



**Organisation for Security and Cooperation in Europe**  
**OSCE Presence in Albania**

Human Dimension Department  
Rule of Law Unit

As part of the Women's Access to Justice Project, the OSCE Presence in Albania has developed sample court forms for issuing emergency and regular protection orders.

The pre-printed forms have been modelled to reflect requirements of civil court protection orders as indicated by the law no.9669, dated 18 December 2007, "On Measures against Violence in Family Relations" that entered into force on 1 June 2007.

We hope that the forms will be a useful tool for judges in their continued efforts to guarantee effective protection to victims of domestic violence.

# COURT DECISION FOR EMERGENCY PROTECTION ORDER

1. THE DISTRICT COURT OF: \_\_\_\_\_  
(Provide district court name and address, and judicial secretary)

CASE No.: \_\_\_\_\_  
DECISION No.: \_\_\_\_\_

## 2. PETITIONER<sup>1</sup>

Vs.

## 3. RESPONDENT

_____
(Name, father's name, surname)
_____
(Permanent/temporary residence address)
_____
_____ Telephone: _____
<b>Represented by:</b>
_____
(Name of legal or other representative, if any)
_____
(Address of representative)
_____ Telephone: _____

_____
(Name, father's name, surname)
_____
Permanent residence address:
_____
_____ Telephone: _____
_____
Temporary residence address:
_____
_____ Telephone: _____
Name of legal or other representative if any
_____

4. The names and dates of birth of the persons protected are:  
(name, father's name, surname)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. The petitioner requested protection as follows: (tick more than one if applicable)

\_\_\_\_\_ Respondent not to commit a domestic violence act against persons mentioned above

\_\_\_\_\_ Respondent refrain from threatening persons mentioned above

\_\_\_\_\_ Respondent not to harm, harass, contact or communicate with the persons mentioned above

\_\_\_\_\_ Respondent to be leave residence (address) \_\_\_\_\_ by (time) \_\_\_\_\_ and not to return without subsequent court authorization

\_\_\_\_\_ Respondent not to approach closer than \_\_\_\_\_ (distance) persons mentioned above

<sup>1</sup> The petitioner may be the victim or other persons authorized to request an emergency protection order on behalf of the victim as indicated in Article 13, section 3 of the law no. 9669, of 18 December 2006 "On measures against violence in family relations".

\_\_\_\_\_ Respondent not to go to:

- School (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_
- Kindergarten (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_
- Work (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_
- Home (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_

\_\_\_\_\_ Respondent to contact (name of child) \_\_\_\_\_ only (when, day of week, time limits) at (place) \_\_\_\_\_ or by (means of contact) \_\_\_\_\_

\_\_\_\_\_ Prohibit respondent to enter or stay at residence of (name) \_\_\_\_\_ at address) \_\_\_\_\_

\_\_\_\_\_ Authorize (agency name) \_\_\_\_\_ to accompany (who) \_\_\_\_\_ to victim's residence and accompany removal of their personal belongings

\_\_\_\_\_ Respondent to hand over all weapons to (name of institution/officer) \_\_\_\_\_

6. The opinion of the attorney if one participated was that the protection order should be granted under the law.

7. PURSUANT TO ARTICLE 310 OF THE CIVIL PROCEDURE CODE, THE COURT FINDS THE FACTS AND LAW AS FOLLOWS:

The petitioner has presented facts that on the following dates:

\_\_\_\_\_

at the following places:

\_\_\_\_\_  
\_\_\_\_\_

acts or omissions occurred constituting domestic violence as defined under Article 3, section 1 and 2 against the following persons:

\_\_\_\_\_  
\_\_\_\_\_

Based on these incidents, petitioner fears that the security, health or well-being of the mentioned persons is in danger from the respondent.

