

High Inspector of Justice

Newsletter

February 2021



ILD

INSPEKTORI I LARTË
I DREJTËSISË

Who are we?

The High Inspector of Justice (HIJ) is a new independent constitutional institution established on 01.02.2020. ILD is responsible for verifying complaints, investigating disciplinary violations and initiating disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General.

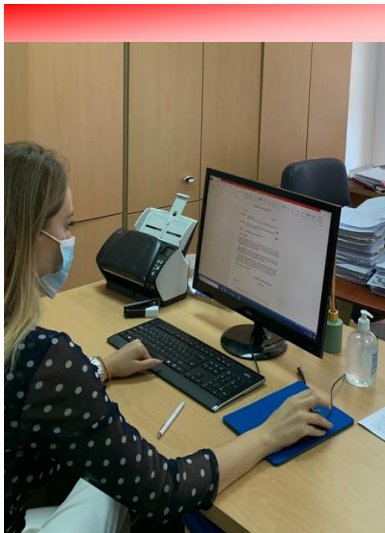
The High Inspector of Justice is Mr. Artur Metani, who has been performing his duty since January 20, 2020, pursuant to Decision no.2/2020 of the Assembly of the Republic of Albania “On the election of Mr. Artur Metani High Inspector of Justice” .

Legislation

- ◇ The Constitution of the Republic of Albania.
- ◇ Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania” as amended.
- ◇ Law No. 115/2016 “On the Governance Bodies of the Justice System”, as amended.
- ◇ Council Of Ministers Decree “On the Establishment of Conditions for the High Inspector of Justice, the Verification and the Fulfillment of the Conditions and Legal Criteria, the Figure and Assets Verification of the Non-Magistrate Candidates for the Inspector Position”.

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Complaint process at HIJ

Any natural or legal person can file a complaint at the High Inspector of Justice Office when there is credible evidence that a magistrate (judge or prosecutor) has committed a disciplinary offence. The complaint can be filled online on our official website; can be sent by mail; or can deposited in person at HIJ, from Monday to Friday from 10.00 - 13.00, where in case of need, assistance is provided by employees of the Complaints Sector.



“The main commitment of the High Inspector of Justice Office is that judicial functions in the Republic of Albania must be performed independently, impartially and with integrity through a system of responsibility and accountability.”

Complaint Sector

The HIJ Complaint Sector is responsible for guaranteeing the right of citizens to information and transparency to the public. It also monitors the complaints traceability through the system and provides answers to complainants on their complaint stage. As part of the transparency program, the High Inspector of Justice Office in addition to the official address and the official Web, has made available the telephone number +355 4 2217217 which can be used by any interested citizen to get information.

STATISTICS

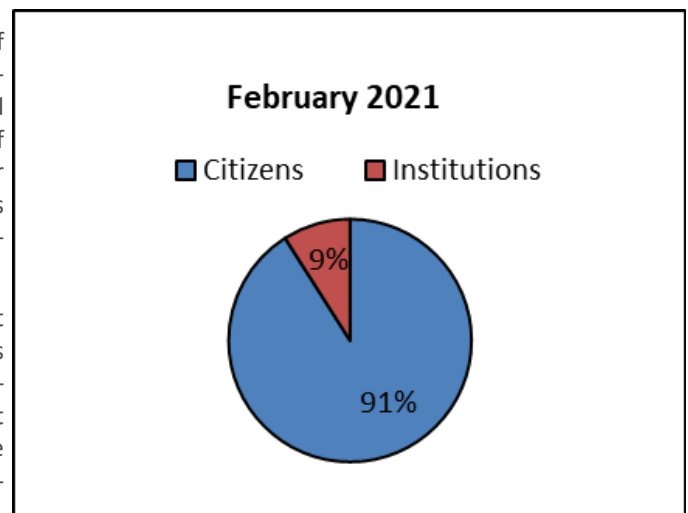
During February the High Inspector of Justice Office received 88 complaints made by citizens and institutions.

This total figure resulted in:

- 80 complaints filed by citizens;
- 8 complaints filed by public and non-public institutions.

The High Inspector of Justice Office has performed the standard confirmation process of receiving complaints for all the new complaints submitted during February, 2021.

Complaints against judges and prosecutors are referred to the inspectors and they are at different stages of the process such as the initial consideration, verification and the archiving together with relevant decisions.





