



HIGH INSPECTOR OF JUSTICE

**REPORT
ON THE ACTIVITY OF THE HIGH INSPECTOR OF JUSTICE**

FEBRUARY – JULY 2020

TIRANA

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1. INTRODUCTION

Justice Reform, one of the biggest reforms in these 30 years of democracy of the Albanian state, is a panorama of a completely new justice system, with a direct impact on strengthening and consolidating the rule of law.

This reform was perceived and implemented not only to qualitatively improve the justice system, but, above all, to respond to the concerns of Albanian citizens, with the sole purpose of establishing a justice system with professional, meritocratic governance institutions, unresponsive to politics and corruption and accountable to the law.

A result of the implementation of the Justice Reform was the establishment of very important institutions, with a permanent nature and with clear constitutional and legal duties and functions.

One of these institutions is the High Inspector of Justice, a new constitutional and legal institution, which was constituted on 01.02.2020 after the election of Mr. Artur Metani High Inspector of Justice, with decision no. 2/2020, dated 20.01.2020 of the Assembly of the Republic of Albania “On the election of Mr. Artur Metani, High Inspector of Justice”.

The High Inspector of Justice (HIJ) is the newest institution that complements the entire architecture of the new justice system, responsible for verifying complaints, investigating violations and initiating disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure established by law.

The High Inspector of Justice is also responsible for the institutional inspection of courts and prosecution offices.

The principles, procedures and regulations necessary for the performance of the functions of the High Inspector of Justice, the organization and functioning of the Office of the High Inspector of Justice, the status of the High Inspector of Justice and the status of inspectors of the High Inspector of Justice are provided in Chapter IV, articles 193-215 of Law 115/2016 “On the governance institutions of the justice system” as amended.

In the framework of the legal obligation on institutional reporting, based on article 204, paragraph 1, letter “d” of Law 115/2016 “On the governance institutions of the justice system” as amended and the Decision no. 134/2018 of the Assembly of Albania “On the approval of the annual and periodic monitoring manual”, this summary report is forwarded on the work done by the HIJ to the extent possible, conditioned by the situation and restrictions created by the global pandemic and the problems identified by the institution from its establishment until July 2020.

In addition, in the performance of the HIJ tasks, it shall be taken into consideration the fact of significant shortcomings in human resources or the lack of infrastructure and facilities necessary for the smooth operation of the institution.

2. ISSUES ADDRESSED IN THIS REPORT

This February-July 2020 report provides detailed information on HIJ activity.

In the reporting period, in summary, the HIJ addressed issues mainly related to:

- a) regulation of its legal, structural and physical activity;
- b) adopted acts and institutional actions taken;
- c) staffing and filling of vacancies;
- d) fund management;
- e) cooperation with central and international institutions.

3. REGULATION OF THE HIJ ACTIVITY

The activity of the Office of the High Inspector of Justice is regulated by:

- Constitution of the Republic of Albania;
- Law no. 115/2016 “On the governance institutions of the justice system”, as amended;
- Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” as amended;
- Law no. 44/2015 “Administrative Procedure Code in the Republic of Albania”;
- Law no. 119/2014 “On the right to information”;
- Law no. 90/2012 “On the organization and functioning of state administration”
- DCM no. 893, dated 17.12.2014 “On the approval of the rules of organization and functioning of the auxiliary cabinets, internal organization of the institutions of state administration, and the detailed procedures for the preparation, proposal, consultation and approval of the internal organization”;
- Decision no. 536 of the Council of Ministers, dated 25.7.2019 “On the creation of conditions for the High Inspector of Justice for the verification of the fulfillment of the legal conditions and criteria, the verification of the background and property of the non-magistrate candidates for the position of inspector”;
- Decision no.28/2020 “On the approval of the organizational structure, staff and salary classification of the staff of the High Inspector of Justice”;
- Decision no. 507 of the Council of Ministers, dated 24.06.2020 “On the transfer of administration responsibility from the Department of Public Administration and the Public Procurement Commission to the High Inspector of Justice of the building of the former Ministry of European Integration”;

The High Inspector of Justice approved **Order no. 7 dated 04.03.2020** “On the approval of the regulation on the procedure and criteria for evaluation, scoring and ranking of non-magistrate candidates, for the position of inspector at the Office of the High Inspector of Justice”, attached to which is Annex no. 1 “Evaluation criteria and scoring methodology of non-magistrate candidates for the position of inspector at the Office of the High Inspector of Justice”.

Furthermore, the High Inspector of Justice has prepared bylaws for the internal organization of the HIJ Office, which need to be approved after the appointment of the body of inspectors.

4. APPROVED ACTS OR INSTITUTIONAL ACTIONS TAKEN

4.1 Scope of HIJ activity and stages of handling complaints

The High Inspector of Justice is the responsible state authority for verifying complaints, investigating disciplinary violations and initiating disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, and for the institutional inspection of courts and prosecution offices.

Paragraph 2 of Article 194 of Law 115/2016 “On the governance institutions of the justice system”, as amended, stipulates the following hereunder:

2. The Inspector, regarding verification of a complaint or investigation of disciplinary misconduct against the subjects specified in paragraph 1 of this Article, shall act based on:

a) a written complaint by any natural person, legal entity or public body concerned;

ba written complaint by the Minister of Justice;

c) a written complaint by the Prosecutor General;

ç) a written complaint by any member of the High Judicial Council or the High Prosecutorial Council;

d) a written complaint by the chairperson of the court where the judge suspected of having committed a disciplinary misconduct exercises the function;

dh) a written complaint by the Head of the Prosecution Office where the prosecutor suspected of having committed a disciplinary misconduct exercises the function.