8. The evidence presented by the petitioner included the following: (check all that apply)

\_\_\_\_\_ Police case number: \_\_\_\_\_

\_\_\_\_\_ Copy of police report

\_\_\_\_\_ Medical report

\_\_\_\_\_ Medico-legal act of expertise

\_\_\_\_\_ Certificates from DV service providers

(list): \_\_\_\_\_

\_\_\_\_\_ Expert evaluation (list): (e.g. psychologist, pet specialist etc.) \_\_\_\_\_

\_\_\_\_\_ Witness statements (list): \_\_\_\_\_

\_\_\_\_\_Other evidence (list): (e.g. victim's diary, children's paintings, pictures of injuries, e-mail communications, SMS, etc.) \_\_\_\_\_

\_\_\_\_\_Tape recordings

\_\_\_\_\_Testimony

9. Pursuant to law no. 9669, of 18 December 2006 "On measures against violence in family relations", Article 9 upon the Petitioner's request and having reasonable grounds to find, pursuant to Article 19, that:

There is sufficient basis to believe that the respondent has committed or threatened to commit an act of family violence; or

The respondent presents a direct and immediate threat to the security, health or well-being of the victim or of their family members; or

Issuance of the emergency protection order is necessary to protect the security, health and welfare of the victim or their family members who are protected through this order,

10. IT IS THEREFORE ORDERED THAT THE RESPONDENT:

(tick more than one if applicable)

\_\_\_\_\_Respondent not to commit a domestic violence act against persons mentioned above

\_\_\_\_\_Respondent refrain from threatening persons mentioned above

\_\_\_\_\_Respondent not to harm, harass, contact or communicate with the persons mentioned above

\_\_\_\_\_Respondent to be leave residence(address)\_\_\_\_\_ by (time)\_\_\_\_\_ and not to return without subsequent court authorization

\_\_\_\_\_Respondent not to approach closer than \_\_\_\_\_ (distance) persons mentioned above

\_\_\_\_\_Respondent not to go to:

- School (name)of: \_\_\_\_\_, at (address)\_\_\_\_\_
- Kindergarten (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_
- Work (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_
- Home (name) of: \_\_\_\_\_, at (address)\_\_\_\_\_

\_\_\_\_\_Respondent to contact (name of child) \_\_\_\_\_ only (when, day of week, time limits) at (place) \_\_\_\_\_ or by (means of contact) \_\_\_\_\_

\_\_\_\_\_Prohibit respondent to enter or stay at residence of (name) \_\_\_\_\_ at (address)\_\_\_\_\_

\_\_\_\_\_Authorize (agency name) \_\_\_\_\_ to accompany (who)\_\_\_\_\_ to victim's residence and accompany removal of their personal belongings

\_\_\_\_\_Respondent to hand over all weapons to (name of institution/officer)\_\_\_\_\_

11. This emergency order remains in effect for a maximum of 20 days, i.e., until the hearing for verification of the emergency protection order is held (Article 19, section 3 (d).

12. The respondent has a right to appeal this emergency protection order within five (5) days of its approval or notification to the parties.

13. A hearing shall be held for the verification of the emergency protection order on:  
\_\_\_\_\_ (within 20 days, Article 19, section 3 (e))

14. Expenses for said proceedings are to be paid by the respondent pursuant to Article 14, section 4 of the law no. 9669, dated 18 December 2006, “On measures against violence in family relations”.

**NOTICE TO THE PARTIES**

THIS ORDER APPLIES IMMEDIATELY TO THE RESPONDENT AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING, OR UNTIL THE EXPIRATION DATE OF THE ORDER. NO PRIVATE AGREEMENT BETWEEN THE PARTIES CAN MODIFY THIS ORDER.

CARRYING OUT ACTS WITH THE INTENT OF PREVENTING OR OBSTRUCTING THE ENFORCEMENT OF THIS ORDER CONSTITUTES A CRIMINAL OFFENCE PURSUANT TO ARTICLE 320 OF THE CRIMINAL CODE, AND IS PUNISHABLE BY A FINE OR UP TO TWO YEARS OF IMPRISONMENT<sup>2</sup>.

Time: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
<sup>2</sup> See Article 19, section 3 (c) of the law no. 9669, dated 18 December 2006, “On measures against violence in family relations”.

## EXECUTION ORDER

Pursuant to Article 23, section 1 this order is an executive title from the moment it is declared by the court or notified to the parties.

### CERTIFICATE OF SERVICE

The undersigned being duly qualified by law certifies that:

- Two copies of the order were given to the petitioner;
- A copy of the order was served on the respondent pursuant to Article 316 of the Civil Procedure Code;
- The court sent or delivered within 24 hours a copy of the emergency protection order to the following persons:
  - The petitioner and other persons protected in the order;
  - Petitioners under the meaning of Article 13 of the law;
  - Social services department of the municipality or commune of the location where the victim or other persons mentioned in the order reside temporarily or permanently;
  - The police unit of the location where the victim or other persons mentioned in the protection order reside temporarily or permanently.