistics are published in even years, which means that the figures for 2001 are averages of the year-end figures for 2000 and 2002.

A complication arises from the fact that the numbers of judges are only known according to type of court. Using the allocation plans *(Geschäftsverteilungspläne)*, a distinction could be made between criminal court judges and civil court judges for the ordinary Courts (district courts *(Amtsgerichte, Landgerichte)*, courts of appeal *(Oberlandesgerichte)*, and the Federal Court *Bundesgerichthof*). The Federal Court's allocation plan is presented in numbers of persons and in terms of full-time jobs. For persons serving in more than one section (e.g. both criminal section and civil section), the prioritised section is presented. In the allocation plans of the ordinary courts *(ordentliche Gerichthofe)* in Hamburg, persons working for both the criminal and the civil sections are allocated to each sector for 50 per cent. Moreover, the judicial statistics of the Federal Statistical Office do not distinguish between personnel in the Federal Court *(Bundesgerichtshof)* and in the Federal Patent Court *(Bundespatentgerichtshof)*. This is important regarding the breakdown of the numbers of judges according to criminal and civil based on the Federal Court's case allocation plans as published in "Zahlen aus der Justiz".

Lay judges (*Schöpfenrichter* in criminal cases at the *Amtsgerichthöfe, Handelsrichter* in commercial cases in the *Landgerichte* and the *Oberlandesgerichte*, and various *Ehrenamtliche Beisitzer* in the *Sozialgericht*, the *Arbeitsgericht*, the *Finanzgericht* and specific civil sections) never pronounce judgments independently but only attend court sessions. In terms of numbers, these lay judges far exceed the professional judges: there are 60,000 *Schöpfenrichter* alone, as opposed to over 20,000 professional judges. Converted into full-time jobs, however, their role is limited. *Schöpfenrichter*, for instance, are expected to assess six criminal cases a year.

– Staff

Full-timers and part-timers' information is given according to the authorities' level (Bund and Länder) and according to task areas. *Rechtsschutz* comprises the judiciary, the Public Prosecution Service and the prison system. The figures are presented by *Statistisches Jahrbuch*. Subsequently, the total personnel exclusive of the prison system was divided into judiciary and Public Prosecution Service. "Other personnel" in the judiciary is often calculated by deducting the number of judges from the comprehensive number of all members of the system.

In the *Freiwillige Gerichtbarkeit*, registration cases are not handled by judges, and personnel responsible for *Freiwillige Gerichtbarkeit* is arguably included in the judiciary system. According to a strategic personnel allo-

cation plan of the court of Hamburg Mitte, which co-ordinates personnel policy for the entire urban state of Hamburg, approximately a quarter of all personnel in the ordinary courts of the urban state of Hamburg is responsible for the *Freiwillige Gerichtbarkeit*.

– Expenditures

Details on the expenditures incurred for administration of justice are estimated on the basis of the data of Statistical Yearbook.

Ways to obtain proportion of administration expenditures:

- Based on the proportion of judges in the ordinary courts and the number of public prosecutors, dividing expenditures for ordinary courts and prosecutors' offices into judiciary and public prosecution service.
- Based on the extremely detailed cost itemisation, these costs can all be separated, except for the Disciplinary Court *(Disziplinargericht)*. Military justice expenditures are assumed to be negligible.

This produces the "direct expenditures" (exclusive of pensions and benefits) for X year for regular judicature (criminal + civil) and for specific judicature (administration, social, tax, labor). To estimate the direct expenditures for X year, the growth rate of these expenditures may be assumed to be equal to the growth rate of the total expenditures.

– Personnel expenditures

Personnel costs include expenditure incurred for personnel and what are known as *Versorgungsbezüge*. Personnel-related expenditures are inclusive of expenditures for lay judges *(Ehrenamtlich Tätige)*. The *Versorgungsbezüge* are pensions (Ruhegehalt, Hinterbliebenenversorgung) and indemnification of nursing costs and disability pension in the event of occupational accidents (Unfallfürsorge).

The state is not required to pay employers' premiums on wages. Moreover, civil servants do not pay taxes and social premiums on their wages, i.e. their gross wages equal their net wages.

2. Statistics on prosecution, sentencing and execution of sentence

Table 2. The statistics collection in all stages of the criminal procedure

Stage of procedure	Reporting authority	Where data are held
Investigation		
Suspicion of a criminal act	Police	Police crime statistics
Passed on to Public Prosecution Office	Public Prosecution Office	Register of proceedings

Table 2. The statistics collection in all stages of the criminal procedure (Continuation)

Stage of procedure	Reporting authority	Where data are held
Pending cases Final decision	Public Prosecution Office	Public Prosecution
Intermediate proceedings		
	Court	Court Business Statistics
Main proceedings		
Judgments	Court	Court Business Statistics
Sentences	Public Prosecution Office	Conviction Statistics
Execution of sentence	Public Prosecution Office	Conviction Statistics
Prison sentences	Public Prosecution Office	Central Federal Register
Suspended sentence – subject to supervision by probation officer	Court	Central Federal Register Probation statistics
Sentence not suspended	Public Prosecution Office	Central Federal Register
When sentence is served	Prison Service	Prison Statistics
Sentencing of repeat offenders	Public Prosecution Office or Court	Central Federal Register (basis for the reconviction statistics)

COMPARATIVE OVERVIEW ON THE EFFICIENCY OF EUROPEAN JUDICIAL SYSTEMS

This section is dedicated to provide relevant highlights on the results of the last study produced by CEPEJ (The European Commission for the Efficiency of Justice; www.coe.int/CEPEJ).

Considering the number of subjects and states addressed in this report, adopted by the CEPEJ in September 2010 and based on 2008 data, it constitutes a remarkable and unique global indicator for the efficiency of justice in Europe.

The methodology used, alongside the important contribution and support of the member states of the Council of Europe, makes it possible to present a review, which is increasingly detailed from one edition to another, of the judicial systems of 45 European states.

The quality of the data available allows to compose and analyse, for the first time within this process, a few statistical series. These series are designed to measure the main trends in Europe as regards the evolution of judicial systems and reform processes. Relying on those data, the CEPEJ can now propose concrete solutions to evaluate and improve the quality and efficiency of justice in Europe.

The CEPEJ highly encourages policy makers and researchers to use this unique information to develop studies and feed the indispensable European debate and reforms, the necessity for which is regularly reminded by the case-law of the European Court of Human Rights and the events in our member states and entities.

The purpose of this chapter is not to provide a synthesis of a voluminous report, but only to highlight, in an easily readable format, some of its elements and incite the readers "to go further". In this overview, only brief comments follow the graphs and tables extracted from the report, but they refer to the full report which enables a deeper approach with all the necessary methodological elements for rigorous analysis and comparisons.

All the data given by the member states are available on the CEPEJ website. The national answers also contain descriptions of the judicial systems and explanations which contribute to a large extent to the understanding of the given data. Thus, a genuine database of the judicial systems of the Council of Europe's member states is easily accessible to citizens, policy makers, legal practitioners, academics and researchers.

1. PUBLIC EXPENDITURES ALLOCATED TO COURTS, PROSECUTION SYSTEM AND LEGAL AID

According to the states, there are common or distinct modalities for funding courts, public prosecution systems and legal aid. These three elements have been divided as much as possible so as to allow comparisons, both of the means allocated to prosecution or judgement activities (despite the differences between the organisation of the systems) and of the amounts allocated to access to justice. This information thus gives an overall view of the budgets concerning most of the member states of the Council of Europe.

The data of the wealthiest states or entities must here be related to the level of prosperity of the state; otherwise it might be wrongly interpreted that they allocate a small amount of budget to their judicial system, because of their high GDP. This is namely the case for Norway, Luxembourg, Finland, and to a certain extent for France. This fact must be taken into account if relevant comparisons, which can only be done between comparable states, are to be drawn (cf. group of states with an equivalent GDP level per inhabitant, figure 2.27 of the report).

The development of the judicial system remains a priority for governments in Europe, even though large differences are noted among the member states or entities. The budgets of the judicial systems have increased in most of the European states until 2008 – only 4 member states have experienced decreasing budgets. The states that have more recently turned to a democratic system, and implemented major structural reforms of their judicial systems, are often those that provide a consistent budgetary effort and dedicate for the operation of the systems an important public budget according to the state's level of wealth. However, it will be interesting to follow up the evolution of these budgetary efforts devoted to the courts, the prosecution system and legal aid in Europe, in order to assess the effects of the financial and economic crisis of 2009 – 2010. Looking at the first trend indicators, one can fear that, at the European level, the growth rate of justice budgets, like all public budgets, will slow down significantly and perhaps, the curve will invert as well.

For a majority of European states, the court fees constitute significant financial resources, allowing some to cover a major part of the court operating costs, or even, for some of them, to generate a net profit which comes mainly from the resources attached to the handling of the business and land registries. Such a system, if accompanied by an effective legal aid system for enabling access to court to litigants who would not have proper means, is part of the current trend of public management aimed at partly balancing the costs of public services between the users and the tax payers.

Figure 1. Total annual public budget allocated to all courts, public prosecution and legal aid per inhabitant in 2008, in €

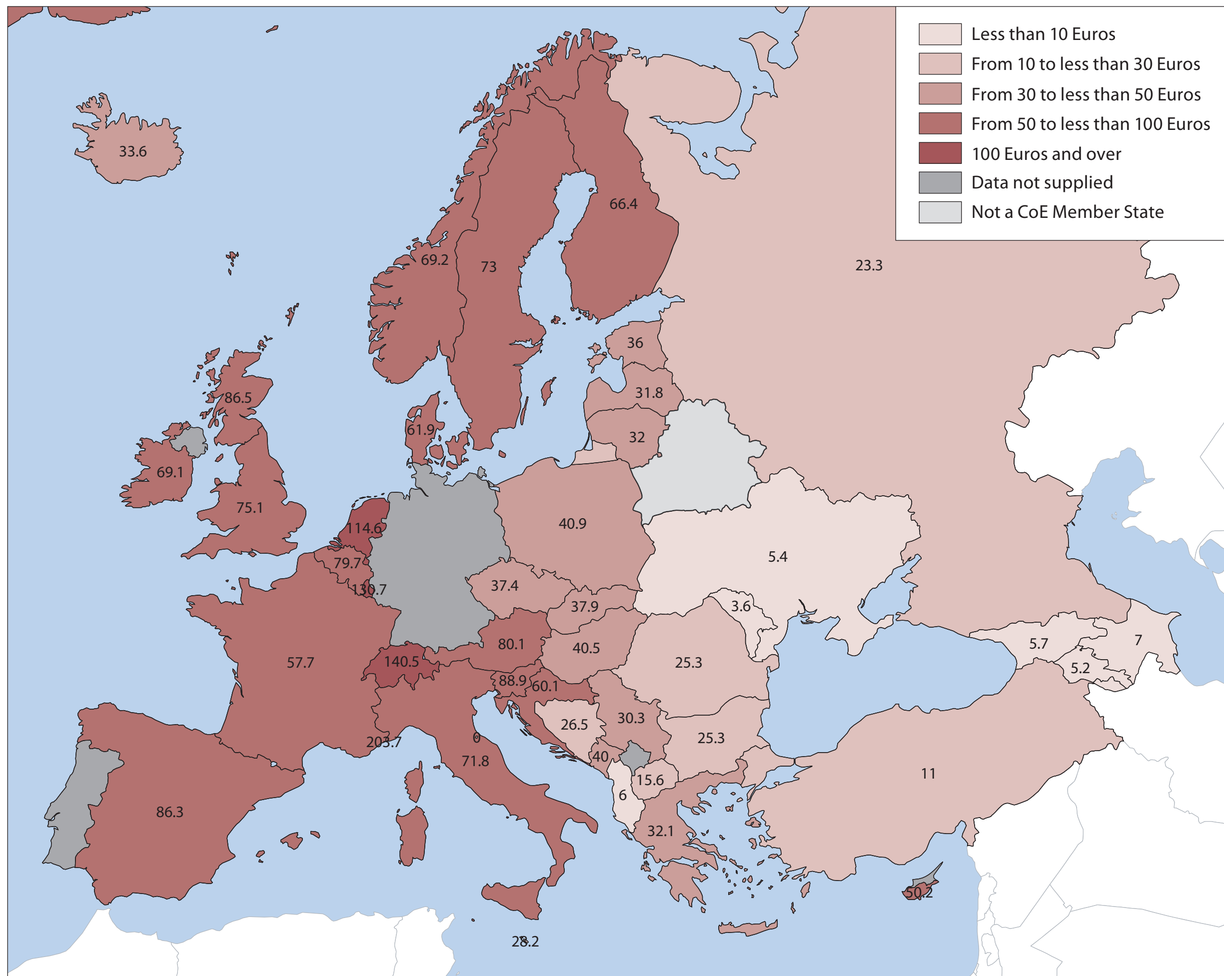


Figure 2. Total annual public budget allocated to all courts, prosecution and legal aid as part (in%) of the GDP per capita, in 2008