From the moment of filing the complaint by the above mentioned subjects, the High Inspector of Justice follows the stages below:

➤ Initial review and evaluation of the complaint

The High Inspector of Justice first examines whether the complaint is admissible or not and after the initial review of the complaint, if the latter does not meet one or more criteria provided in Article 120 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” as amended, decides the archiving of the complaint by notifying the complainant and the magistrate within the deadlines set by law.

The complainant has the right to appeal this decision to the relevant Council (HJC or HPC), within one week from the date of taking a reasoned decision based on Article 121 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” amended.

If the complaint meets the criteria set out in the law and it is assessed that from the facts submitted in the complaint and the allegations raised in it, there is space for their verification, then the High

Inspector decides to verify the complaint under Article 121 paragraph 2, letter b), of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” amended.

➤ **Verification of the complaint**

In cases where the verification of the complaint is decided, the High Inspector of Justice may request the complainant to submit additional documents or provide explanations on the manner and circumstances in which the alleged violation occurred, and may obtain any other information from the relevant council, court or prosecution office.

After the administration of the documentation, in the framework of the verification of the alleged violation, in case it is found that there are not enough facts to justify the initiation of the investigation, the complaint is archived and the reasoned decision for archiving the complaint is notified to the complainant and the magistrate against whom the complaint was filed.

The complainant has the right to appeal this decision to the Council (HJC or HPC), within one week of receiving notification of the reasoned decision.

If, after the verification, there are reasonable doubts that the violation may have been committed, based on the facts and evidence gathered during the verification, which justify the initiation of disciplinary investigation against the magistrate or magistrates against whom the complainant raises allegations, the High Inspector initiates the investigation.

➤ **Disciplinary investigation**

The disciplinary investigation is one of the three stages of reviewing the complaint which starts:

- At the initiative of the complainant if, during the verification of the complaint, it is ascertained or there are suspicions that the violation may have been committed, based on the facts and evidence gathered which justify the initiation of the investigation. During the disciplinary investigation, a complete and comprehensive investigation is conducted regarding the suspicions raised during the verification phase of the complaint.
- At the initiative of the High Inspector of Justice, based on essential data on the facts resulting from reliable sources, on the basis of which there is a reasonable suspicion that the violation may have been committed.

In case that, after conducting the investigation and completing the relevant procedures, the High Inspector deems that the violation is not proven or the allegations are unfounded in law and in the evidence collected, he shall decide to close the disciplinary investigation based on article 134, paragraph 1 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended.

If there are reasonable suspicions that the magistrate has committed a disciplinary violation, then the High Inspector of Justice shall initiate **disciplinary proceedings**, submitting the investigation report together with the investigative file to the relevant Council (HJC or HPC).

➤ **Disciplinary proceedings**

After the submission of the investigation report by the High Inspector to the relevant Council, the latter shall set the date of the session and notify the parties within the deadlines set by law.

After reviewing the facts and evidence, the Council:

- a) shall reject the request for disciplinary proceedings, because the alleged facts have not occurred or they do not constitute a disciplinary violation;
- b) shall accept the request and impose one or more disciplinary measures.

The High Inspector of Justice and the magistrate have the right to appeal, respectively, any decision of the Council on disciplinary matters and the decision on a disciplinary measure in the competent court.

4.2 Current situation on the review of complaints

The High Inspector of Justice in fulfillment of his duty, based on article 119 et seq. of Law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended, has been requested by the High Judicial Council, the High Prosecutorial Council, the General Prosecution Office, and the Ministry of Justice to be sent to the Office of the High Inspector of Justice:

- Complaints filed by any natural or legal person regarding the allegation of violations committed by magistrates;
- Any disciplinary file under investigation process;
- Any identified problems related to the fulfillment of the functional duties of the Office of the High Justice Inspector;
- Any issues related to thematic and institutional inspections according to the requirements of Article 194, paragraph 4, of Law no. 115/2016 “On the Governance Institutions of the Justice System”, as amended.

In response to this request, at the Office of the High Inspector of Justice, for the period February - July 2020, the following were filed:

- **757 complaints** received by the HJC as overdue complaints;

- **140 complaints** filed by other institutions (HPC, General Prosecution Office, Ministry of Justice, President of the Republic, SPAK, General Directorate of Prisons, courts, municipalities, etc.)

In addition, the following have been filed with the High Inspector of Justice :

- **442 complaints** from citizens.

Based on Article 119 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, the High Inspector of Justice confirms to the complainant the receipt of the complaint within five days from its receipt.

Pursuant to this provision, for the period February-July 2020, the following have been made:

- **442 confirmations** on complaints filed by citizens;
- **746 confirmations** on overdue complaints by the High Judicial Council;
- **87 confirmations** on complaints filed by other institutions.

Based on articles 121, paragraph 2, letter b) and 122 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, and Article 214 of Law no. 115/2016 “On the governance institutions of the justice system”, as amended, regarding the verification of complaints after the initial review, during the period January-July 2020, the following were approved:

- **17 decisions** for verification of complaints after the initial review;
- **33 decisions** for archiving complaints after the initial review;
- **33 notifications** for decisions on complaints archiving;
- **5 decisions** on archiving after the verification of complaint;
- **27 requests** addressed to courts or prosecution offices, on information about judges or prosecutors requested by the High Inspector of Justice, in the framework of complaints’ verification;

Based on Article 124 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, and Articles 194/3 and 214 of Law no. 115/2016 “On the governance institutions of the justice system” as amended, the High Inspector of Justice has approved **6 decisions to initiate disciplinary investigation**, namely:

