

# **R E P O R T**

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**ON THE WORK OF THE OFFICE  
OF THE HIGH INSPECTOR OF JUSTICE**

**FOR THE PERIOD  
01.02.2020 – 31.12.2020**

**TO THE ASSEMBLY OF THE REPUBLIC OF ALBANIA**

## Message of the High Inspector of Justice

Honourable Mr. Speaker of the Assembly,  
Honourable Deputies,

It is my pleasure to share with you the report of the first 11 months on the work of the Office of the High Inspector of Justice. On 1 February 2020, the HIJ started working as the newest institution, a product of the justice reform, which was approved by the Assembly in 2016. The High Inspector of Justice is an independent constitutional institution, which incorporates the inspection system which had previously existed in three distinct institutions: the HCJ, the Ministry of Justice and the Prosecutor General.

As the institution 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 HIJ aims to fundamentally change the concept of inspection to unify the best standards of justice for all, noting the issues in their principle and at the core of maintaining an important balance of them.

Established from ground up, along with difficulties in human resources, infrastructure and finance, the HIJ aimed to establish and operate with clear standards and procedures. Approval of internal acts, completion of recruitment procedures, drafting and approval of the strategy and 2-year work plan, analysis of the work process, drafting of the work manual for inspectors, etc., have been part of this work philosophy.

With regards to the inspection process, it is essential for the HIJ to find the right balance between the public interest in monitoring and observing the administration of justice by judges and prosecutors, ensuring separation of powers and the independence of magistrates.

In these 11 months, the lack of inspectors has been a serious challenge, partly due to the legally binding deadlines for their selection as well as due to a lack of interest from magistrates following public calls from councils. Despite these circumstances, we can proudly pronounce that the HIJ did a voluminous work. In this regard, with only 1 available inspector, 4 magistrates were referred to the councils for disciplinary proceedings, while others are in the process of verification, based on complaints received from institutions and citizens. The HIJ has shown special attention to the citizens by providing numerous options for the submission of complaints by postal mail, electronically or physically in the institution, with the assistance of our staff.

The High Inspector of Justice aims to contribute to the professionalism and independence of the judiciary in the country, through a functional and independent inspection which meets the fair expectations of citizens for a justice system with integrity.

Artur METANI

High Inspector of Justice

## INTRODUCTION

The High Inspector of Justice, in his capacity of the state authority responsible for conducting disciplinary investigation and initiating disciplinary proceedings against magistrates, began exercising his functions on 1 February 2020.

Following the establishment of the Office of the High Inspector of Justice, the transfer and initial review of complaints related to the activity of magistrates, which belonged to the transitional period 2017-2020, commenced. Prior to this, these complaints had been filed with the High Judicial Council, the High Prosecutorial Council and the General Prosecution Office, respectively.

Further, from 1 February 2020, the HIJ receives and administers all complaints filed by individuals or legal persons (citizens/institutions/organizations, etc.).

The commitments made and the legal obligations provided, required not only the establishment of the structure, but also the recruitment of the necessary staff for the exercise of the activity.

The law stipulates that half of the inspectors are magistrates, seconded in this duty by the High Judicial Council or the High Prosecutorial Council.

Until 31 December 2020, the High Judicial Council (Decision no69, dated 7 February 2020) seconded only 1 magistrate inspector to the Office of the High Inspector of Justice.

With regards to the recruitment of non-magistrate inspectors, within 2020, it was only possible to open the procedures, however, due to the difficulties and limitations brought by the COVID-19 pandemic, their conclusion and selection could not be completed by 31 December 2020.

The Office of the High Inspector of Justice has already started fulfilling a significant part of the legal obligations, which will be finalized during the present year.

The activity of the Office of the High Inspector of Justice, the adopted bylaws, the maximum requirements in terms of quality in the selection of teams and the strategy aim to achieve the conditions for exercising the activity independently, efficiently, professionally, as well as transparent and credible to the public. Everything subject to the development of disciplinary investigative processes, in accordance with the principle of legality and international standards, as well as the development of an active participation of the Office of the HIJ in the processes of strategic planning and inter-institutional cooperation.

Honorable SPEAKER OF THE ASSEMBLY,

Honorable Chairman of the Committee on Legal Affairs, Public Administration and Human Rights,

Honorable deputies,

In the framework of the legal obligation on institutional reporting, in accordance with:

- Article 204, paragraph 1, letter “d”, of Law 115/2016 “On the governance institutions of the justice system” amended, and
- Decision no. 134/2018 of the Assembly of Albania “On the approval of the annual and periodic monitoring manual”,

The present “REPORT ON THE WORK OF THE OFFICE OF THE HIGH INSPECTOR OF JUSTICE FOR THE PERIOD 01.02.2020 - 31.12.2020” is forwarded.