HIJ INSPECTORS TRAINING ON MAGISTRATES DISCIPLINARY INVESTIGATION



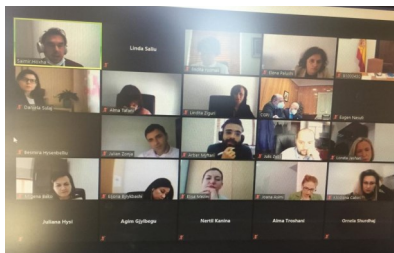
One-day training was held with the new magistrate and non-magistrate inspectors, on the topic "Disciplinary system under a general perspective" at the High Inspector of Justice Office. The training was organized in cooperation with the EURALIUS V mission, which was represented by the project leader Dr. Agnes Bernhard and the international expert Mrs. Anita Mihailova.

The High Inspector of Justice, Mr. Artur Metani, in his speech mentioned the ILD office work during its first year, in terms of implementing the new legal framework on disciplinary responsibility of judges and prosecutors in the Republic of Albania as well as handling complaints from citizens and institutions.

The participants in the training discussed the compatibility of Albania's new disciplinary system with international practices and standards as well.

This is the first training, of a series of trainings, that the High Inspector of Justice Office has conducted in cooperation with the EURALIUS V mission in terms of capacity building and it will include assistant inspectors and the High Inspector of Justice Cabinet as well.

TAIEX AND HIJ TRAINING ON MAGISTRATES' DISCIPLINARY ISSUES



An online training with the ILD staff— Inspectors, Assistant Inspectors, Legal Advisors, and Legal Directors, was conducted by the European Expert Mission TAIEX, focusing on magistrates' disciplinary matters. The training purpose was to gain in-depth knowledge on the implementation of legislation in certain EU countries,

especially in Spain, on the organization and functioning of institutions authorized to conduct investigations and disciplinary proceedings against magistrates, disciplinary matters of magistrates (judges and prosecutors), international methodologies and standards for the investigation and the disciplinary proceedings by Spanish institutions, in compliance with the EU legal framework and jurisprudence on disciplinary violations of the magistrates.

The trainers were prominent members of the General Council of the Judicial Inspection Service and the General Prosecutor's Office of Spain.

High Inspector of Justice Mr. Artur Metani Welcomes New Inspectors

The High Inspector of Justice Mr. Artur Metani met with the eight new Inspectors, who are now part of the ILD Office staff at the beginning of February.

There are four magistrate-prosecutors inspectors, proposed by HPC and four non-magistrate inspectors who are part of the ILD Office recruitment process. They join the only magistrate inspector that ILD has had during the first year of its existence.

During the conversation with the new Inspectors, Mr. Metani expressed his satisfaction that the Inspectors team was on the way to being completed, which was a necessity due to the high number of complaints received during the year, against prosecutors and judges as well as the ones inherited by other institutions.

The High Inspector of Justice Mr. Metani highlighted that the ILD Office needed to have magistrate-judge inspectors, not only as part of the work process but as a balance between magistrate and non-magistrate inspectors.

High Inspector of Justice interview on Vizion Plus

The High Inspector of Justice Mr. Artur Metani gave an interview on Vizion Plus for the journalist Pranvera Borakaj.

During his interview the High Inspector of Justice welcomed the SPAK action in the Kruja Court and at the same time highlighted the importance of the cooperation among the new institutions of justice. Mr. Metani also made an analysis of the justice system by pointing out its two sides: On the one hand the old justice, which actively refuses to obey the law and on the other hand the new justice, which works consistently with the implementation of its legal obligations.

According to Mr. Metani this is war, a war that will take time and it does not matter if the final verdict of the war is made by HIJ, SPAK, KLGJ or KLP. For the High Inspector of Justice the most important thing is to understand that justice can be done when we all work together towards a common goal. It is high time that the mind and the heart worked as a single muscle so as to keep pure the sacred interests of justice.

HIGH INSPECTOR OF JUSTICE METANI: THIS IS A FIGHT BETWEEN OLD AND NEW JUSTICE IN ORDER TO ENFORCE LAW

Part from the interview on Vizion Plus:

Journalist Pranvera Borakaj: What message does this reaction convey to the new justice institutions?

High Inspector of Justice Artur Metani: The message is that the sacred principle of separation of powers and the internal conviction of the magistrate, the independence of judges and prosecutors in their decision-making will be respected. An equally important message is that every illegal action is being monitored by the new justice institutions and will not go unpunished.

