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REPUBLIC OF ALBANIA

HIGH JUDICIAL COUNCIL

INSTRUCTION

“ON

THE STIPULATION OF THE MEASURES ON THE PREVENTION OF THE SPREAD OF COVID-19 WHILE ASSUMING THE JUDICIAL AND ADMINISTRATIVE ACTIVITY IN COURTS

The High Judicial Council, based on articles 147/1, 147/a, paragraph 1 of the Constitution of the Republic of Albania, article 61 and 97 of Law no. 115/2016 “On the governance institutions of the justice system”, as amended, article 7 and 36 and 38 of Law no. 98/2016 “On the organization of the judicial power in the Republic of Albania”, Law no. 9887, dated 10.03.2008 “On the protection of personal data”, as amended, article 42 paragraph 1 of Law no. 45/2019 “On civil protection”, the Normative Act of the Council of Ministers no. 9, dated 23.5.2020 “On taking special measures in the field of the judicial activity during the duration of the epidemic condition caused by COVID-19”¹, upon the proposal of the Ad Hoc Committee established according to the decision of the Council no. 135, dated 16.04.2020, on drafting, proposing and supervising the implementation of a plan of measures on assuming the activity of the judicial services in the safest way possible during the epidemic caused by the virus COVID-19,

¹ This Normative Act was approved by the Assembly of the Republic of Albania, through Law no. 30/2020 “On the adoption of the Normative Act, with the power of law no. 9, dated 25.3.2020, of the Council of Ministers “On taking special measures in the field of the judicial activity, during the duration of the epidemic condition caused by COVID-19””.



INSTRUCTS:

I. GENERAL PROVISIONS

1. The subject of this instruction is the stipulation of guiding rules regarding the organizational and administrative measures that should be taken by all the courts in the Republic of Albania, as they assume the judicial activity, to prevent the spread of virus Covid-19.
2. The special measures regarding the organization of the judicial process are guiding and their application shall remain in the assessment of the judge of the case.

II. GENERAL HYGIENE AND SOCIAL DISTANCING

The Councils of the Courts as well as the judicial administration bodies shall, pursuant to their competences provided in the law and in the function of implementing the legal stipulations as well as the acts issued by the High Judicial Council, approve general and special measures on the organization and the conduction of the judicial processes during the epidemic situation. The measures should guarantee the organization and conduction of processes and judicial services, by avoiding the gatherings in the court premises and inside the courtrooms.

The rules to be approved by courts shall be oriented toward (i) guaranteeing the normal continuance of the judicial activity and services; (ii) reduction of transmission of the infection between employees or users of the court; (iii) ensuring a healthy atmosphere in the court. They shall focus specifically on:

1. Complying rigorously with the hygiene-sanitary measures recommended by the Public Health Institution (PHI) for all the persons who frequent court premises.
2. To the extent possible, provision on the disinfectant tunnel in the entrance of the court building, through which all users of the courts must pass.
3. Continuous cleaning and disinfection of surfaces in the work premises of the court staff and court rooms, other premises, provision and use of hygiene products including hand soap, disinfectants with alcohol basis, having at least 60% alcohol, hand tissues or disposable towels, papers and disinfectants to clean the surfaces and the provision of closed bins for the elimination of waste. In any case they shall be used by using the personal protection tools.
4. Equip the employees with the personal protective measures such as masks and gloves (the masks may be made of cloth and shall be changed every day) as a physical barrier to minimize/limit the transmission of the infection COVID-19;
5. Compliance with the physical distancing between the employees and the other court users, by reorganizing the work premises for the employees and by putting orienting signs as well as controlling the implementation of the distance of 2 meters. prepare a plan of measures to ensure social distancing and when the capacity of the employees goes beyond the norm permitted per surface in square meter, the physical distancing of 2 meters shall be applied;

6. Positioning of the physical distancing elements with visual, prominent signs, on the floor as well as the rules on the measures to prevent the spread of COVID-19 shall be as obvious as possible;
7. Control the compliance with the protective measures (the use of masks and gloves) by all the participants in judicial processes and the other court users and equip them with the protective measures to the extent possible;
8. Determining a specific area to isolate a person, who may display clinical signs of the illness and then to notify at the number 127 and to notify the respective LUHC;
9. For as much as it is possible and permitted, to install cameras to supervise whether the measures of hygiene and care are applied precisely;
10. For as much as it is possible, to improve the engineering controls in order to increase the ventilation levels and the percentage of the air that circulates in the system;
11. Limitation of the access of the public in court premises, guaranteeing, based on the rules established for this purpose, only the access of the individuals who have to carry out activities that are urgent;
12. Display posters, which encourage the hygiene of the hands to assist in preventing the spread, at the entrance of the workplace and in the other areas of the workplace, where they are obvious;
13. Arrangement of the access in the services through a reservation, via the telephone or electronic communication, making sure that the users will be able to use the services within a certain period of time, as well as the approval of each measure that is considered necessary to avoid the gatherings;
14. Increase of collaboration with other institutions which are important for planning and conducting the court sessions as well as for the realization of the communication in distance via electronic mail.
15. Encourage the use of electronic communication as the preferred way and which ensures the same level of safety and quality as the paper based communication;
16. Obligation of the judicial staff to take measures regarding:
 - a) The prevention of the use of the telephones, desks or the means and equipment of the other employees when possible. If necessary, they shall be cleaned or disinfected before and after being used;
 - b) Washing the hands or using disinfectants if they are dirty or after taking off the masks and the gloves;
 - c) Avoiding and not using hand shaking, but other non-contacting greeting approaches, instead;
 - d) Complying with the practices of the respiratory, coughing and sneezing etiquette, putting the elbow groove in front of the mouth and the nose;
 - e) The obligation to declare at the responsible structure if they have had a close contact with the persons who result being infected with Covid-19. In this case the employee should stay in the self-curfew and should immediately inform the responsible structure which then notifies the respective Local Unit of Health Care.
 - f) Provision of services, to the extent possible, in distance, via electronic communication, phone or mail.