- Decision prot. no. 313/7, dated 02.04.2020 “On the initiation of the disciplinary investigation against the judge M.K”
- Decision prot. no. 251/11, dated 22.05.2020 “On the initiation of the disciplinary investigation against the prosecutor E.K”;
- Decision prot. no. 705/1, dated 22.05.2020 “On the initiation of the disciplinary investigation against the judge E.H”;
- Decision prot. no. 664/4, dated 07.07. 2020 “On the initiation of the disciplinary investigation

upon initiative against the judge SH.M”;

- Decision prot. no. 1751, dated 16.07.2020 “On the initiation of the disciplinary investigation upon initiative against the judge E.H”;
- Decision prot. no. 1752, dated 16.07. 2020 “On the initiation of the disciplinary investigation against the prosecutor B.M”;
- Decision prot. no. 705/12, dated 17.07.2020 “On the suspension of the disciplinary investigation against the judge E.H”;
- Decision prot. no. 251/29, dated 21.07.2020 “On the closure of the disciplinary investigation against the prosecutor E.K”;

From these disciplinary investigations carried out, the following were sent:

- 2 requests for disciplinary proceedings for a magistrate judge and a magistrate prosecutor at the High Judicial Council and the High Prosecutorial Council.

The High Inspector of Justice based on paragraph 4 of Article 194 of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecution offices and prosecution office administration, based on the written motivated request of the High Judicial Council, the High Prosecutorial Council, the Minister of Justice, the Prosecutor General and the annual inspection plan.

Pursuant to this provision, the following have been approved:

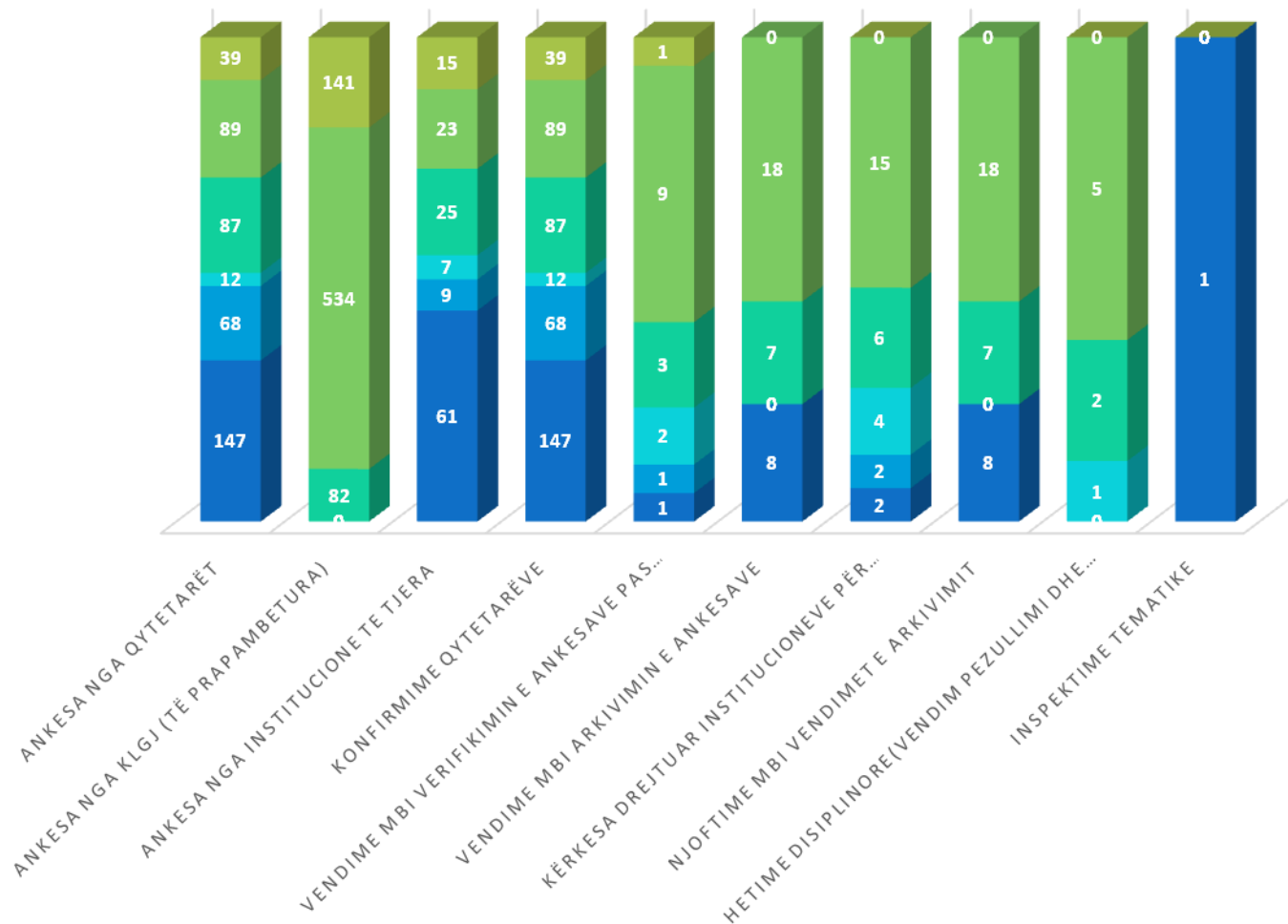
- Decision No. 1 dated 11.02.2020, “On conducting the thematic inspection of courts and prosecution offices on the handling of requests with the subject of “Parole”;
- Decision No. 1/1 dated 20.02.2020 “On the extension of the thematic inspection scope determined by decision no. 1 dated 11.02.2020 of the High Inspector of Justice”;

It should be highlighted that regarding the right of appeal exercised by the complainants to the HJC, against the decisions approved by the High Inspector of Justice, so far **10 practices have been sent by the HIJ Office to the HJC**, requested by the latter, in the context of reviewing appeals against HIJ decisions.