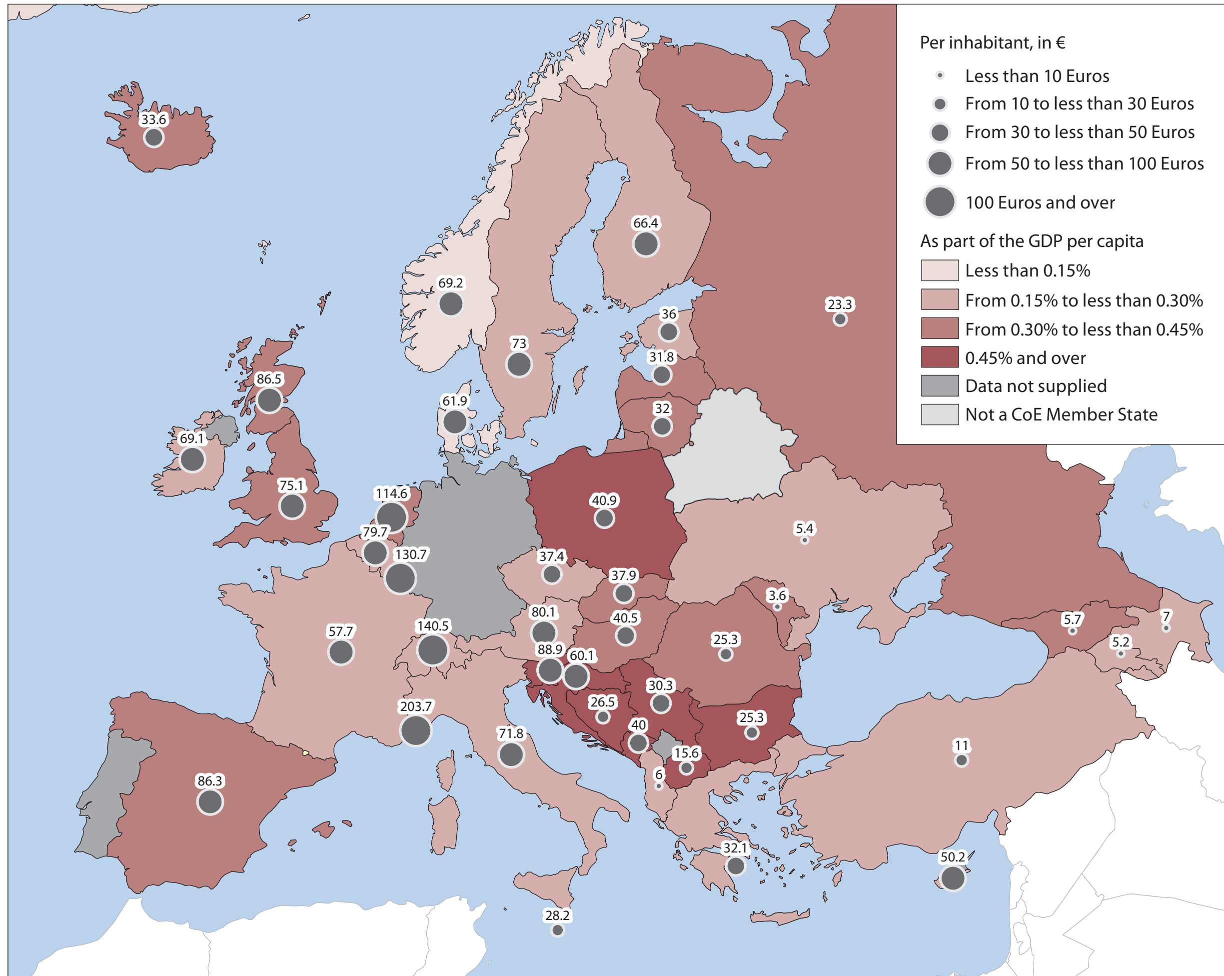
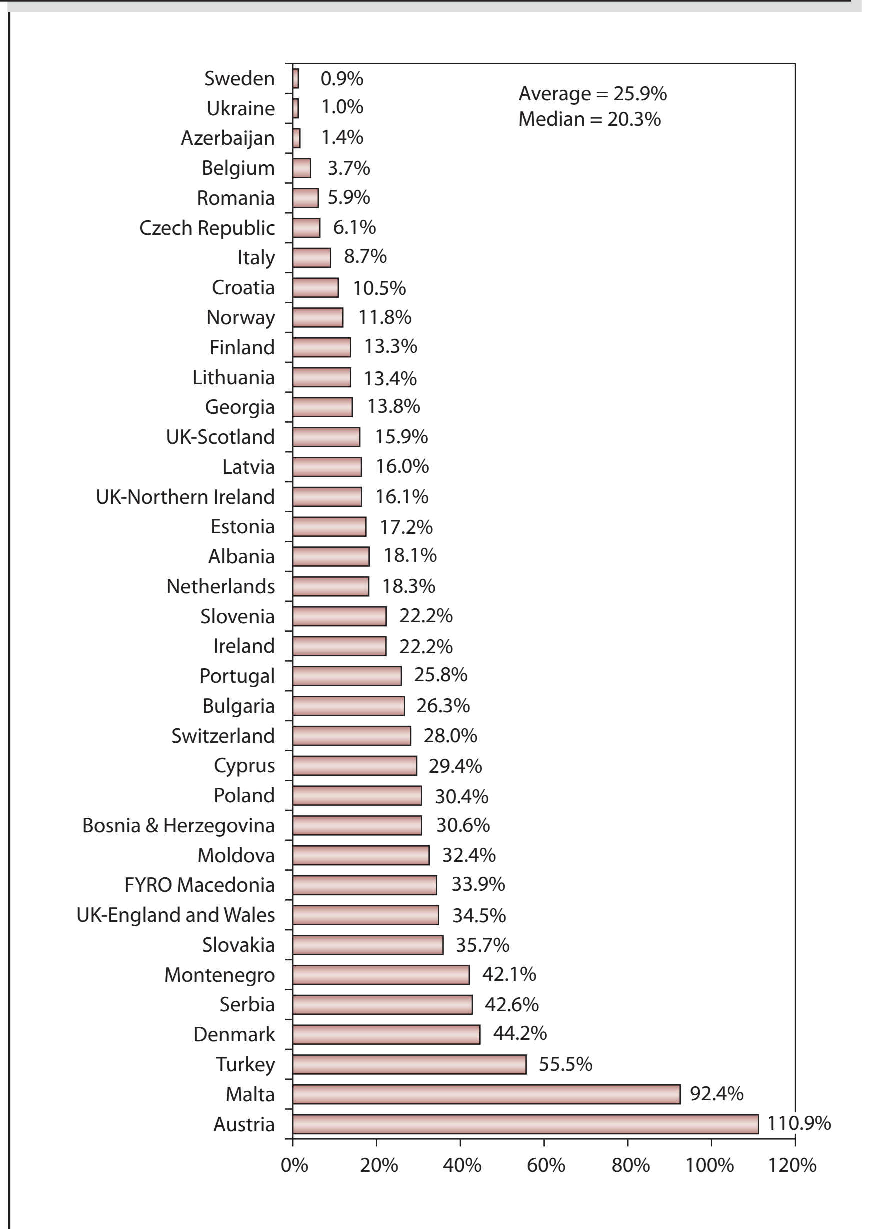


Figure 3. Share of court fees (or taxes) in the court budget (as receipts) in 2008, in %



Except the 5 states which apply the principle of free access to courts, (France, Iceland, Luxembourg, Monaco and Spain), a part of the budget revenue of the judicial system in all the other states and entities comes from court fees and taxes, mainly collected thanks to land and business registers, in varying proportions. Austria can even generate net profit from this system.

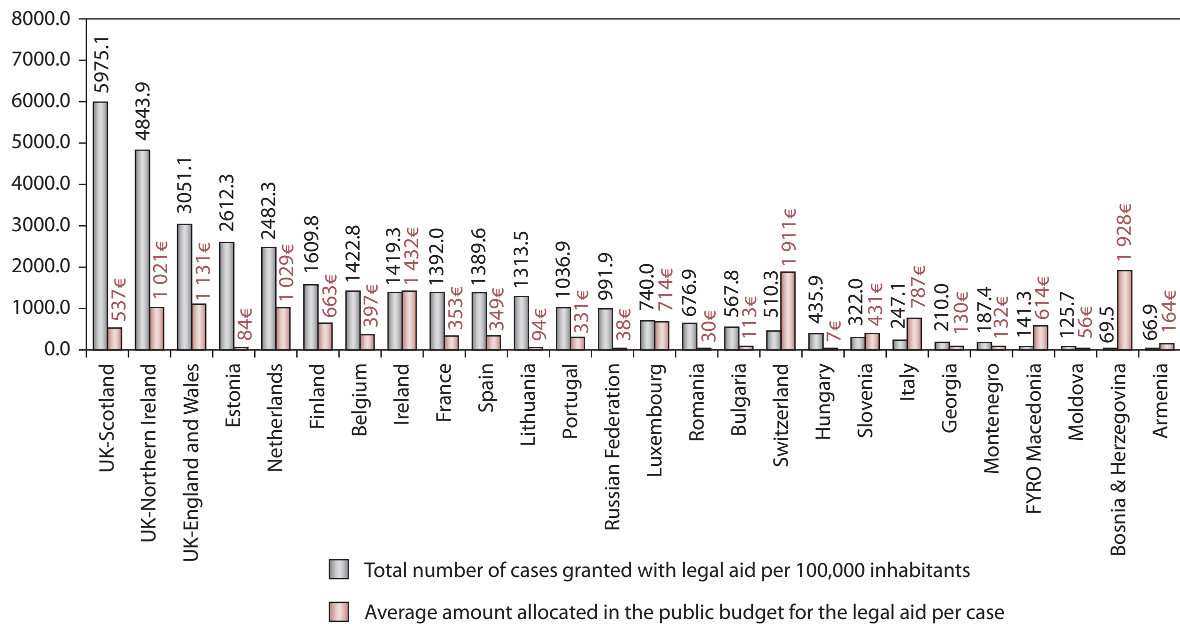
Although it is not for the CEPEJ at this stage to define the proper level of financial resources to be allocated to the justice system, a correlation can be noted between the lack of performances and efficiency of some judicial systems and the weakness of their financial resources. However, the opposite is not always true: high financial resources do not always guarantee good performance and efficiency of judicial systems. Other elements must be considered here (efficient organisation of judicial system, relevance of the procedures, management of the human and financial resources, responsibilisation of the players in the judicial system, training, etc).

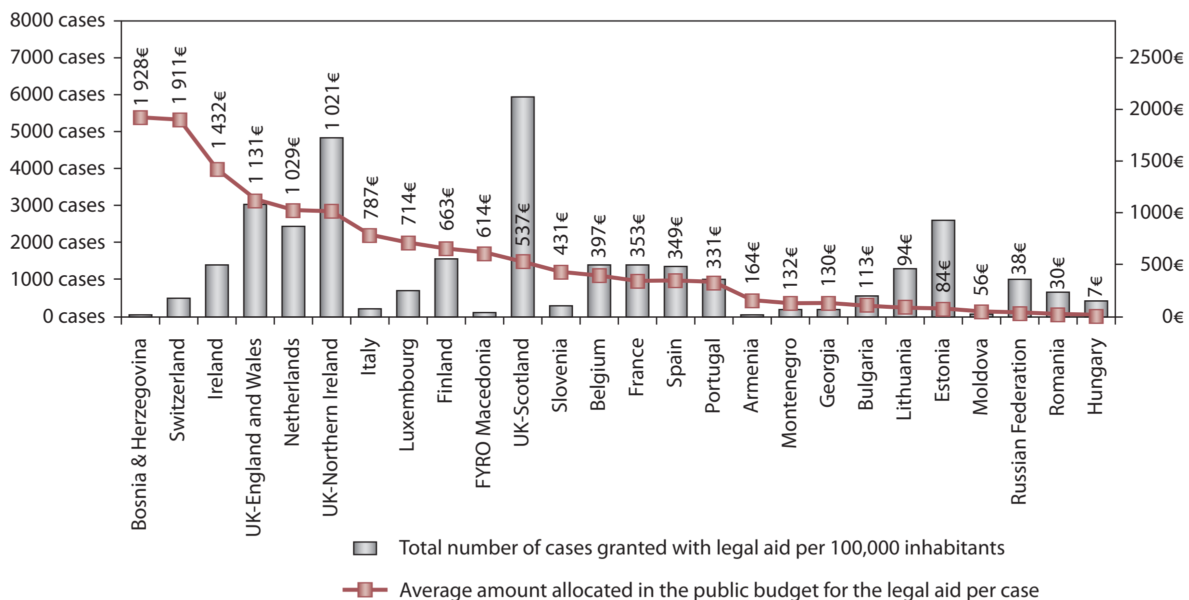
More than half of the member states or entities spend more resources in other areas of justice than the judicial system (e.g. prison system, protection of minors, etc.), while others direct public budgetary efforts mainly to court operation.