Journalist Pranvera Borakaj: You mentioned at the beginning of this interview that there is a division between the old and the new justice. Are there other names of prosecutors or judges who may be arrested or charged with, the next day, I mean in the future, who are under investigation?



High Inspector of Justice Artur Metani: Yes, I see. The High Inspector of Justice duty is not limited to several months, we work continuously and cases and complaints are issued at any time. The High Inspector of Justice verifies them very carefully and once a violation is committed by a certain magistrate, we will address to the relevant Council for the decision-making process.

[Click](#) to see the interview.

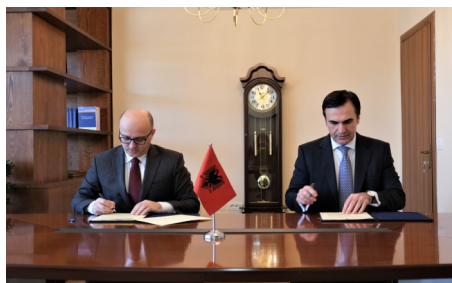
MEMORANDUM OF COOPERATION BETWEEN HIGH INSPECTOR OF JUSTICE AND PROSECUTOR GENERAL

The High Inspector of Justice Mr. Artur Metani and the Prosecutor General Mr. Olsian Çela formalized today through the signing of a memorandum, the inter-institutional cooperation in the direction of thematic inspections and individual violations of the prosecutors.

Mr. Metani and Mr. Çela said that the disciplinary proceedings should serve the accountability and responsibility of the prosecutors, as a balance among the

public interest for justice, respect for the individuals' rights, the principle of legality, fair and impartial trial, as well as the separation of powers.

The High Inspector of Justice and the Prosecutor General emphasized their determination to strictly respect the Constitution and laws during the respective work processes of the two institutions.



ARTUR METANI: ILD PO MONITORON LIRIMET PARA KOHE ME KUSHT

The High Inspector of Justice Mr. Artur Metani gave an interview for the journalist Eni Ferhati on Euronews Albania about the SPAK detention of a magistrate who is in disciplinary proceedings by ILD, and other cases under verification and investigation.

Journalist Eni Ferhati: To begin with Mr. Metani, what is your comment upon the arrest of the judge of Kruja, Enkelejda Hoxha for whom you had previously asked the High Judi-

cial Council to dismiss?

High Inspector of Justice Mr. Artur Metani: First of all, I would like to thank and congratulate the work of SPAK on the yesterday achievement in the fight against corruption in the judicial system. This is another fact which shows that the new justice institutions are working, of course not in their full capacities and perhaps they have not met the public expectations yet but we must give time to the institutions establish-



“Inspektori i Lartë i Drejtësisë nuk mund të jetë çekan mbi kokat e gjyqtarëve dhe prokurorëve për të prekur pavarësinë e tyre, por nuk ka shans më, që shkeljet e tyre ligjore të shkojnë pa u ndëshkuar. Secili të bëjë llogaritë e veta tani”.

ment, to the creation of the first practices, the first duties, first achievements, so that the effectiveness of the reform can come to light as soon as possible.

Journalist Eni Ferhati: According to the work done so far, who turns out to have abused office the most, prosecutors or judges and which category has the largest number of complaints?

High Inspector of Justice Mr. Artur Metani: Generally speaking, there are more complaints about judges



because being the final decision-making body, the judges are probably closer to the public sensitivity, their satisfaction or dissatisfaction about decision-making process. Of course there are complaints about prosecutors as well, but the largest number of complaints is about judges.

Journalist Eni Ferhati: The last question, what is the High Inspector of Justice message for the system?

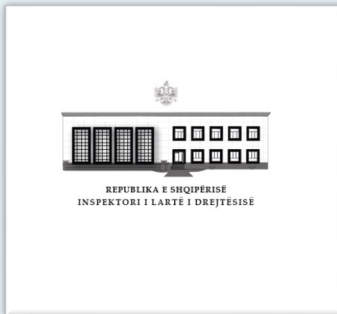
High Inspector of Justice Mr. Artur Metani: The implementation of the justice reform with the illegalities in the system is the war of all the new justice institutions. This is the reason why I think that the best way to win this war is the cooperation among the new institutions of justice. Therefore, I congratulated the work of SPAK and said that every institution, while doing its work within its competencies is moving forward towards the implementation of justice reform.

[Click to see the interview.](#)

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