The above data are summarized in Annex 1, attached to this report and in the graph below.

REVIEW OF COMPLAINTS

■ SHKURT ■ MARS ■ PRILL ■ MAJ ■ QERSHOR ■ KORRIK



4.3 Internal organization

Regarding the internal organization of the HIJ, pursuant to Article 204 of Law no. 115/2016 “On the governance institutions of the justice system”, the High Inspector of Justice for the period February-July 2020, approved the following:

- **22 orders**, in concrete terms:

- **Order no. 7 dated 04.03.2020** “On the approval of the regulation on the procedure and criteria for evaluation, scoring and ranking of non-magistrate candidates, for the position of inspector at the Office of the High Inspector of Justice”;
- **Order no. 14, dated 23.04.2020** “On the initiation of the procedure for the selection of non-magistrate candidates for the position of inspector at the Office of the High Inspector of Justice”;
- **5 orders** for setting up commissions, in concrete terms:

- a) Order No. 18 dated 05.05.2020, “On the establishment of the commission for obtaining a vehicle with plate number AA 561 VV, transferred free of charge from the State Advocacy to the High Inspector of Justice”;
- b) Order no. 11 dated 04.03.2020, “On the establishment of the internal commission for lateral transfer”;
- c) Order no. 10 dated 04.03.2020, “On the establishment of the admission committee for lateral transfer”;
- d) Order no. 16 dated 05.05.2020 “On the establishment of the small value procurement commission”;
- e) Order no. 22 dated 24.06.2020 “On the establishment of the restructuring commission”.

- **12 orders** in the framework of the implementation of Law no.153/2013 “On civil servants”, amended;
- **Order** “On the approval of the criteria and requirements for the job positions of the structure and temporary staff of the office of the High Inspector of Justice”;
- **Order** “On small value procurement”;
- **Order** “On the determination of the Administrator of the Contracting Authority System”;

- **8 decisions**, in concrete terms:

- Decision no. 2 dated 11.03.2020 “On the issuance of the act of appointment to office and initiation of financial relations”;
- Decision no. 4 dated 24.03.2020 “On the initiation of financial relations”;
- Decision no. 5 dated 24.03.2020 “On the issuance of the act of appointment to office”;
- Decision no. 7 dated 25.03.2020 “On the issuance of the act of appointment to office”;
- Decision no. 9 dated 30.03.2020 “On the issuance of the act of appointment to office”;
- Decision no. 11 dated 30.03.2020 “On the issuance of the act of appointment to office”;
- Decision no. 13 dated 06.04.2020 “On the issuance of the act of appointment to office”;
- Decision no. 15 dated 30.04.2020 “On the issuance of the act of appointment to office”;

5. STAFF OF THE OFFICE OF THE HIGH INSPECTOR OF JUSTICE

5.1 Internal Structure and recruitment

In order to start the activity of the institution as soon as possible pursuant to Article 283, paragraph 7 of Law no. 115/2016 “On the governance institutions of the justice system”, as amended, and Law no. 88, dated 18.12.2019 “On the 2020 budget”, the High Inspector of Justice with Order no.1, dated 07.02.2020 “On the approval of the structure and temporary staff of the Office of the High Inspector of Justice”, approved the temporary structure of the institution with 40 employees.

Based on this structure, job descriptions were drafted and, on 08.02.2020, 27 vacancies were announced.

At the same time, the HIJ drafted the final structure, which according to Article 197, paragraph 4 of Law no. 115/2016 “On the governance institutions of the justice system”, as amended, was sent on 06.03.2020 for approval to the Assembly of Albania and was approved by the latter with decision no. 28/2020, dated 18.06.2020 “On the approval of the organizational structure, staff and salary classification of the staff of the High Inspector of Justice”¹.

Until March 13, 2020, the day the state of natural disaster was declared, the HIJ institution managed to complete 8 recruitment procedures as other procedures were suspended due to measures taken by the Government as a result of the situation created by the pandemic and cancellation of all procedures for recruitment in the civil service.

Due to the duration of the suspension of recruitment procedures and taking into consideration the fact that the Albanian Parliament was in the phase of approval of the final structure proposed by the HIJ, in compliance with the principles of administrative economics, the simultaneous performance of all recruitment procedures to avoid overlapping in the development of different procedures for the same job position, the HIJ canceled the announced procedures and decided to re-announce them again according to Law 152/2013 “On civil servants” as amended, in accordance with the structure, staff and new job descriptions approved by the Assembly of Albania.

Pursuant to decision no. 28/2020, dated 18.06.2020 “On the approval of the organizational structure, staff and salary classification of the staff of the High Inspector of Justice” of the Albanian Assembly, all procedures for the recruitment of vacancies were announced on 25 June 2020².

Currently, the Office of the High Inspector of Justice is in the phase of ascertaining and verifying the files of the candidates, a process which is immediately accompanied by the announcement of the relevant announcements on the official website of the HIJ, in the framework of transparency to the public.

¹ The decision shall be attached to this Report in Annex 1.

² All vacant positions announced by the High Inspector of Justice are published on the official website www.ild.al.