Within the framework of the budget allocated to the judicial system, the highest budgetary amounts are allocated to the salaries (70% of the budget at the European level), apart from the states which rely in particular on non-professional judicial staff and hire a smaller number of judges, usually very experienced (they are generally common law states or entities, with the exception of Ireland). A larger budget is devoted to the prosecution system in states or entities where prosecutors have traditionally occupied a prominent position in the functioning of justice (namely the countries of Eastern Europe). A significant part of the budget (around 15%) is allocated to premises. The part of the budget allocated in Europe to ICT in courts and e-justice (3%) has not increased in volume since 2006, which can be explained by a decrease in the cost of materials and the writing off of the cost of infrastructures: ICT remains a priority field in which member states must be encouraged to invest in the coming years. The part of the budget allocated to judicial training (0.8%) still appears too weak, although the specific efforts made by the member states which have invested more recently in this field can be highlighted.

2. ACCESS TO JUSTICE

Figure 4. Number of cases granted with legal aid per 100,000 inhabitants and average amount allocated in the public budget for the legal aid per case in 2008





In all member states or entities, systems of legal aid are made available, at least in criminal matters, in the form of legal representation or legal advice. The European trend, which is being confirmed, is to go beyond this requirement and offer legal aid for non-criminal cases too. Budgets for legal aid in Europe are generally increasing (+23% between 2004 and 2008). However, the amount granted by the state per case varies

significantly in Europe according to the states, as well as the number of cases which can be granted with legal aid. Some states have chosen to allocate high amounts of money to a limited number of cases, whereas other states have made the opposite choice. A number of states or entities (Finland, Netherlands, UK-England and Wales, UK-Northern Ireland and UK-Scotland) are generous both as regards the amounts allocated per case and the volume of cases concerned. Several states of Central and Eastern Europe which did not have legal aid systems a few years ago are strongly involved in developing such systems, which is an encouraging trend since the last evaluation exercise.

Alternative Dispute Resolution

Access to justice may also be facilitated thanks to the promotion of Alternative Dispute Resolution (ADR). They contribute to limiting the need to bring issues before a court and to involving professionals other than judges.

Table 1. Judicial mediation in civil and commercial cases in 2008

Private mediation proposed by judge or court annexed mediation (23 countries) 50%	Private mediator (27 countries) 59%	Public authority (other than court) (10 countries) 22%	Judge (8 countries) 17%	Prosecutor (2 countries) 4%
Austria	Austria	Croatia	Croatia	Croatia
Belgium	Belgium	Finland	Denmark	Russian Federation
Bosnia and Herzegovina	Bosnia and Herzegovina	France	Finland	
Bulgaria	Bulgaria	Hungary	Iceland	
Croatia	Croatia	Malta	Lithuania	
Denmark	Czech Republic	Monaco	Norway	
Finland	Finland	Portugal	Russian Federation	
Hungary	France	Russian Federation	Sweden	
Ireland	Greece	Slovenia		
Italy	Hungary	Spain		
Lithuania	Ireland			
Malta	Italy			
Monaco	Latvia			
Montenegro	Lithuania			
Netherlands	Luxembourg			
Russian Federation	Montenegro			
Slovenia	Netherlands			
Sweden	Norway			
Switzerland	Poland			
Turkey	Romania			
UK-England and Wales	Slovakia			
UK-Northern Ireland	Slovenia			
UK-Scotland	Sweden			
	FYRO Macedonia			
	UK-England and Wales			
	UK-Northern Ireland			
	UK-Scotland			

Mediation (recommended, carried out or approved by justice) is a growing field in Europe: more and more states or entities are introducing mediation and the number of accredited mediators is growing. Mediation is successfully applied in many states or entities especially in the field of family law (divorce cases), commercial disputes and criminal law (compensation procedures for victims). An increasing number of states or entities grant legal aid for initiating a mediation procedure. However, it must be noted that other kinds of ADR, such as arbitration and conciliation, are widely used in some member states or entities.

Court activity and fair trial

With the information available, the CEPEJ is now able to draw preliminary conclusions from the analysis of the two main indicators. The ***clearance rate*** is obtained when the number of resolved cases is divided by the number of incoming cases and the result is multiplied by 100:

$$\text{Clearance Rate (\%)} = \frac{\text{resolved cases}}{\text{incoming cases}} \times 100$$

A clearance rate close to 100% indicates the ability of the court or of a judicial system to resolve more or less as many cases as the number of incoming cases within the given time period. A clearance rate above 100% indicates the ability of the system to resolve more cases than received, thus reducing any potential backlog. Essentially, a clearance rate shows how the court or judicial system is coping with the in-flow of cases.

The ***disposition time*** indicator provides further insight into how a judicial system manages its flow of cases. The disposition time compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period. The ratios measure how quickly the judicial system (or a court) turns over received cases – that is, how long it takes for a type of case to be resolved.

$$\text{Disposition time} = \frac{365}{\text{Case Turnover Ratio}}$$

The analysis of the data currently available indicates that first instance courts in Europe are generally better able to cope with the flows of criminal cases than civil cases.

Figure 5. Clearance rate of civil litigious and non-litigious cases in 2008, in%

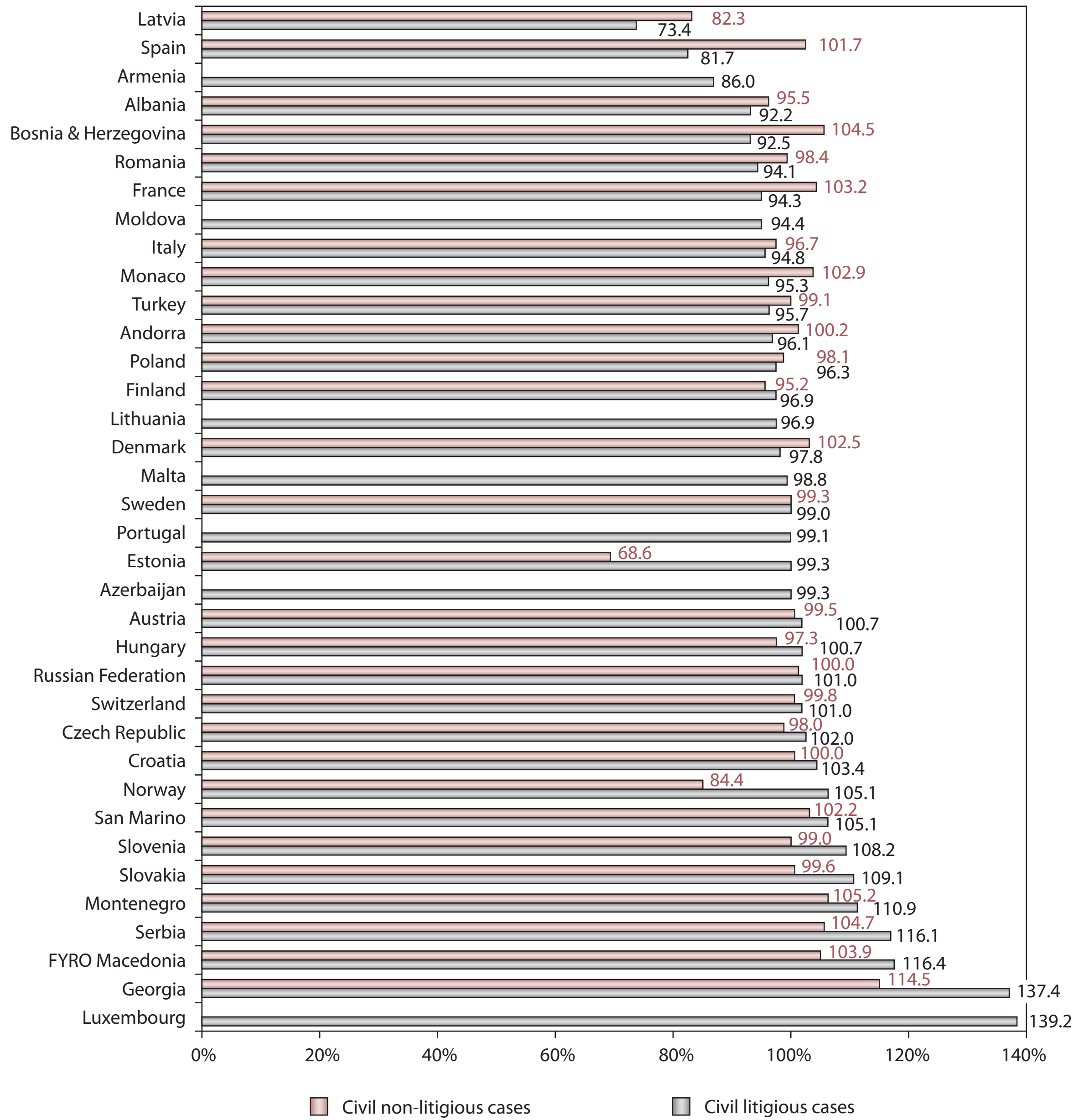
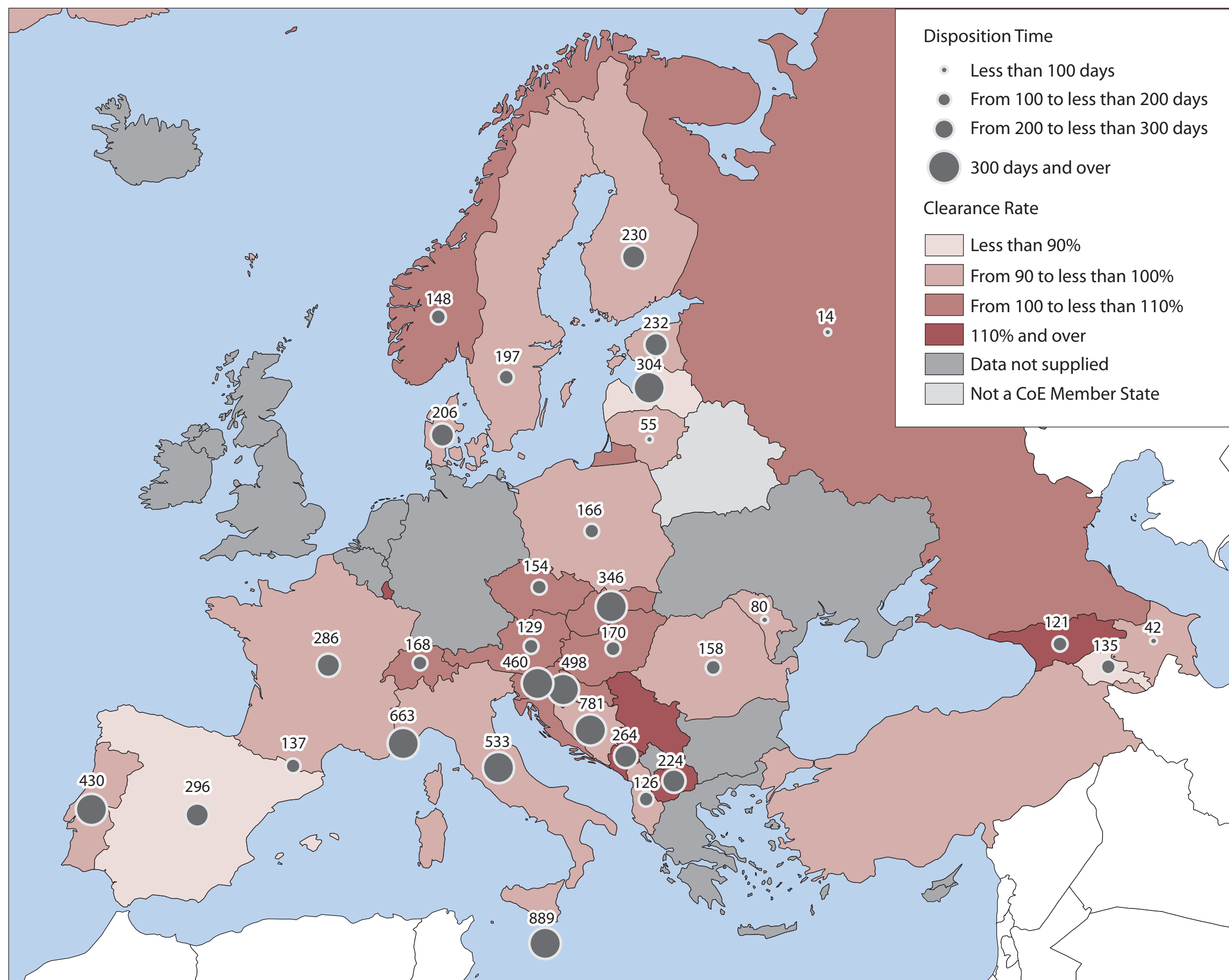


Figure 6. Disposition time and clearance rate of litigious civil (and commercial) cases at 1st instance courts in 2008



When reading the results presented in this map, the most productive civil (and commercial) first instance court systems, which do not generate backlogs (clearance rate equal to or higher than 100%) and can quickly resolve a filed case, can be found in the Russian Federation and Georgia. The indicators show that Azerbaijan, Austria, Norway, Czech Republic, Switzerland, Hungary and Sweden have relatively productive first instance civil (commercial) courts. On the contrary, the first instance courts have more difficulties in resolving the incoming cases in Latvia and Spain. Regarding Spain, although the rates for 2008 increased by 6,4% and 6,9% respectively for civil and commercial cases when compared to 2007, such positive evolution was not sufficient to cover the effects of a prolonged strike of court staff that took place in 2008 in an environment of significant increase in incoming civil (19,5%) and commercial cases (26,7%) running parallel with the beginning of the economic crisis, which required additional measures.