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## **REFERENCES AND LAWS ON WHICH THE ACTIVITY OF THE HIGH INSPECTOR OF JUSTICE IS BASED UPON**

The Justice Reform and its implementation aims at restoring public trust in the justice system. The new constitutional framework followed by a significant number of legal acts related to the reform of the justice system, inter alia, provided the organization and functioning of all new governance bodies of the justice system, including the Office of the High Inspector of Justice.

The Office of the High Inspector of Justice was established on 01 February 2020 (The High Inspector of Justice was appointed to the position of the High Inspector of Justice, by 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 establishment of the Office of the High Inspector of Justice (HIJ) completed the scheme of new bodies of the justice system, emerged from the Justice Reform.

The HIJ is responsible:

- for the verification of complaints, investigation of violations and initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, the High Prosecutorial Council and the Prosecutor General, in accordance with the procedure determined by law and
- for the institutional inspection of courts and prosecution offices.

The organic provisions 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 Office 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.

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;
- Decision no. 536 of the Council of Ministers, dated 25.7.2019 “On the creation of conditions for the High Inspector of Justice to verify the fulfillment of conditions and legal criteria, verification of the background and assets of 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”;

The activity of the Office of the High Inspector of Justice is based, inter alia, on:

- Law no. 152/2013 “On civil servants”, 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 the state administration”
- DCM no. 893, dated 17.12.2014 “On the approval of the rules of organization and functioning of auxiliary cabinets, internal organization of state administration institutions, and on the detailed procedures for the preparation, proposal, consultation and approval of internal organization” etc.

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**STATUS AND LEVEL OF COMPLIANCE AND/OR EVENTUALLY FULFILLMENT OF INTERNATIONAL OBLIGATIONS. (COOPERATIONS WITH OTHER INSTITUTIONS OR INTERNATIONAL MECHANISMS)**

The Office of the High Inspector of Justice has reported within the referred deadlines the requests for each case received during year 2020.

During year 2020, a total of 22 (twenty-two) reports were elaborated in concrete terms:

Reports to the Ministry of Justice:

1. Reporting in relation to Chapter 23 “Judiciary and Fundamental Rights”; GNPIE; Report requested by the Ministry of Justice;
2. Monthly report on “Executive Summary of Justice Reform for May 2020”; Report requested by the Ministry of Justice,
3. Granting approval with regard to the drafting of the Quarterly Monitoring Report for the period January - March 2020, pursuant to the Cross-Cutting Justice Strategy and its Action Plan. The draft in question prepared by the Ministry of Justice;
4. Information on the achievements of the progress and the challenges towards the fulfillment of the objectives of the “*Cross-cutting Justice Strategy and its Action Plan*”, for the period *January - June 2020*; Information requested by the Ministry of Justice;
5. Report on the achievements of the Office of the High Inspector of Justice, regarding the meeting of the KKIE held on September 23, 2020; Information requested by the Ministry of Justice;
6. Information on the performance achievements of the Office of the High Inspector of Justice. Information requested by the Ministry of Justice;
7. Information on updates for the 5 EU priorities as well as the objectives for their fulfillment. Information requested by the Ministry of Justice;

8. Reporting for the period January - September 2020, of the Action Plan 2019 – 2021 of the Cross-cutting Justice Strategy. Information requested by the Ministry of Justice.
9. Information on the activity of the High Inspector of Justice for the period January-September 2020. Information requested by the Ministry of Justice. (completed on 08.10.2020);
10. Reporting on data of institutions related to the Western Balkans project from Cepej; Reporting requested by the Ministry of Justice;
11. Plan of measures on the implementation and monitoring of the fulfillment of the recommendations of the European Commission. Information requested by the Ministry of Justice.
12. Report on the work performed by the Office of the High Inspector of Justice for the 6-month period February-July 2020;

Reports requested by the Ministry for Europe and Foreign Affairs:

13. Report in the framework of the 12th meeting of the “*Justice, Freedom and Security*” European Union-Albania Subcommittee; Report in English language requested by the Ministry of Europe and Foreign Affairs. Regarding the 12th meeting of the “*Justice, Freedom and Security*” European Union-Albania Subcommittee (30 June - 1 July 2020).
14. Report on the drafting and submission of the fourth contribution of the European Commission Report for Albania for 2020; Report requested by the Ministry for Europe and Foreign Affairs;
15. Report on the Recommendations of the “*Justice, Freedom and Security*” European Union-Albania Subcommittee; Report required by the Ministry for Europe and Foreign Affairs;
16. Report on the activity of the Office of the High Inspector of Justice, regarding the 11th (eleventh) Meeting of the Stabilization and Association Committee (SAC) European Union - Albania; Report required by the Ministry for Europe and Foreign Affairs; Regarding the 11th (eleventh) meeting of the Stabilization and Association Committee (SAC) European Union - Albania;

Reports to the Assembly of the Republic of Albania:

17. Report on the activity of the Office of the High Inspector of Justice for the period February-June 2020.
18. Update of the developments of the Office of the High Inspector of Justice for the period August-September 2020. Information requested by the Assembly of Albania;
19. Weekly report to the Assembly April-June 2020 on the work of the HIJ in conditions of pandemic, pursuant to the order of Mr. Gramoz Ruçi, in his capacity as Speaker of the Assembly.