Regarding the appointments for the employees of the administration at the Office of the High Inspector of Justice, during the period February-July 2020, the following were respectively made:

- **12 appointments, part of the civil service**, of which:
 - **6** at specialist level,
 - **2** low management level;
 - **1** middle management level;
 - **3** assistant inspectors;

- **5 appointments** as part of the cabinet at the High Inspector of Justice, of which:
 - **4** advisors;
 - **1** secretary;

- **1 appointment** for supporting staff;
- **7 employees** with temporary contract, based on DCM no. 47, dated 22.01.2020, “On the number of employees with temporary contracts for 2020, in local government units”, as amended.

In the framework of the implementation of the legal obligation on the evaluation of the work performed by the employees who are part of the civil service, **8 evaluations** on the work performed by them have been completed and approved.

All procedures for recruitment of vacancies with permanent contracts announced by the Office of the High Inspector of Justice, during the period April-May have been suspended based on Order no. 351, dated 29.05.2020 “*On taking special measures and restrictions to prevent the spread of Covid-19*” of the Minister of Health and Social Protection.

5.2 Appointments of inspectors

Regarding the appointments for inspector position at the HIJ, based on Article 209 of Law no. 115/2016 “On the governance institutions of the justice system”, not less than half of the inspectors of the Office of the High Inspector of Justice are magistrates, who are seconded in this duty by the High Judicial Council or the High Prosecutorial Council.

The rest of the inspectors are appointed by the High Inspector of Justice according to the procedures defined by law.

The High Judicial Council with Decision no. 69, dated 07.02.2020, temporarily seconded the magistrate Mrs. Marsela Pepi as an inspector in the Office of the High Inspector of Justice, for a period of 6 months.

In addition, the High Judicial Council in its meeting dated 26.02.2020, decided to open the secondment procedure from the ranks of judges for 6 positions of magistrate inspectors, in the office of the High Inspector of Justice, a position for which there has been no candidacy.

On 10.07.2020, the High Judicial Council reopened the secondment procedure from the ranks of judges only for the position of magistrate inspector at the HIJ Office and so far it turns out that there has been no candidacy submitted.

On the other hand, the High Prosecutorial Council with Decision no. 37, dated 05.02.2020, announced the beginning of the procedure for filling 4 (four) positions at the Office of the High Justice Inspector through the secondment procedure, and with decision no. 77, dated 04.03.2020, seconded Ms. Mirela Kapo, prosecutor at the First Instance Prosecution Office in Kruja, in the position of magistrate assistant (advisor) at the Office of the High Inspector of Justice.

The High Prosecutorial Council admitted **6 candidacies** from prosecutors for the position of magistrate inspector and is currently in the process of evaluating the submitted candidacies.

Regarding the recruitment of non-magistrate inspectors, pursuant to the Decision no. 536 of the Council of Ministers, dated 25.7.2019 “On creating conditions for the High Inspector of Justice to verify the fulfillment of conditions and legal criteria, verification of background and assets of non-magistrate candidates for the position of inspector”, the Office of the High Inspector of Justice announced the procedure for the position of non-magistrate inspector initially **for 6 positions**.

At present, the HIJ is awaiting information from other institutions within the process of verifying the background, integrity and assets of the candidates in question.

6. FUND MANAGEMENT

Regarding the management of funds by the Office of the High Inspector of Justice, based on Law 88/2019 “On the 2020 budget”, as amended, pursuant to Instruction no. 9/2018 “On standard budget implementation procedures” and supplementary Instruction no. 2 dated 20.01.2020 “On the implementation of the 2020 budget”, below we inform you on the planning of budget funds for 2020 and their implementation for the period January-July 2020; Based on Law 88/2019 “On the 2020 budget”, as amended, pursuant to Instruction no. 9/2018 “On standard budget implementation procedures” and supplementary Instruction no. 2 dated 20.01.2020 “On the implementation of the 2020 budget”, below we inform you on the planning of budget funds for 2020 and their realization for the period January-June 2020:

By Law 88/2019 “On the 2020 budget”, the approved budget for the institution of the High Inspector of Justice, is ALL 100.2 million (with internal funding), of which:

- Current expenses (salaries, insurance and operating expenses) ALL 93.2 million
- Capital expenditures (investments) ALL 7 million

Pursuant to the Normative Act no.15 dated 15.04.2020 “On some amendments to the Law no.88/2019, “On the 2020 budget” as amended, in the revised budget of the High Inspector of Justice,

the group “Current expenditures”, the Ministry of Finance and Economy approved the reduction of funds **to the amount of 14 million ALL**, specifically

- In item 600 (salary) ALL 13 million
- In item 601 (Social and health insurance paid by the employer) ALL 1 million.

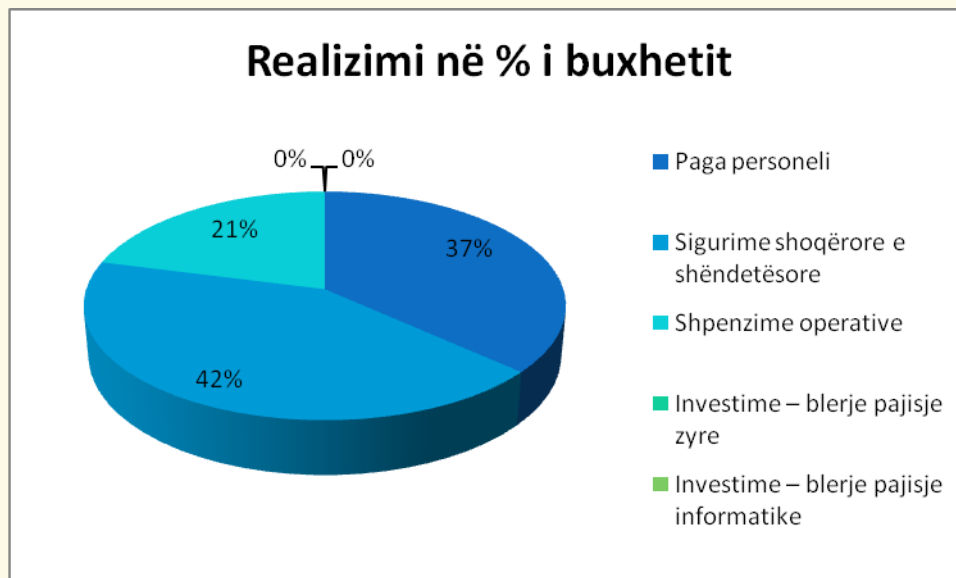
By means of the Normative Act no. 28, dated 02.07.2020 “On some amendments to law no. 88/2019 “On the 2020 budget”, as amended, on the coverage of the financial effect of the increase in the number of employees referred to the new staff approved by the Albanian Assembly, the supplement in item 600 (salary) was approved in the amount of **ALL 10 million**.