Of the 9 states which have the highest disposition rates, only 3 (Slovakia, Slovenia and Croatia) have clearance rates equal to or higher than 100%. 6 other states (Latvia, Portugal, Italy, Monaco, Bosnia and Herzegovina and Malta) have not reached a 100% clearance rate for civil litigious cases.

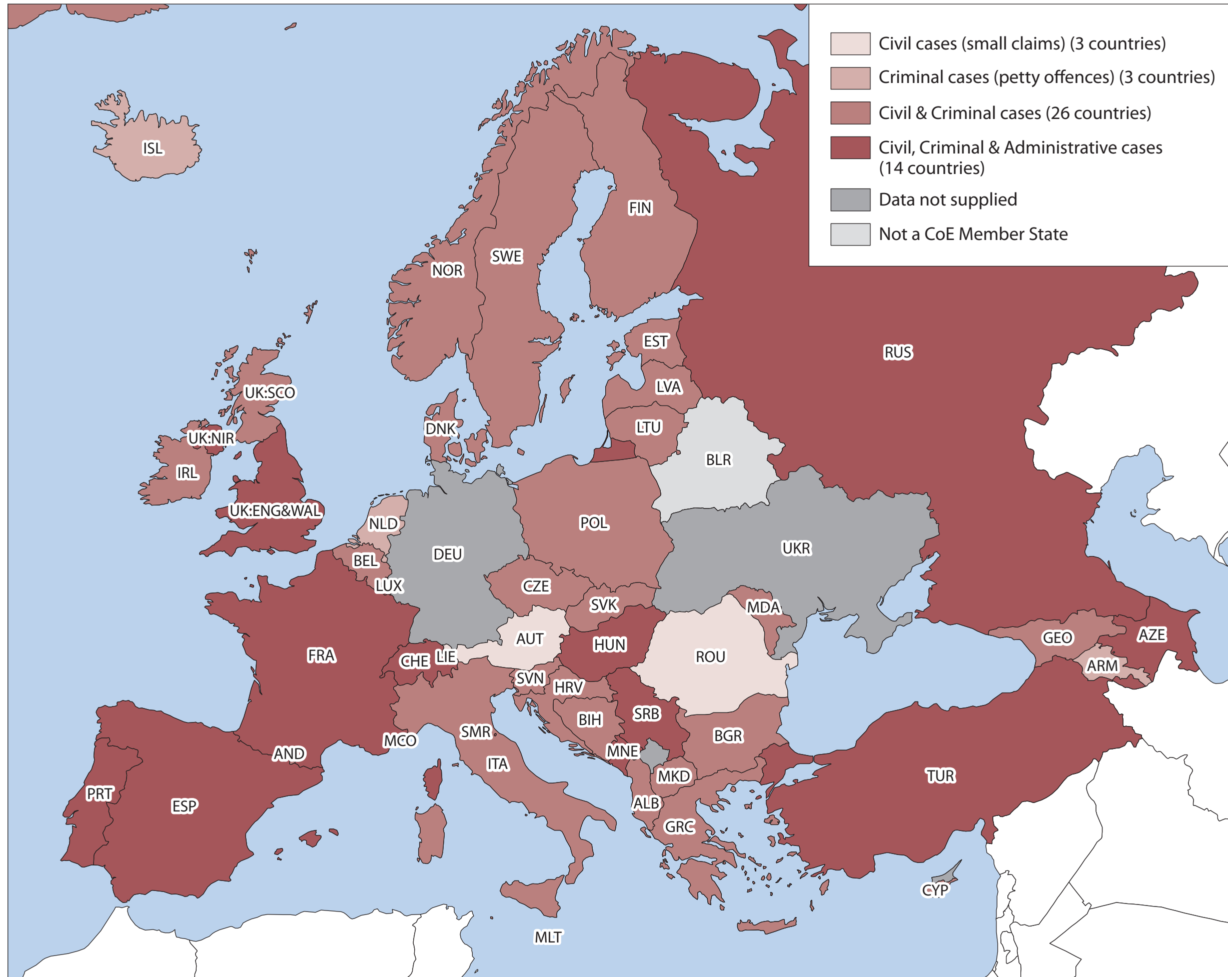
Subject to a more thorough analysis, the citizens seem to be more prone to initiate proceedings before a court in the Central and Eastern European states, in South-Eastern European states and in Southern European states than in Northern European states and in the states of the Caucasus. The court activity varies between the states depending on whether or not they have to address non-contentious civil cases (this is normally associated with the holding or not by the courts of land and commercial registers). The volume of such cases might also vary. Yet, in general, non-contentious matters, which can increase the workload of courts, are rarely the cause of lack of effectiveness of jurisdictions.

The situations in the management of cases differ significantly between member states or entities. Having to handle a high volume of cases is not in itself an obstacle to the smooth functioning of the courts. Some states or entities manage to handle relatively quickly significant volumes of cases. Some states or entities are able to absorb the flow of incoming cases and/or reduce the backlog, while others see backlogs of pending cases increasing. Between these two categories, it is worth underlining those states where the efficiency in addressing cases tends to decrease, although, at this stage, they are still able to cope with the flows of incoming cases.

They should follow closely the evolution of the indicators that are currently flashing orange (a cause for continued observation). A special mention should be made for the improvement of the performance of the courts of several states in transition (including Georgia, Russian Federation) where current reforms and investment in the judiciary seem to lead to encouraging results.

Out of the 46 responding states or entities, 43 use simplified procedures for civil cases (small claims) and 43 apply such procedures to criminal cases (petty offences). 14 states or entities have provisions on simplified procedures for administrative cases.

Figure 7. Cases for which simplified procedures are applied



Execution of court decisions

It is difficult to assess the smooth execution of court decisions in civil or commercial matters on the basis of relevant statistics, as execution is not automatic: it belongs to the parties who have won the case to decide, where appropriate, whether to request or not the execution of the court decision. Therefore, this report does not focus on the rate of execution of court decisions, but mainly on the organisation of the execution and the role of enforcement agents.

Table 2. Timeframe for notification of a court decision on debt recovery to a person living in the city where the court is sitting

Between 1 and 5 days	Between 6 and 10 days	Between 11 and 30 days	More than 30 days
Armenia	Albania	Bulgaria	Czech Republic
Austria	Cyprus	Croatia	Greece
Azerbaijan	Finland	Ireland	
Bosnia and Herzegovina	France	Netherlands	
Estonia	Georgia	Norway	
Iceland	Hungary	Poland	
Luxembourg	Latvia	Slovakia	
Malta	Lithuania	Spain	
Russian Federation	Moldova	Sweden	
Switzerland	Montenegro	FYRO Macedonia	
Turkey	San Marino		
	Serbia		

The timeframe for notification, which depends also on its procedural form, may be reduced in practice either thanks to the acts of an enforcement agent or thanks to the simplified form of a mail with acknowledgment of receipt. So, the timeframe depends either on the diligence of the enforcement agent or on the more or less proper operation of the postal service. Each state or entity, in a similar situation, evaluates an average timeframe as an indicator of efficiency.

More than half of the states or entities (23) stated to be able to notify the person in a timeframe between 1 and 10 days. Only two states (Czech Republic and Greece) need more than 30 days to provide the decision to the person concerned. Compared to previous years (2004 and 2006 data), one can notice that several states reduced these timeframes: Azerbaijan, Hungary, Malta and Moldova. Other states stated that their timeframes increased: France, Georgia, Lithuania, Montenegro, Serbia and Spain.

3. USERS OF THE COURTS (RIGHTS AND PUBLIC CONFIDENCE)

More and more citizens and legal professionals can retrieve information about legal data, court activity and legal proceedings easily and free of charge via the Internet. Only a limited number of states or entities have specific arrangements to inform the (potential) users of the courts on the foreseeability of judicial procedures.

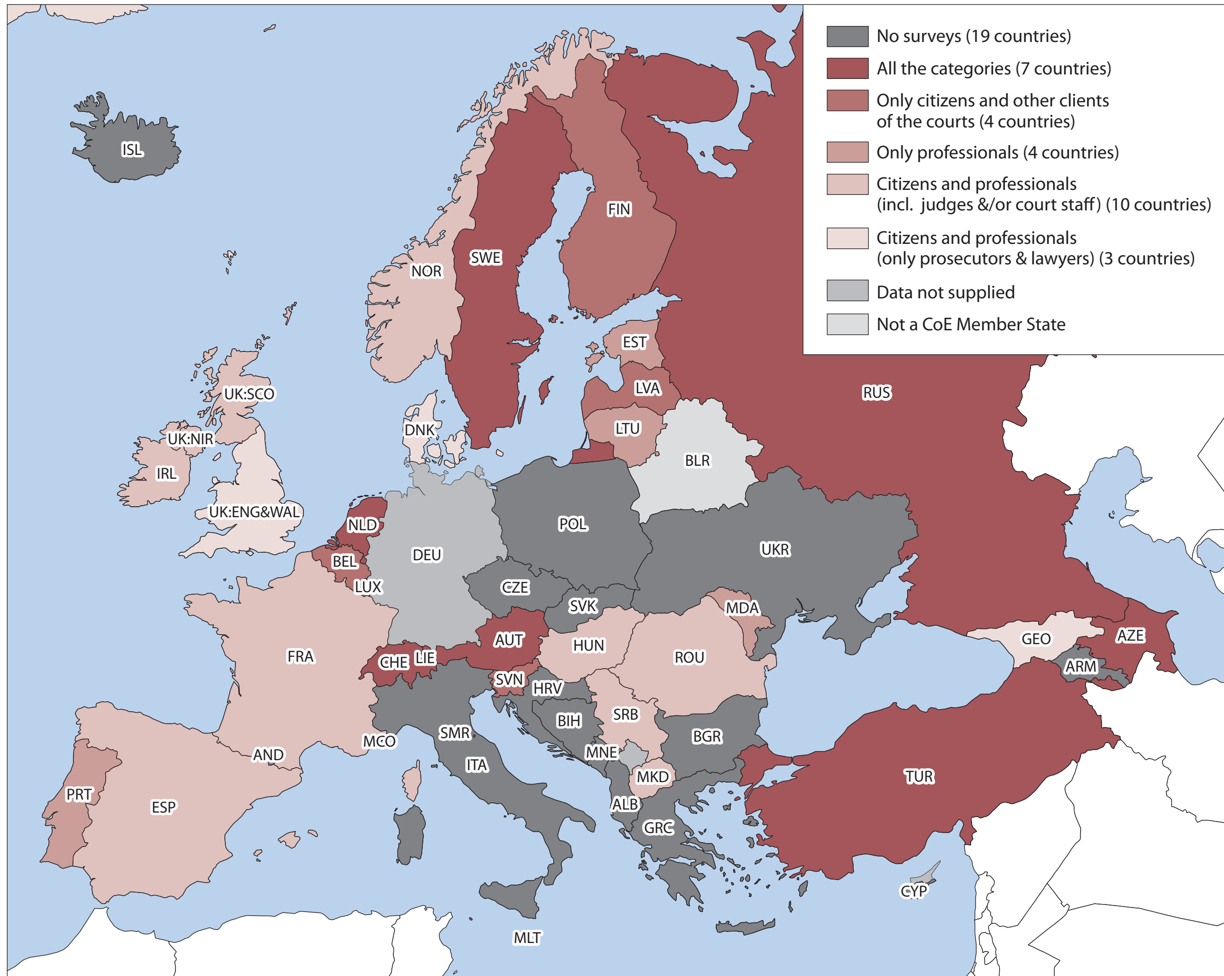
With respect to vulnerable persons, victims of rape, children, and juvenile offenders are the categories which are the best protected in judicial proceedings. This is done mostly by providing these categories with special information arrangements and procedural rights adapted to their needs. A majority of states or entities also have a compensation procedure for victims of crime.