Others:

20. Information on Human Rights Self-Assessment during the Albanian chairmanship of the OSCE “Progress of Justice Reform”, “Fight against Corruption and Impunity”; Information requested by the Albanian Helsinki Committee;
21. Report on Albania 2020; *Brussels 06.10.2020*;
22. Information on the activity of the Office of the High Inspector of Justice for the period 1 February - 24 June 2020; Information requested by EURALIUS;

The High Inspector of Justice, at the beginning of his work, requested institutional cooperation by holding coordination meetings with institutions covering the work of judges and prosecutors in the Republic of Albania. Mr. Metani held working meetings with the Ministry of Justice, the Chairperson of the High Judicial Council, the Chairperson of the High Prosecutorial Council, the Prosecutor General and the Chairperson of the Special Appellate College (Appeal Chamber).

#### **Cooperation between the High Inspector of Justice and the High Judicial Council:**

Prior to the establishment of the HIJ, the Inspectorate of the HCJ has been the competent structure to investigate disciplinary violations of all judges and inspectors in accordance with according to the 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.

In the framework of the legal amendments, complaints against the activity of judges and prosecutors until the day of the establishment of the HIJ have been filed with the HJC. The graduate transfer of these previously registered complaints commenced.

In September, the High Inspector of Justice held a working meeting with the High Judicial Council, focusing on coordinating the activities of the Office of the High Inspector of Justice and the High Judicial Council in order to exercise the powers provided for the two institutions. The High Inspector of Justice and the members of the High Judicial Council agreed that the cooperation between the two institutions be materialized through the signing of a memorandum to reflect these working principles, which will be signed during 2021.

#### **Cooperation between the High Inspector of Justice and the Prosecutor General:**

In September, the High Inspector of Justice held a meeting with the Prosecutor General, during which the common will was expressed to continue the stable cooperation between the two institutions. The two directors agreed to sign a memorandum of cooperation.



**Cooperation between the High Inspector of Justice and the Ministry of Justice:**

In September, the High Inspector of Justice in the framework of coordinating the activity of the HIJ with institutions that cover the work of judges and prosecutors in the Republic of Albania held a meeting with the Minister of Justice, Mrs. Etilda Gjonaj, focusing on the coordination of the activity of the HIJ office with the Ministry of Justice, regarding the determination of modalities and administrative practices on the follow-up of complaints, archives or data held by the Ministry of Justice and which are deposited during the transitional period up to the establishment of the HIJ.

**Cooperation between the High Inspector of Justice with international partners and other independent and central institutions:**

During year 2020, the High Inspector of Justice, Mr. Artur Metani, held several crucial working meetings:

- 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,
- With the Ambassador of the Kingdom of the Netherlands in Albania, Mrs. Guusje Korthals Altes
- Online meeting with the OSCE Ambassador to Albania, Mr. Bernd Borchardt.

During these meetings, Mr. Metani presented the vision of the institution he leads for a radical change in the concept of inspection, balancing the respect for the independence of magistrates and the public interest, as well as to unify the best standards of justice for all.

Foreign diplomats have expressed support for the work of the High Inspector of Justice, to increase the professionalism and independence of the Albanian judiciary.

During the meeting with the OSCE Ambassador to Albania, Mr. Bernd Borchardt, discussions were held about the concrete cooperation for the establishment of an electronic complaint management system, which the OSCE and EURALIUS will make available to the HIJ, and which will increase the work capacity of the inspectors of the HIJ Office for the complaints of citizens or institutions. This system was developed and tested by the OSCE and EURALIUS in 2017-2018.

The HIJ has also had continuous cooperation with EURALIUS for the establishment and functioning of the institution, with the Albanian Helsinki Committee, the Albanian Parliament, the Council of Ministers, as well as the Commissioner for the Right to Information and Personal Data Protection.

## **DEGREE OF COMPLIANCE WITH THE RECOMMENDATIONS OF THE “EU PROGRESS REPORT ON ALBANIA” BY THE HIGH INSPECTOR OF JUSTICE**

As a candidate country for membership in the European Union, Albania remains committed to undertaking and implementing reforms related to the obligations of this process, especially in meeting the 5 priorities identified as key to the opening of membership negotiations, in concrete terms: the establishment of a professional and depoliticized administration, strengthening the independence of justice institutions, the fight against corruption, organized crime and the protection of human rights.

