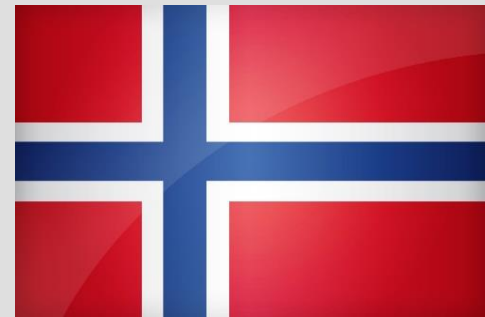




Efficiency in criminal procedure. A change of culture in Norwegian courts ?



Tron Gundersen
Judge
Presented by retired judge
Dag Brathole



The mindset behind the legislation

- Procedure law must make a solid basis for the operation of the legal process so all questions can be discussed and solved correctly in a fair and efficient way



Background

- Various systems – various quality ?
- Just different ?
- Speedy procedure – procedure of quality ?
- Cases of injustice
- Many changes



Brief aspects

- Lay judges
- Assistant judges
- No obligatory (separate) pre-trial judge
- The overall responsibility of the judge
- No specialised courts or judges
- Continuous trial/main hearing
- Free legal aid
- Prosecution service integrated in police
- Access to investigation documents
- No court recorder
- No court recordings (will change)



Regulatory framework

- Criminal Procedure Law (CPA) of 1981
- Law on Courts (1915)
- Ethical provisions
- Constitution, ECHR
- Local guidelines
- IT system – «Lovisa»



Reforms

- Goal – better utilization of resources/strengthening of rights
- Abolition of jury
- Filtering of appeals
- New tools for better preparation:
 - -Access to investigation documents
 - -List (with explanation) of evidence
 - -Introductory document
 - -Wider access for rejecting evidence



Available main procedures – two «tracks»

- In case of admittance of guilt
- In case of no-admittance of guilt
- Also:
- Special procedure in case of absence of defendant



Ordinary procedure – a practical example...

- Launch of indictment – what to attach and inform about....
- Notice to defense lawyer
- Reply of defense lawyer
- Any decision under preparatory stage – written procedure
- Rejection of evidence
- Access to investigation documents
- Main hearing procedure



Time limits, case management, defense

- Parliament set recommendations
- Simple proceedings 30 days, main trial 90 days
- Continuous hearings
- Defense lawyer available



Other issues related to efficiency

- Filtering appeals
- Merger of courts ?
- Access to documents/ review of list of evidence
- Remote hearings





Civil Procedure

- Law on Civil procedure of 2005
- Conciliation Councils
- The law introduced an enhanced involvement of the judge – active management of the case
- Time limits – 6 months
- Simplified procedures
- Mediation – new concept
- No special courts
- Legal aid
- Appeals – filtering procedure

Thank you !
Dèkoju !

Questions ?
Klausimus ?

Comments ?
Komentarus ?