As a part of the protection of the court users against dysfunctions of the courts, judicial systems may have implemented compensation procedures. In 26 states or entities, there is a compensation mechanism for excessively long proceedings and, in 20 states or entities, for non-execution of a court decision. Almost all the states have provision for compensating a person in cases of wrongful arrest or wrongful conviction.

More attention is being paid in Europe to the needs and expectations of the court users. In a large majority of states or entities, courts produce annual reports and have monitoring systems to measure and manage case flows and the timeframes of proceedings. It has been noticed that techniques and methods inspired by new public management are increasingly implemented and imply the definition of quantified objectives and the evaluation of performances and, sometimes, of the way means are allocated to jurisdictions according to results. Performance and quality indicators are increasingly used. A very limited number of European states or entities carry out complete quality systems. This trend should further develop in the upcoming years.

The model survey and the methodological guide provided by the CEPEJ should facilitate future implementation of the surveys conducted among court users to improve the quality of the public service of justice.

Figure 8. Surveys conducted among users or legal professionals to measure public confidence and/or satisfaction

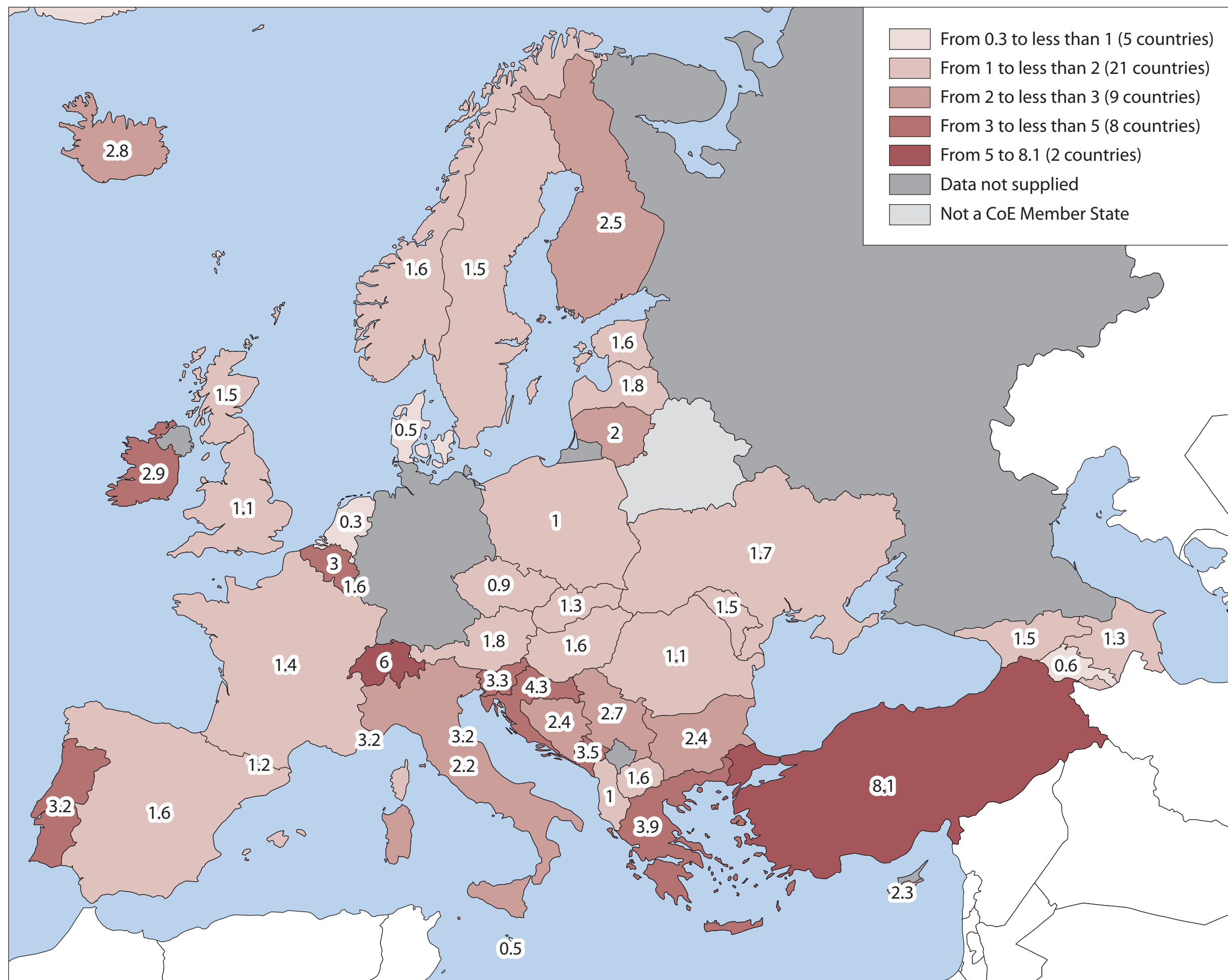


Andorra, Malta, Monaco and San Marino: no surveys

4. THE COURTS

Number of Courts

Figure 9. Number of all courts (geographic locations) per 100.000 inhabitants in 2008



Considering the evolution of the number of first instance courts in Europe, it is difficult to draw a strong trend as regards the organisation of the judicial map. While a majority of states have not modified their court organisation between 2004 and 2008, some of them (13) have decreased the number of courts and others (9) have increased this number. Among those states which are modifying their judicial maps, the main trend for court organisation in Western and Northern European states or entities would be rather in favour of limiting the number of courts, both for budgetary reasons, but also for seeking more efficiency through specialisation. On the contrary, the main trend in the Eastern European states, which have embarked on major judicial reforms, goes towards an

increase in the number of courts: access to the court for the citizens is then promoted.

Information and communication technology (ICT) in the courts (e-justice and e-courts)

Table 4 is based on a point system and presents the use of different computer facilities for the mentioned three areas. Questions about the implementation of video conferencing and sound recording in judicial proceedings or detailed information about other electronic communication facilities have not been submitted to the member states. Though, it is important to mention that **Ireland** and **Slovenia** are pioneers in this matter.

Table 3. Reading keys for the Table 4

100% (4 points)
>50% (3 points)
<50% (2 points)
<10% (1 point)

The total number of points is provided only for information. It was calculated when the data were available for the totality of the categories, but also when only one category was missing per country. The questionnaire allows only a very general categorisation (100%, >50%, <50%, >10%), therefore only a general overview can be applied. From a methodological point of view, no rigorous interpretation should be based on the analysis of national features.

Albania: in January 2010, the implementation of the IT system for court administration and case management was finalised. The introduction of the "Integrated Case Management Information System" (CCMIS/ICMIS) was financed by the European Community. The CCMIS/ICMIS project started in 2007. This new system includes case registration, lottery assignment of cases to judges, statistics, webpage etc. CCMIS/ICMIS will replace the existing Ark IT system, which is active in some courts for the moment and also facilitates the day to day work for all courts and court users. Additionally, for the period 2010 – 2012 a new electronic archive system for all court cases will be implemented with the support of the Ministry of Justice and USAID. Both systems will be compatible for management and archive of court cases.

Table 4. Computer facilities used within the courts for three areas of use

Country	Direct assistance to judges and court clerks					Administration and management			Communiation between courts and the parties			Total number of points
	Word processing	Electronic database of jurisprudence	Electronic files	E-mail	Internet connection	Case registration system	Court management information system	Financial information system	Electronic web forms	Special website	Other electronic communication facilities	
Albania												30
Andorra												29
Armenia												39
Austria												44
Azerbaijan												23
Belgium												32
Bosnia & Herzegovina												30
Bulgaria												40
Croatia												34
Cyprus												25
Czech Republic												40
Denmark												44
Estonia												42
Finland												44
France												41
Georgia												23
Greece												27
Hungary												37
Iceland												
Ireland												39
Italy												34
Latvia												32
Lithuania												40
Luxembourg												37
Malta												44
Moldova												21

Table 4. Computer facilities used within the courts for three areas of use (Continuation)

Country	Direct assistance to judges and court clerks					Administration and management			Communiation between courts and the parties			Total number of points
	Word processing	Electronic database of jurisprudence	Electronic files	E-mail	Internet connection	Case registration system	Court management information system	Financial information system	Electronic web forms	Special website	Other electronic communication facilities	
Monaco												34
Montenegro												28
Netherlands												33
Norway												41
Poland												35
Portugal												41
Romania												38
Russian Federation												44
San Marino												
Serbia												29
Slovakia												41
Slovenia												39
Spain												39
Sweden												32
Switzerland												40
FYRO Macedonia												37
Turkey												43
Ukraine												
UK-England and Wales												39
UK-Northern Ireland												40
UK-Scotland												44

Bosnia and Herzegovina: ICT implementation in the judiciary has been ongoing for a number of years and covers all aspects of a massive and systematic introduction of ICT in courts and prosecutors' offices. The most important results achieved in the area of E-justice in the past two years are the implementation of the *Case Management System* (CMS) in Bosnian courts connected into a single wide area network (WAN) as well

as the development and implementation of the Registry of Fines and Content Management System for the centralised Judicial Portal. All of the said ICT activities, which were successfully carried out, have fundamentally changed the way courts and prosecutors' offices in Bosnia and Herzegovina conduct business, have streamlined burdensome procedures within the courts and increased transparency of their work. However, these achievements can be considered as a first phase of development of the judicial information system. In the next phase, it will be necessary to respond to the needs of Bosnian citizens, the business sector and legal professional community by offering them different kinds of services such as access to legal information, registers, databases and other services.

Luxembourg: since 01.12.2009, a new management software in criminal cases has been put in place. A new system for civil cases will also be developed in 2010. These tools include statistical modules. The Internet portal common to ordinary courts and administrative courts was established in spring 2010; the temporary site has been online since summer 2008. This contains some online forms.

Spain: 29.275.510 € have been allocated to courts for new technologies in 2008. Regarding main reforms the Modernisation Plan for the Justice System was approved in September 2009.

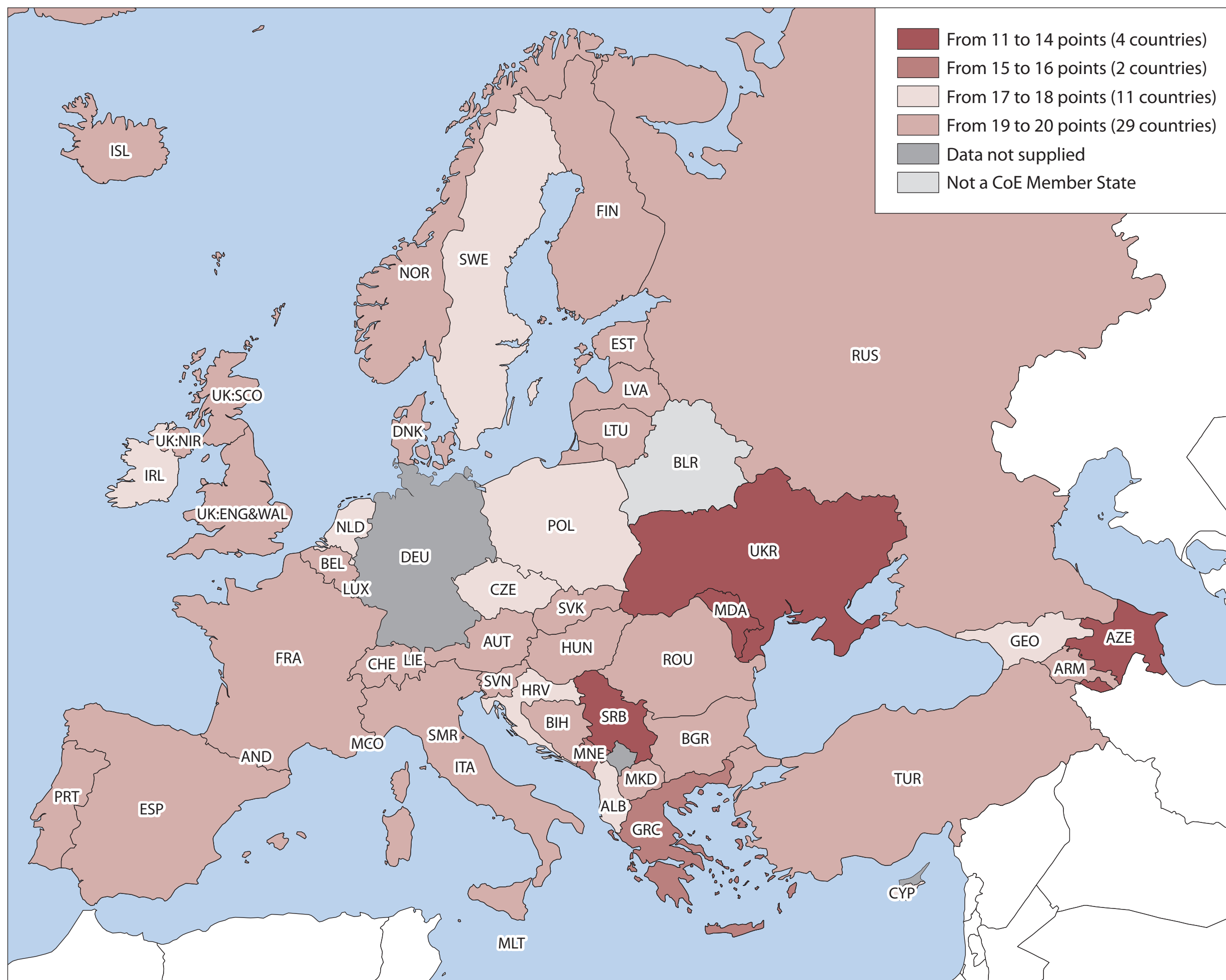
"The former Yugoslav Republic of Macedonia": strategy for ICT in the Judiciary 2007-2010 is being implemented.