III. ORGANIZATIONAL MEASURES FOR THE CONDUCTION OF THE JUDICIAL ACTIVITY

The Court Councils as well as the judicial administration institutions shall adopt special measures on the organization and the conduction of the judicial processes focusing inter alia on:

1. Increase of cooperation with the Prosecution Office, the Chamber of Advocacy, Police Directorates/Commissariats, Institution of Legal Medicine, Probation Service, Offices of Social Services, experts, translators etc., in order to coordinate among them the planning of the court hearings, to ensure the communication in distance with the court via electronic mail and/or phone/fax;
2. Encouraging the use of electronic communication as an efficient mean in circumstance where the social distancing is crucial in limiting the spread of virus, reducing in minimum the use of paper based communication;
3. Planning in cooperation with judges, of different dates and times for summoning of witnesses and/or experts, limiting as much as possible, summoning to testify of a large number of witnesses within the same court hearing. Confrontation between witnesses shall be made at a distance between them, in compliance with the measures.
4. Communication with other institutions in which there is a need to carry out verifications in terrain, requesting from them the creation of the opportunity that the trial panel, the secretary of the hearing, as well as the participating parties, be received by an employee, in separate premises that meet the hygienic-sanitary and social distancing conditions, without the presence of other employees of the institution.
5. Immediate notification of the parties and participants in the trial, for the non-conduct of the hearing on the scheduled date and time, so as to avoid their appearance in court premises, in case of existence of objective reasons that make it impossible to hold a scheduled hearing (for which the court is informed before the hearing).
6. Implementation of flexible work time and work place, such as planning a calendar for the use of court rooms, change of work time/workdays, or for offering work and communication in distance (phone, video or web);

IV. ORGANIZATIONAL MEASURES FOR THE ADMINISTRATIVE SERVICES OF THE COURT

The Court Councils as well as the judicial administration institutions shall adopt measures on the organization and the conduction of the judicial processes focusing inter alia on:

1. Measures for the organization of administrative services in the court through alternative means of communication, to enable the provision of services by the court, avoiding to the extent possible, the gathering of people in court premises or their physical contact with court employees and with

each other and to comply with the hygienic-sanitary and social distancing measures provided in part II of this instruction.

2. Administrative and public services to be scheduled, at certain times, with prior communication in order for employees and/or citizens to not gather inside the premises.
3. Measures to ensure electronic communication with the court administration for sending requests for information and/or documentation (certifications, court decisions, copies of acts, etc.) by announcing in the notice corner and on the court website information and necessary instructions for the performance of such communication.
4. Measures, to the extent possible, to create, publish and distribute (through the possibility of downloading from the website of the court and/or placement in appropriate areas at the entrance/exit of the court) the template forms² for submission of applications by the parties, and delivery of response and/or acts required by the court electronically to the applicants, unless the document is required in hard copy and it must be sent by postal service.
5. In case of impossibility of electronic communication for obtaining services from the judicial administration, application form templates shall be made available to the applicants and they shall be completed and sent to the court where the applicants shall be notified to declare the contact number and/or e-mail address through which they will be contacted by the judicial administration when their request is handled. For requests to receive acts, the applicant shall be notified (by e-mail or telephone) of the date and time at which they shall appear to receive the service.

V. LAST PROVISIONS

1. The Councils of the Court, the Chairperson and the Chancellor shall be responsible for taking measures in accordance with this instruction.
2. It is recommended to establish a responsible structure at each court for the implementation of measures to be taken in accordance with this instruction.

This instruction shall enter into force on the date of publication on the official website of the High Judicial Council.

On behalf of the High Judicial Council

The Chairperson

Naureda Llagami

² The forms that may be filled out by the parties by accessing the court's website shall have space for the declaration of acceptance of electronic communication with the court, the e-mail address, telephone contact and postal address of the parties, as well as the possibility to attach the document of prepaid court fees when they are required)