

Information of the High Administrative Court of Ukraine as regards the IASAJ Questionnaire on “Electronic access to the courts”

1. The implementation of your electronic document system

Recently High Administrative Court of Ukraine uses the Electronic Court System only in part. Namely the copies of judgments, summons and notice papers can be mailed to the parties to a proceeding automatically if the latter have provided relevant requests to the Court.

The abovementioned is provided by the Temporary regulation on Electronic documents exchange between the Court and the parties to a proceeding approved by the HACU order dated January 20, 2015 № 3. Such mailing is done as additional option to the service of proceedings provided by the procedural legislation and is not a substitute for the letter.

In order to receive copies of judgments, summons and notice papers electronically a person needs:

1. to register in the system for documents exchange between the Court and the parties to a proceeding (to make a box for electronic court) through the link <http://mail.gov.ua>;
2. to submit to the court a written request for the copies of judgments, summons and notice papers electronic mailing available on the HACU web site;
3. such request should be certified by personal signature and submitted to the court registry or sent to the court by post.

Copies of the service documents processed after the request was submitted to the court will be received by a party to a proceeding electronically on his/her registered e-mail address in domain mail.gov.ua provided in the relevant request. The parties are deemed to have taken cognizance of the judgement after the Court Registry had received electronic delivery confirmation.

Meanwhile Council of Judges of Ukraine together with the State Court Administration of Ukraine takes steps for the Electronic Court System stage-by-stage implementation into general courts operations. Now Odesa region is a pilot one and three courts of general jurisdiction were chosen as pilot courts (these are Kyiv District Court of the city of Odesa, Ovidiopol District Court of Odesa region and Appellate Court of Odesa region). Also some public authorities of the region (Department of the State Migration Service of Ukraine, Department of the State Executive service of Ukraine, Prosecutor’s Office in Odesa region, Main Department of the National Police in Odesa region, local agencies of the State Fiscal Service in Odesa region etc.) as well as organizations (forensic medical expertise institution, legal aid center). take part in this initiative.

3. Observing the adversarial principle

Presently the computer program “Specialized Court Case Management” does not provide possibilities for appeal exchange between the court and the parties to a proceeding.

However, the program developer is working out such possibility. In the near future it will be possible to submit documents to the court through the user account on mail.gov.ua web site operated by the State Court Administration of Ukraine.

Currently parties to a proceeding can not acquaint themselves with the case file online. They only can acquaint themselves with the stage of the proceedings in a case. In this regard they can use special headings on the HACU web site “List of cases set for a trial” and “List of cases automatically distributed among the judges”. They can also acquaint themselves with the judgements texts online on the website of the Unified State Register for Court Decisions.

6. Keeping information secure

All documents are kept protected in the court data base. Judges and court staff members have access to the documents according to their duties. In order to login into the system they have to authorize by entering their login and password. Judges and court staff members have access to the system only at their authorized working station in court premises.

7. Notification of decisions to the parties

As regards notification of decisions to the parties see item 1.

It is possible to bring an action for negligence if there are malfunctions but only in written.