There are 7 states or entities which have a 100% implantation of computer facilities in all the sectors listed in the questionnaire: **Austria, Denmark, Finland, Malta, Russian Federation, Turkey** and **UK-Scotland**.

2 states **(Moldova and Georgia)** reported a relatively low level of computerisation compared to other states or entities.

Generally speaking, the use of ICT in courts is constantly increasing in Europe. Many states or entities reported recent or ongoing reforms (**Albania, Bosnia and Herzegovina, Luxembourg, Spain, Switzerland** and **"the former Yugoslav Republic of Macedonia"**). The matter that remains the least developed in Europe is communication between courts and the parties.

Figure 10. Level of implementation of computer equipment for the direct assistance of judges and/or court clerks



Andorra: *17 points,* ***Malta:*** *20 points,* ***Monaco:*** *20 points,* ***San Marino:*** *12 points.*

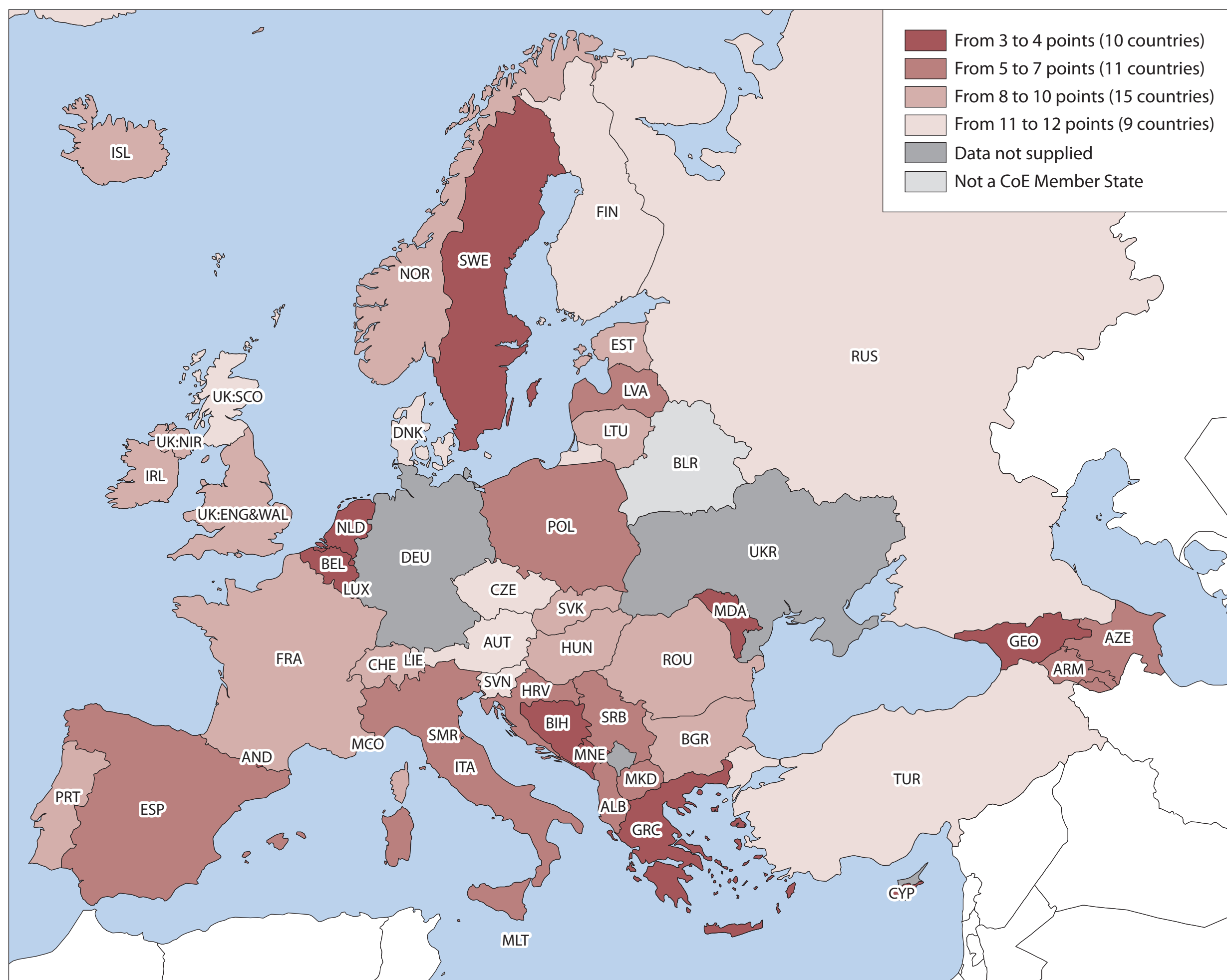
The level of installation of IT equipment for the direct assistance of judges and court clerks is rather high. The majority of member states or entities (29) scores high (19 to 20 points) in the computer equipment for the direct assistance of judges and court clerks. 11 countries scored 17 to 19 points. **Greece** and **Montenegro** can still further develop their system (15 to 16 points). **Azerbaijan, Moldova, Serbia** and **Ukraine** seem to experience financial difficulties and struggle to find financiers for such IT facilities. The situation for **San Marino** (12 points) must be interpreted with care as it has not replied to all questions.

A great part of the states or entities (apart from those who have 100% of equipment = 20 points) stated that the main problem is the lack (or insufficiency) of electronic files at the disposal of judges and court clerks.

While comparing the results with the 2006 data, it can be highlighted that several states in transition have recently and significantly invested in

ICT: **Albania, Bosnia and Herzegovina, "the former Yugoslav Republic of Macedonia"** and **Russian Federation**.

Figure 11. Availability of computer equipment for the communication between the court and the parties



Andorra: *3 points,* ***Malta:*** *12 points,* ***Monaco:*** *5 points,* ***San Marino*** *has not supplied data.*

Member states or entities have made fewer efforts in providing computer equipment for facilitating the communication between the parties and the courts. Nevertheless, the trend is encouraging. **Austria, Czech Republic, Denmark, Finland, Malta, Russian Federation, Slovenia, Turkey** and **UK-Scotland** have particularly high scores. A good level of computer facilities for communication can also be found in one third of the states or entities concerned. However, it must be kept in mind that this indicator does not assess the performance of such systems.

In comparison to the 2008 Edition of the report, significant progress in this area can be noted in **Poland**, the **Russian Federation** and **Turkey**. In **Poland**, e-courts for simplified proceedings in civil matters are opera-

tional since 2009. **Switzerland** indicated that electronic communication will be introduced in all instances from 1 January 2011.

Table 5. Level of computerisation of courts for the three areas of application

<30 points (8 countries) 18%	30 to < 40 points (19 countries) 43%	40 points and over (17 countries) 39%
	Albania	
	Bosnia and Herzegovina	
	Belgium	Bulgaria
	Latvia	Czech Republic
	Sweden	Lithuania
	Netherlands	Switzerland
	Croatia	UK-Northern Ireland
	Italy	France
	Monaco	Norway
	Poland	Portugal
	Hungary	Slovakia
Moldova	Luxembourg	Estonia
Azerbaijan	FYRO Macedonia	Turkey
Georgia	Ireland	Austria
Cyprus	Romania	Denmark
Greece	Armenia	Finland
Montenegro	Slovenia	Malta
Andorra	Spain	Russian Federation
Serbia	UK-England and Wales	UK-Scotland

As observed before, most of the states or entities have achieved high or acceptable results and can provide the court users with a range of developed facilities. Insufficient funding might explain the delays of other states in developing e-justice devices.

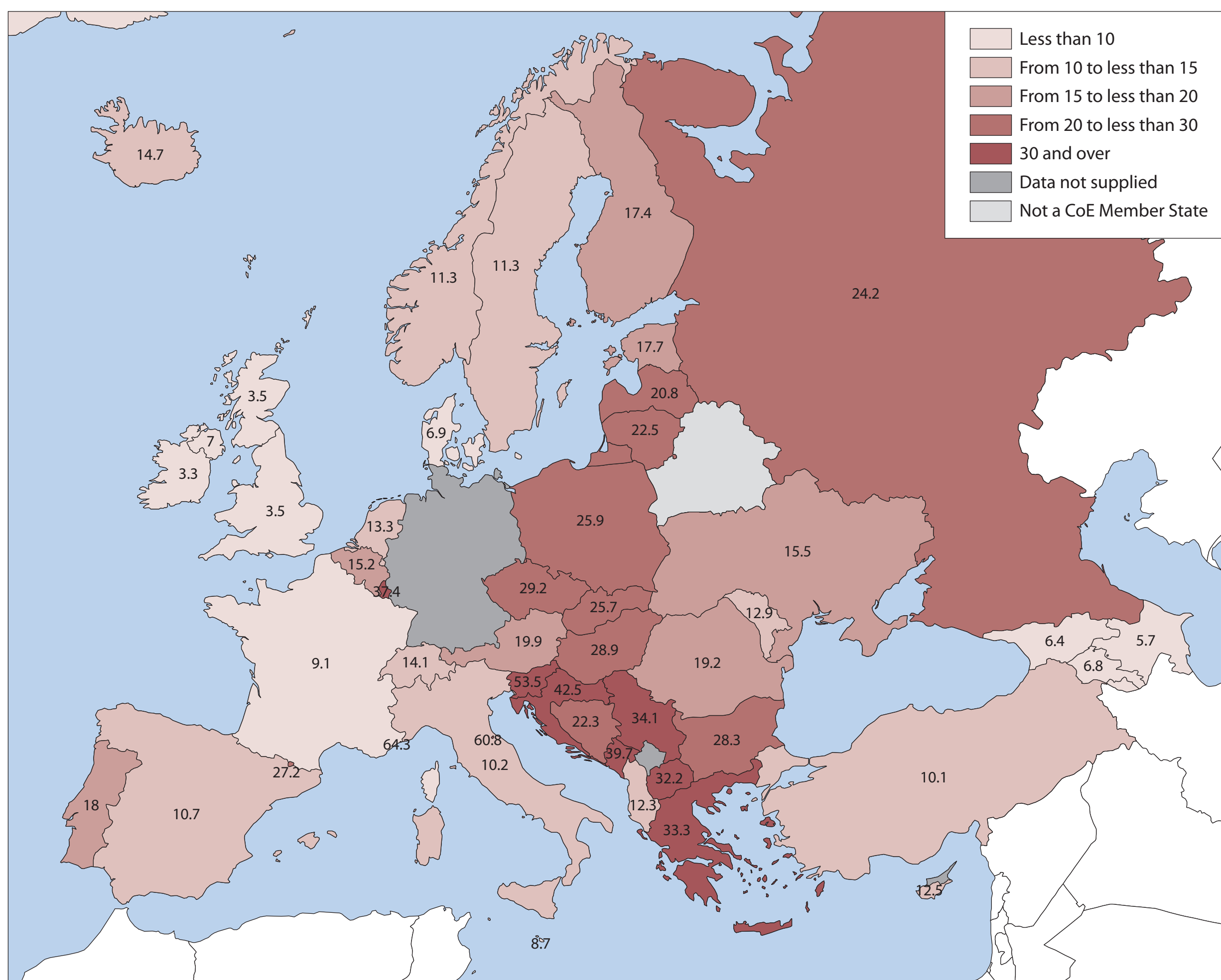
The development of e-justice and e-courts is a strong trend, and states that were late in the previous surveys have recently invested in Information and Communication Technologies (ICT). Recent and ongoing reforms can be noted in many states or entities in fields such as electronic registers, databases for judicial decisions, electronic court files and electronic signature or case management systems. ICT will keep being used in the judicial systems in order to increase effectiveness and quality. Thus there will be further development in video-conferencing, the possibility of making use of electronic (registration) forms and electronic exchange of documents between litigants, lawyers and courts, or the recovery procedure for uncontested claims through the Internet. As long as the judicial debate can always take place and that the rights of defence are safeguarded, the development of e-justice may have a positive effect on access to justice; it should contribute to reduce backlogs and to shorten court proceedings – or at least to improve their foreseeability.