The situation in the realization of funds continues in low indicators in all items of expenditure, especially in the items “Goods and services” and “Investments”, whose main reason, according to communications with the service sector, is the fact of delays in providing working environments for the exercise of the activity of the institution, bringing the blocking of the work for the procurement of goods and services provided in the 2020 projection register.

According to the information about expenditures made until 24.07.2020, the realization in value and in % of the budget for each item for the period January - July 2020, is detailed in the following table:

In ALL

Item	Description	ANNUAL PLAN (Revised)	FACT until dt.24.07.2020	Realization in %
600	Staff salary	74,300,000	8,178,210	11 %
601	Social and health insurance	5,900,000	1,033,476	12.7%
602	Operating expenses	9,000,000	563,086	6.3%
231	Investments – purchase of office equipment	960,000	-	-
231	Investments – purchase of informatics devices	6,040,000	-	-
	TOTAL	96,200,000	9,774,772	10.2%



Budget realization in percentage

By Decision no. 577, dated 22.07.2020 of the Council of Ministers, the expenditure ceilings of MTBP 2021-2023 were approved, where, for the HIJ Institution, there were foreseen funds in the amount of 195,000,000 ALL for operating expenses and investments.

From the comparison of the institution’s forecasts for funds, against the approved ceilings, it results a significant difference which would pose a risk with a negative impact on the achievement of objectives and strategic goals of the HIJ.

We bring to your attention that HIJ is a newly established institution, which needs financial support in order to exercise its normal activity and functions provided by the Constitution of the Republic and the legislation in force.

In addition, the Council of Ministers with decision no. 507, dated 24.06.2020 “On the transfer of administrative responsibility from the Department of Public Administration and the Public Procurement Commission to the High Inspector of Justice of the building of the former Ministry of European Integration”, approved the working facilities of the HIJ which require considerable funds to be reconstructed and put into working conditions, not counting the provision of offices with working tools. It should be noted that this decision has not yet been implemented.

As per above, in order to avoid this risk with very serious consequences in the exercise of the activity for which the institution of the HIJ has been established, the Council of Ministers is required to review the final expenditure ceilings of the Medium Term Budget Program 2021-2023 for the HIJ.

7. COOPERATION WITH OTHER INSTITUTIONS OR INTERNATIONAL MECHANISMS

For the High Inspector of Justice, the inter-institutional cooperation with the judicial and prosecutorial councils, but also with the councils of the courts and not only, has an irreplaceable role in the management, guarantee and well-functioning of the institution.

With this focus we have worked in the following directions:

➤ Cooperation of the HIJ with the HJC and HPC:

According to the provisions of part V and the transitional provisions of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” as amended, the HIJ Inspectorate has been the competent structure to investigate disciplinary violations of all judges and inspectors until the establishment of the High Inspector of Justice.

In the framework of the legal amendments that provided the establishment of the HIJ, complaints against the activities of judges and prosecutors have been filed with the HJC, with the intention of transferring them to the Office of the HIJ once established. With the establishment of the HIJ, the filing of these complaints is in progress.

With the establishment of the HIJ, Mrs. Marsela Pepi has been appointed by the HJC as a magistrate inspector, while Mirela Kapo has been appointed as a magistrate assistant (advisor) by the HPC.

➤ Cooperation of the HIJ with other institutions and with international partners:

Regarding international partners, the High Inspector of Justice, Mr. Artur Metani received support for his work in the meetings he had with the Ambassador of the United States of America, Mrs. Yuri Kim and the Ambassador of the European Union, Mr. Luigi Soreca, with the Ambassador of the Federal Republic of Germany, Mr. Peter Zingraf and the Ambassador of the Kingdom of the Netherlands in Albania, Mrs. Guusje Korthals Altes.

The High Inspector of Justice also held an online meeting with the OSCE Ambassador to Albania, Mr. Bernd Borchardt, focusing on concrete cooperation, an electronic complaint management system, which the OSCE will make available to the HIJ and which will increase the work capacity of the HIJ Office inspectors for complaints of citizens or institutions.

This system of electronic complaints was developed and tested by the OSCE and EURALIUS in the years 2017-2018.

Furthermore, the HIJ has had continuous cooperation with EURALIUS for the establishment and operation of the institution.

➤ **Cooperation of the HIJ with central institutions:**

The High Inspector of Justice has had cooperation with the Council of Ministers and the Assembly of Albania regarding the creation of the necessary infrastructural conditions and the approval of the structure for the exercise of the activity of this institution.

The Council of Ministers approved the working facilities of the HIJ with decision no. 507, dated 24.06.2020 “On the transfer of administrative responsibility from the Department of Public Administration and the Public Procurement Commission to the High Inspector of Justice of the building of the former Ministry of European Integration”.