5. NUMBER OF JUDICIAL STAFF

a. Judges

To better take into account the diversity in the status and functions which can be linked with the word *"judge"*, three types of judges have been defined in the CEPEJ's scheme. *Professional judges* are described in the explanatory note of the evaluation scheme as "those who have been trained and who are paid as such". *Professional judges* are also those "who sit in a court on an occasional basis" and are remunerated. *Non-professional judges* (volunteers who are compensated for their expenses) give binding decisions in courts. This takes into account the posts effectively occupied and in full time equivalent (FTE) for professional judges, practicing full time or on an occasional basis.

Figure 12. Number of professional judges sitting in courts (FTE) for 100.000 inhabitants, in 2008



In general, the judicial systems of the member states of Central and Eastern Europe operate with a ratio of judges per inhabitant higher than in the states of Western Europe. A majority of European states or entities tend to have a stable number of judicial staff in the period 2004 – 2008, although structural or organisational reforms tend to reduce the proportion of permanent professional judges in some states or entities (Sweden, Switzerland, UK-Scotland), some of them having occasional judges. On the contrary, some member states in transition continue their reforms by increasing human resources devoted to the judicial function (Azerbaijan, Bosnia and Herzegovina, Armenia, Russian Federation, "the former Yugoslav Republic of Macedonia"). The influence of recent membership or application to the European Union may be an explanation for this trend of increasing numbers of judges (Bulgaria, Slovenia, Latvia, Turkey, Slovakia, Lithuania).

The composition of the judiciary between professional judges, occasional judges and lay judges feature strongly different types of judicial systems. Some systems are fully professionalised, or rarely use lay judges, while other systems (Northern Europe) rely heavily on lay judges. For states experiencing the coexistence of professional and lay judges, the evolution tends mainly towards an increasingly professional judiciary. Europe is divided on the use of juries, and a fairly clear division can be noted between Western Europe (in addition to Azerbaijan and the Russian Federation), supporting such a system for specific types of cases (mainly the most serious criminal offences), and Central and Eastern Europe, whose states do not provide such a system.

b. Non-judge staff

A distinction is made between four types of non-judge staff. A specific category of non-judge staff are the "Rechtspfleger", inspired by the German system. Non-judge staff has the task to assist judges directly. The third category concerns staff responsible for different administrative matters, as well as court management. The last category relates to technical staff in the courts.

Note France and Greece could not separate categories. It is the number of professional judges or prosecutors vs. number of non-judge and non-prosecutor staff.

Data on non-judge staff in courts are stable between 2004 and 2008. In most of the European states or entities, a majority of non-judge staff working in courts is entrusted with the direct assistance of judges. Major disparities between the states can be highlighted regarding the non-judge staff in courts. In 14 member states, non-judge staff, similar to *Rechtspfleger*, is entrusted with quasi-judicial powers, which might influence the organisation of the judiciary.

Figure 13. Distribution of non-judge staff in courts per 100.000 inhabitants in 2008

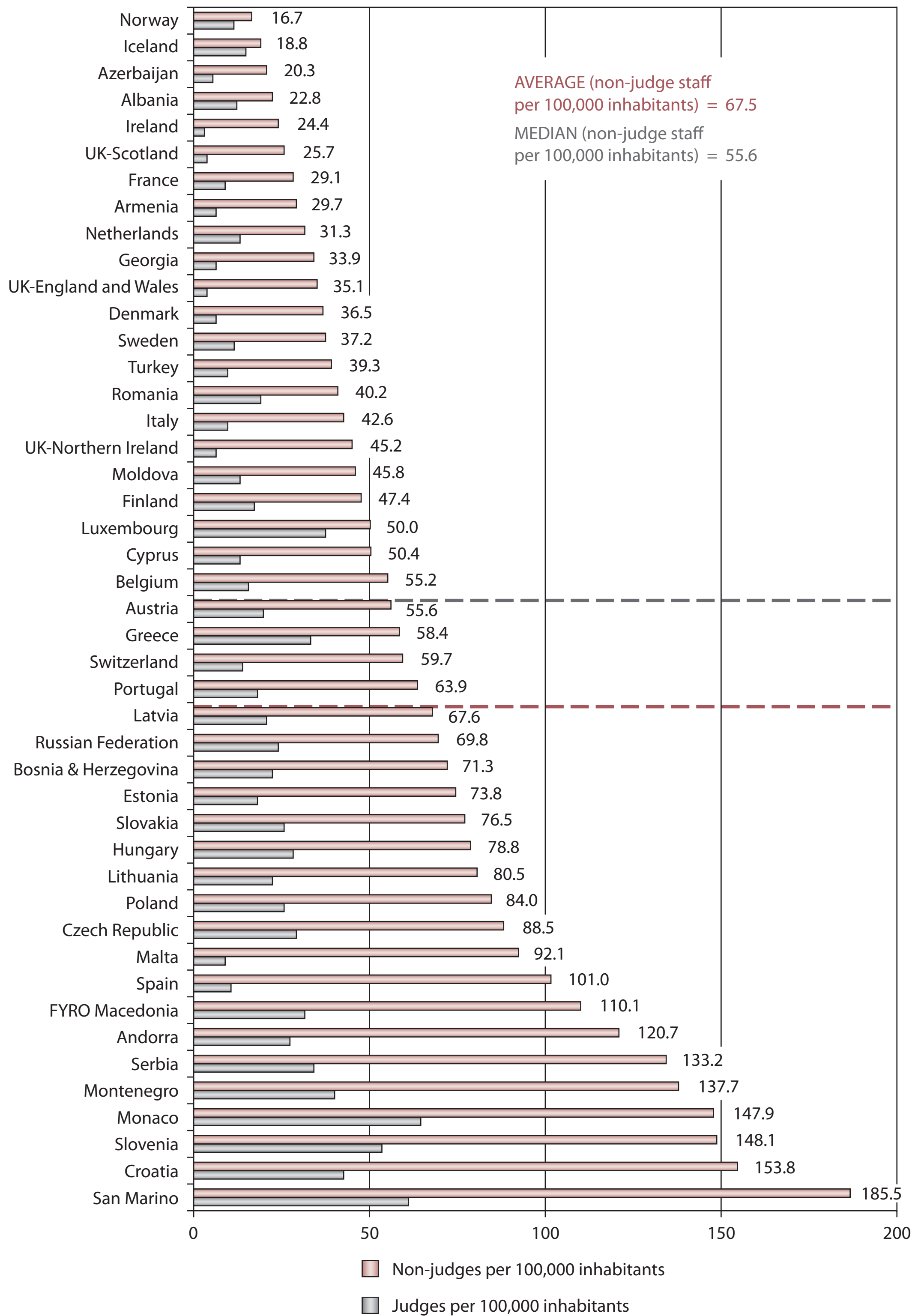
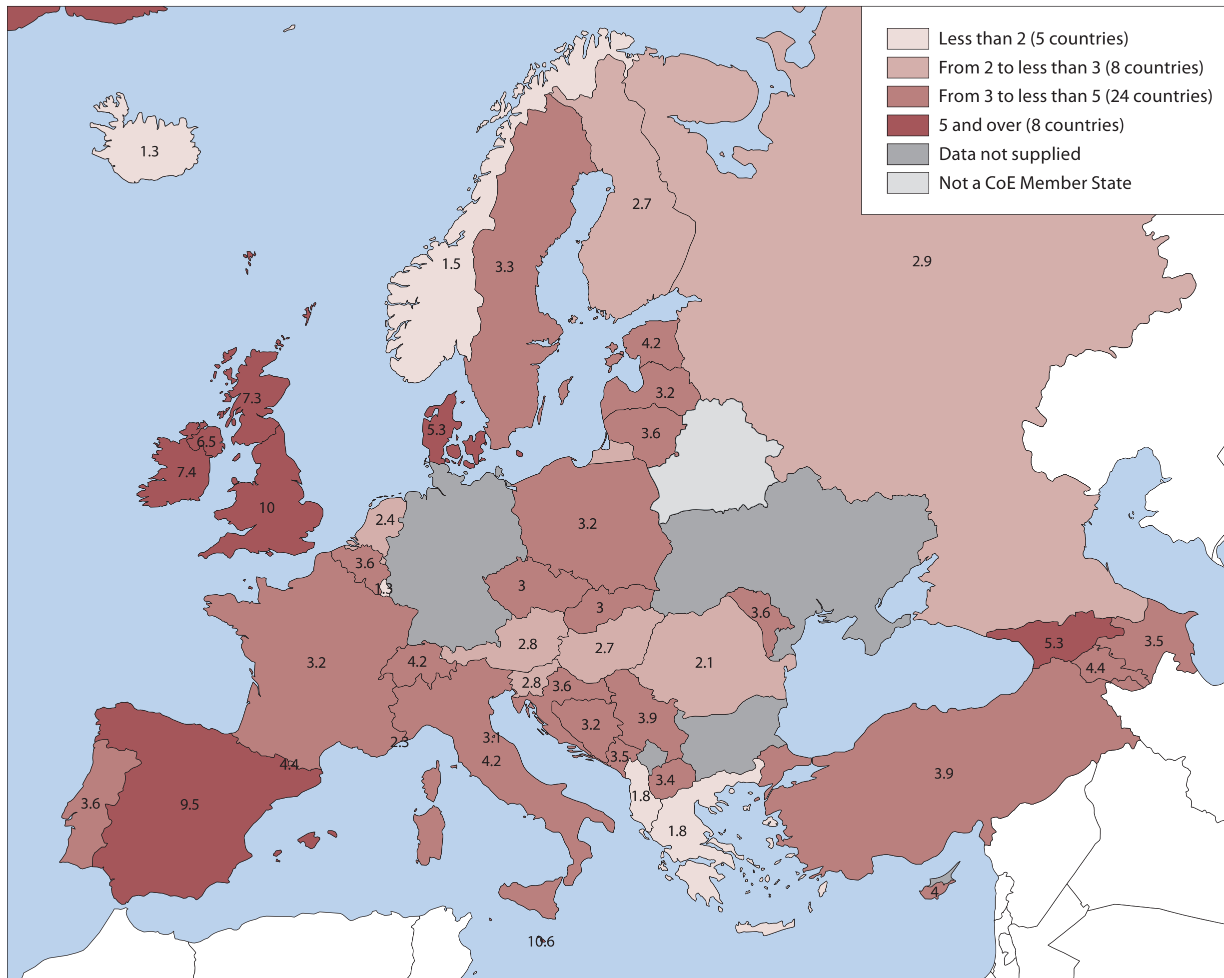


Figure 14. Number of non-judge staff per one professional judge

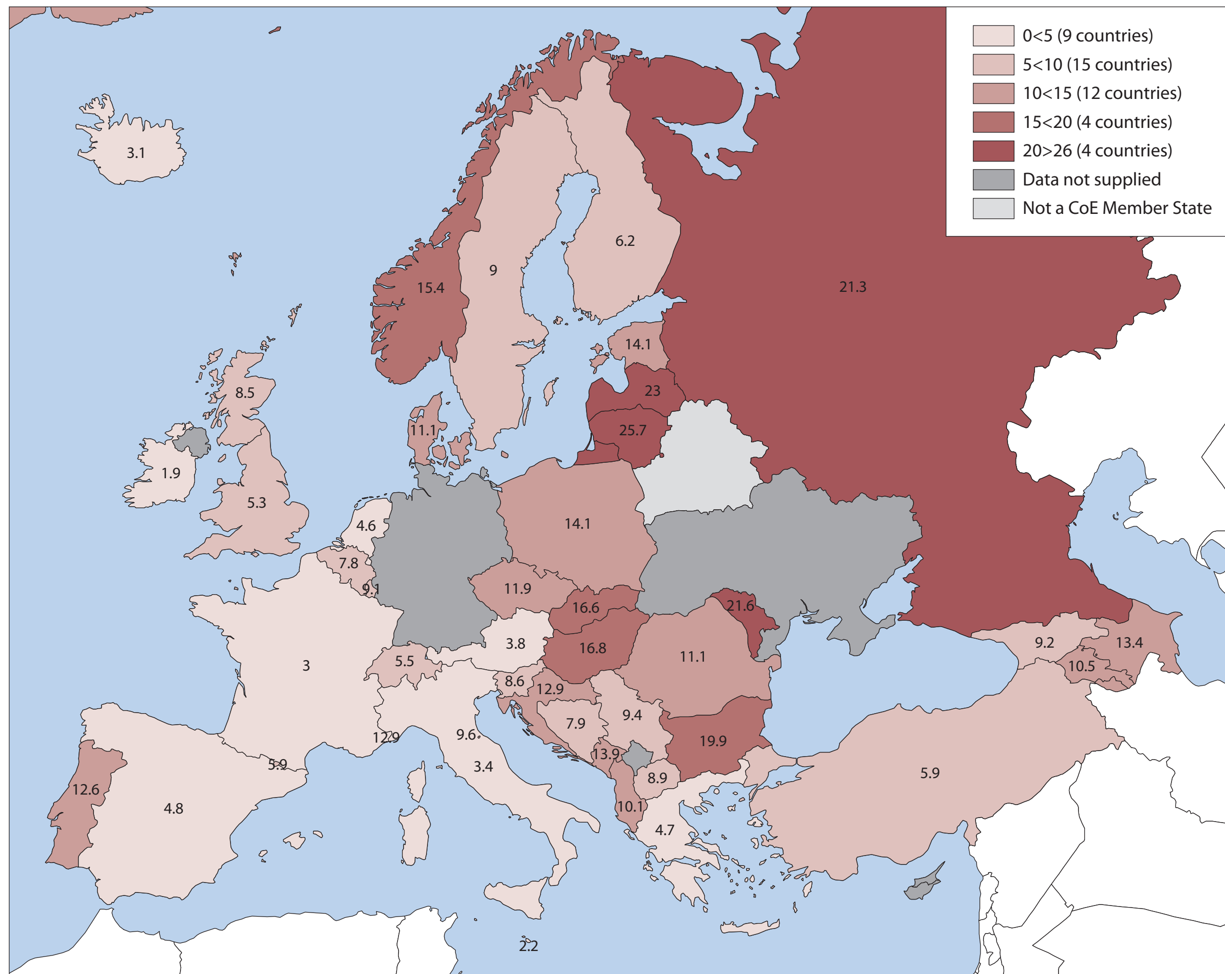


France and Greece: number of non-judge and non-prosecutor staff per judge or prosecutor

c. Prosecutors

Every state or entity has, sometimes under a different name, a public authority entrusted with qualifying and carrying out prosecutions. In all the European states or entities, they play an important role in the prosecution of criminal cases. In most of the member states or entities, they also have responsibility in the civil and even administrative law area. Another important aspect that needs to be taken into account concerns the different levels of autonomy of a prosecutor. In some states or entities, they benefit of a protection of their independence, equal to judges, whilst in other states or entities, the criminal policies are directed by the Ministry of Justice and the level of independence is limited. Such a dichotomy must be kept in mind in order to understand the differences in the statutes and functions of public prosecutors.

Figure 15. Number of public prosecutors per 100,000 inhabitants in 2008

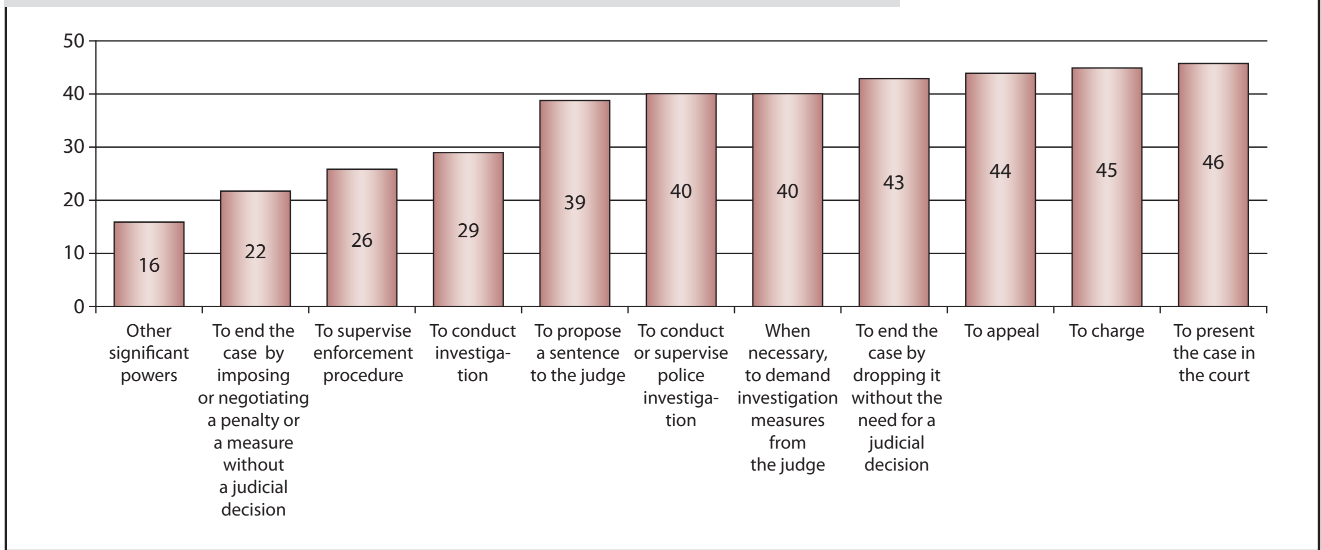


The highest number of public prosecutors (per 100,000 inhabitants) can be found in Central and Eastern European states (Bulgaria, Hungary, Latvia, Lithuania, Moldova, Slovakia, Russian Federation) but also in Norway. 9 states (Austria, France, Greece, Iceland, Ireland, Italy, Malta, Spain, the Netherlands) have less than 5 prosecutors per 100,000 inhabitants.

For Italy, the number of prosecutors must be put into perspective as it includes 1.701 practicing non-professional public prosecutors. 17 other states or entities mentioned having persons who may fulfil tasks similar to the task of a public prosecutor. In Austria, specifically trained officers of the Public Prosecutor's Office are allowed to act under the supervision of a prosecutor. Some police officers and public prosecutors have similar competences in Iceland, Greece, Malta, Poland and France. In UK-England and Wales, some government Departments have prosecutors specialised in offences specifically related to the areas of the respective Departments. In Finland, the Chancellor of Justice of the Government

and the Parliamentary Ombudsman may also prosecute. In Ireland, much of the work of the Director of Public Prosecutions is carried out by lawyers in private practice rather than by lawyers employed by the state.

Figure 16. Role and attributions of public prosecutors in criminal procedures (number of states or entities)



The role of the prosecutor is pre-eminent in the initial and intermediate stages of the criminal procedures, while relatively limited in the final ones.

All the states or entities (46) stated that prosecutors are authorised to present the case in court. In 45 states or entities, the prosecutor has the power to charge the defendant. The only exception is found in UK-Scotland. There are 44 states or entities where the prosecutor plays a role in appeal proceedings.

In 40 states or entities, prosecutors can conduct or supervise police investigations. Member states or entities which do not entrust this task to prosecutors are: Cyprus, Finland, Ireland, Malta, Slovenia and UK-England and Wales. There are also 29 states or entities which stated that one of the powers of the prosecutor consists in conducting investigations. In 40 states or entities, the prosecutor may request the judge to order specific investigation measures. This is not possible for prosecutors in: Armenia, Azerbaijan, Cyprus, Ireland, Ukraine and UK-England and Wales.

Prosecutors from 39 states or entities can suggest a sentence to the judge. Such ability is not provided in the following states or entities: Austria, Cyprus, Russian Federation, San Marino, "the former Yugoslav Republic of Macedonia", Ukraine and UK-England and Wales. 43 states or entities informed that prosecutors can end cases by dropping them without the need of a judicial decision. This is not possible in Andorra, Cyprus, Italy, Poland and Spain. Only about half of the states allow

prosecutors to end the case by imposing or negotiating a penalty or a measure without a judicial decision.

In 16 member states, the prosecutors may have other significant powers. For example, the prosecutor has the ability to negotiate a guilt agreement (Bosnia and Herzegovina and Poland) which can lead to a simplified procedure (Georgia). In France, prosecutors may play a role in local policies for security and prevention or, for example, against domestic violence. In Greece, he/she supervises and controls the correctional facilities and in Latvia he/she protects the interest of underage or disabled prisoners. Slovenia informed that prosecutors can apply extraordinary legal remedies against final judicial decisions. In Croatia, France, Slovenia and the Russian Federation prosecutors can perform mediation duties.

d. Lawyers

The word "lawyer" is used according to Recommendation Rec(2000)21 of the Council of Europe namely: "… a person qualified and authorised according to the national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters".

The number of lawyers has increased in Europe between 2004 and 2008 in all the member states or entities, but it varies between the various parts of the continent, according also to functions which are more or less wide, namely beyond the legal representation before courts. The states of Southern Europe have the highest ratio of lawyers per inhabitant; the level of *judicialisation* of the society in such states is usually higher than in the states of Northern Europe. It cannot be established at this stage that there is a direct link between the number of lawyers and the volume and lengths of proceedings, further analyses will have to be made to see whether the number of lawyers and their role vis-à-vis the development of judicial proceedings, compared to the role of the judges, have or not a relevant impact on the court workload and the length of proceedings.

The number of lawyers per professional judge varies considerably across the member states or entities. When legal advisors are excluded, one can observe that there are states or entities which have less than 2 lawyers per professional judge (Slovenia, Monaco, Bosnia and Herzegovina, UK-Scotland, Azerbaijan and Russian Federation). The highest numbers (more than 20 lawyers per one professional judge) can be found in Spain, Malta and Italy. However, in these states, lawyers have wide powers that go beyond activities directly related to courts.

Figure 17. Number of lawyers (with and without legal advisors) per 100,000 inhabitants in 2008

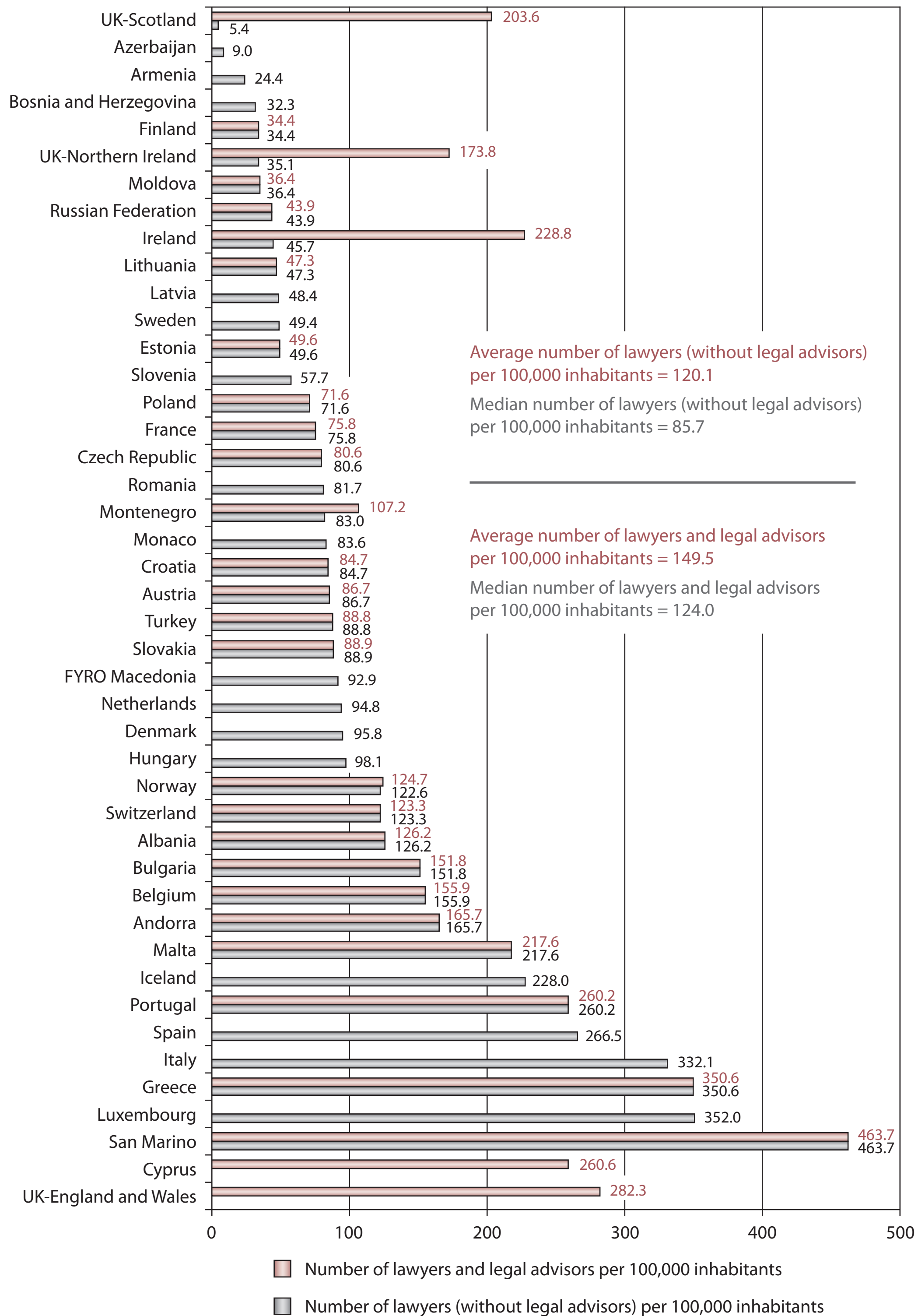


Figure 18. Number of lawyers per professional judge (with and without legal advisors) in 2008