In the meantime, the Albanian Assembly has contributed to facilitating the work of the High Inspector by approving the organizational structure and responding positively to the request initiated by the High Inspector in order to have a working environment in this institution, temporarily, in order to complete the procedures of recruitment.

8. CONCLUSIONS

Based on all the activity and work done so far, it is concluded that in order to fulfill its constitutional duties, the activity of the High Inspector of Justice has been initially focused on the organization and internal functioning of the institution in both administrative and regulatory terms. The High Inspector of Justice for the period February - July 2020, within the system of human resource management, programming and budget implementation, procurement process, accounting, financial and payment reporting, as well as the infrastructure of the institution or technology system of Information and Communication, adopted 22 orders and 8 decisions.

At the same time, the High Inspector of Justice in the capacity of state authority responsible for conducting disciplinary investigation and initiating disciplinary proceedings against magistrates in addition to drafting the necessary bylaws is in the process of administration and initial review of a large number of complaints regarding the activity of magistrates. These complaints were submitted during the transitional period 2017-2020 to the High Judicial Council or the General Prosecution Office. The HIJ, from 01.02.2020, the date on which it is considered the beginning of its activity, is administering all complaints submitted to it by natural or legal persons.

During the period February - July 2020, about 1339 complaints were filed with the Office of the High Inspector of Justice, where for 1275 complaints after the processing of the initial information, was confirmed their administration and handling; 88 decisions were approved on archiving the complaint

after the initial review/verification; 6 decisions were approved to initiate a disciplinary investigation against magistrates; as well as disciplinary proceedings were initiated for 2 magistrates.

During this period, the priority of the work of the Office of the High Inspector of Justice has been the serious review and evaluation of all cases that have had a public impact. In these conditions, the High Inspector of Justice has initiated a thematic inspection at the courts of judicial districts, courts of appeal, and prosecution offices attached to them, on the handling of requests with the object “Parole” for the period 01.01.2017 - 31.01.2020.

The performance of the activity of the HIJ Office has slowed down due to the lack of necessary facilities for the exercise of work, the limited financial budget made available, and human resources. As a consequence of the global pandemic COVID-19, during this period it has not been possible to be provided with the necessary infrastructure for the exercise of the activity of this institution, and the procedures for recruiting civil servants, non-magistrate or magistrate inspectors have been suspended. Currently, the Councils have seconded only two magistrates at the Office of the High Inspector of Justice, and there is a lack of interest on the part of the magistrates to be seconded at the Office of the High Inspector of Justice. At the same time, the suspension of the activity of courts and other state institutions, has affected the production of delays or omissions in the exercise of duties by them.

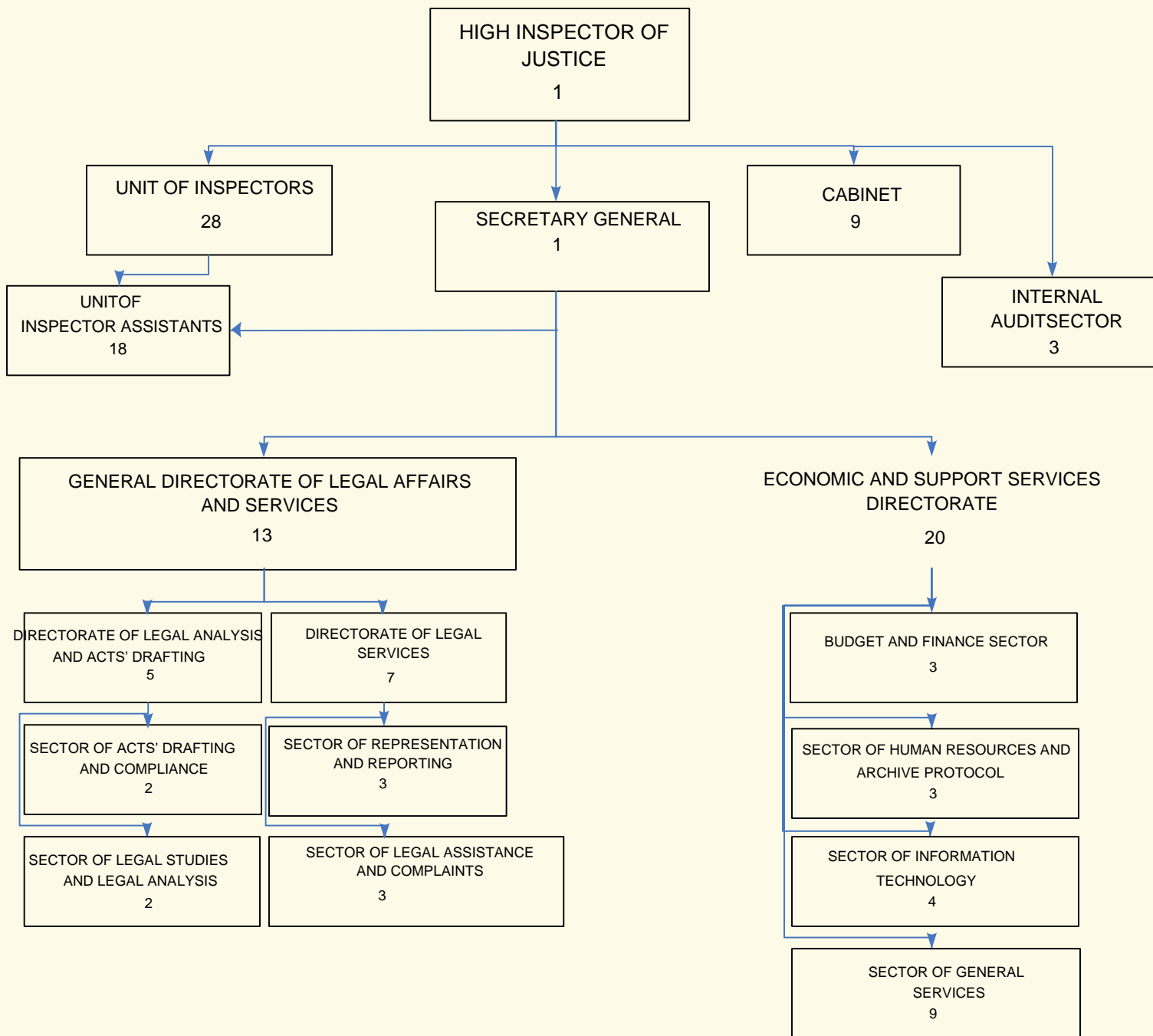
Regarding the above, it is estimated in advance that the Institution of the High Inspector of Justice, despite the challenges encountered since the beginning of its work, has already started fulfilling a considerable part of the legal obligations, which will be finalized during the second semester of 2020.

The activity of the institution of the High Inspector of Justice, during the following period will have as its main objective the exercise of the activity of the Office of the High Inspector of Justice in an independent, efficient, professional, transparent and reliable manner to the public. At the same time, the aim will be to increase the standards in order to develop the disciplinary investigation process in accordance with the principle of legality and international standards, as well as to develop an active participation of the HIJ Office in the processes of strategic planning and inter-institutional cooperation.

The management and development of the activity of this new constitutional institution will be realized during the following period through a cross-sectoral approach, and by providing a series of appropriate governance mechanisms, monitoring, reporting, methods and well-defined indicators, together with the proper financial support for their implementation. For this purpose, the staff of the HIJ Office is working on drafting a Strategic Plan, which will serve as a necessary guide for the management and development of the activity of this institution.

ANNEX 1

	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY
Complaints from citizens	147	68	12	87	89	39
Complaints from the HJC (outstanding)	-	-	-	82	534	141
Complaints from other Institutions	61	9	7	25	23	15
Confirmations to citizens	147	68	12	87	89	39
Decisions on the verification of complaints after the initial review	1	1	2	3	9	1
Decisions on archiving complaints	8	-	-	7	18	-
Requests for information addressed to institutions	2	2	4	6	15	-
Notifications on archiving decisions	8	-	-	7	18	-
Disciplinary investigations (decision on suspension and closure of investigations)		-	1	2	5	
Thematic inspections	1	-	-	-	-	-



ANNEX 2

ORGANIZATION OF THE OFFICE OF THE HIGH INSPECTOR OF JUSTICE

TOTAL EMPLOYEES 93

POSITION CATEGORY NUMBER



1 HIGH INSPECTOR OF JUSTICE	G3	1
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1.1	CABINET	9
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ADVISOR	Equivalent to the salary of the Deputy Minister	7
ASSISTANT	III-a	1

SECRETARY	Equivalent to the salary of the Prime Minister's secretary	1
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2	UNIT OF INSPECTORS	28
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MAGISTRATE INSPECTORS	G2	14
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	NON-MAGISTRATE INSPECTORS	I-b	14
3	SECRETARY GENERAL	I-a	1
4	UNIT OF INSPECTOR ASSISTANTS		18
	INSPECTOR ASSISTANTS	II-b	18
5	GENERAL DIRECTORATE OF LEGAL AFFAIRS AND SERVICES		13
	DIRECTOR GENERAL	II-a	1
5.1	DIRECTORATE OF LEGAL ANALYSIS AND ACTS' DRAFTING		5
	DIRECTOR	II-b	1
5.1.1	SECTOR OF ACTS' DRAFTING AND COMPLIANCE		2
	SPECIALIST	III-b	2
5.1.2	SECTOR OF LEGAL STUDIES AND LEGAL ANALYSIS		2
	SPECIALIST	III-b	2
5.2	DIRECTORATE OF LEGAL SERVICES		7
	DIRECTOR	II-b	1
5.2.1	SECTOR OF REPRESENTATION AND REPORTING		3
	HEAD OF SECTOR	III-a	1

	SPECIALIST	III-b	2
	SECTOR OF LEGAL ASSISTANCE AND COMPLAINTS		3
5.2.2	HEAD OF SECTOR	III-a	1
	SPECIALIST	III-b	2
6	ECONOMIC AND SUPPORT SERVICE DIRECTORATE		20
	DIRECTOR	II-b	1
6.1	BUDGET AND FINANCE SECTOR		3
	HEAD OF SECTOR	III-a	1
	SPECIALIST	III-b	2
6.2	SECTOR OF HUMAN RESOURCES AND ARCHIVE PROTOCOL		3
	HEAD OF SECTOR	III-a	1
	SPECIALIST (HUMAN RESOURCES) SPECIALIST (EDITOR/ARCHIVE/PROTOCOL)	III-b	1
		III-b	1
6.3	SECTOR OF INFORMATION TECHNOLOGY		4
	HEAD OF SECTOR	III-a	1
	SPECIALIST	III-b	3
6.4	SECTOR OF GENERAL SERVICES		9
	HEAD OF SECTOR	III-a	1
	SPECIALIST (SERVICES AND PROCUREMENTS)	III-b	1
	INFORMATION CLERK		1
	DRIVER		4
	WAREHOUSEMAN		1

CLEANING EMPLOYEE 1

INTERNAL AUDIT SECTOR

7

3

HEAD OF SECTOR III-a 1

SPECIALIST III-b 2