The Justice Reform was devised in order to meet these priorities.

The Office of the High Inspector of Justice is the newest institution, which has its important role in meeting these integration priorities related to justice and human rights.

Following the establishment of the High Inspector of Justice (February 2020), the institution had an obligation to be part of the reports, agendas, collaborations for the fulfillment as efficiently as possible of the recommendations set by the European Union for Albania.

In the latest progress report of the European Commission for Albania in 2020 (06.10.2020) in chapter 23 on the judiciary and fundamental rights, it is noted that the HIJ has inherited a significant number of complaints stocked by other institutions and suggests that the HIJ capacities should be significantly increased in order to carry out the verification and processing of the high stock of complaints.

By taking into consideration this recommendation, the Office of the High Inspector of Justice has continued to handle complaints, making maximum use of capacity at each stage of staff recruitment and staff increase.

The HIJ has also been coherent in the reports requested by the Ministry of Justice and the Ministry of Europe and Foreign Affairs, step by step on the progress of the work of the Office of the High Inspector of Justice, as well as on the progress of handling complaints and any other issues, for which information was requested by the institutions.

In these reports, the Office of the High Inspector of Justice presented data on the number of complaints filed with the HIJ, complaints handled and their progress, cases of disciplinary investigations, cases of disciplinary proceedings, etc. and the organizational part of the institution on the actions performed, initially identifying the financial costs, organization of procedures and documentation for the provision of budget funds, infrastructure, design of organizational structures, recruitment of staff and inspectors.

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### **INSPECTIONS AND/OR ADMINISTRATIVE INVESTIGATIONS AND STATISTICS**

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,

requested from the High Judicial Council, High Prosecutorial Council, General Prosecution Office, and the Ministry of Justice to forward to the Office of the High Inspector of Justice, all of the following:

- Complaints filed for alleged violations committed by magistrates;
- Disciplinary files in the process of investigation;
- Ascertained problems related to the fulfillment of the functional duties of the Office of the High Inspector of Justice;
- Any other issues related to thematic and institutional inspections according to the requirements of article 194, paragraph 4, of Law no. 115/2016 “On the governance bodies of the justice system”, as amended.

For the period February-December 2020, at the Office of the High Inspector of Justice, during the period February-December 2020, a **total of 3.054 complaints** were filed, of which:

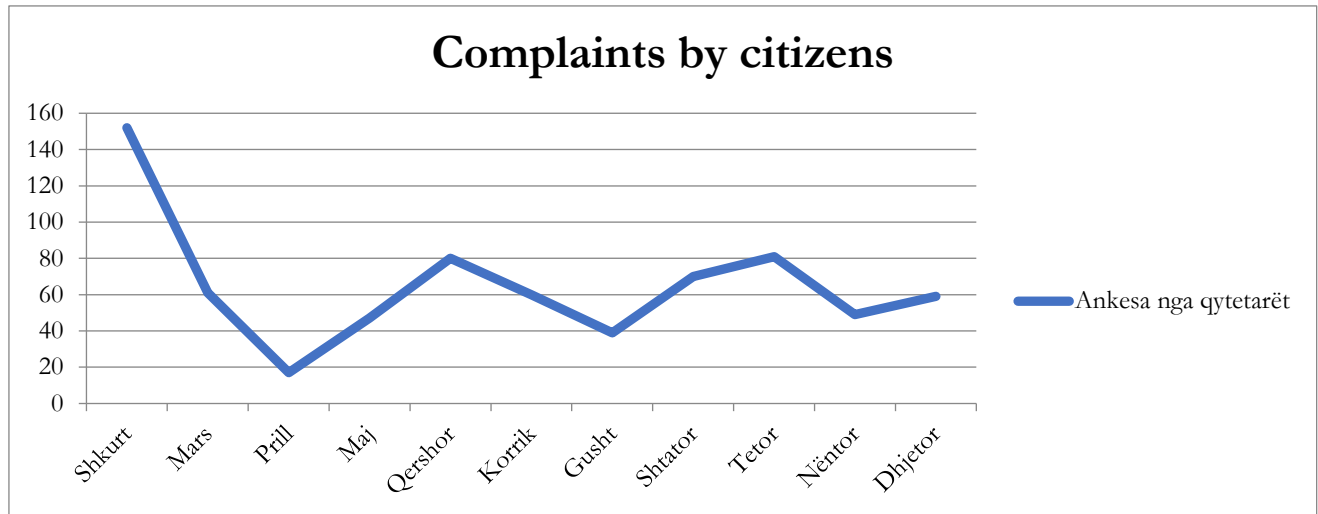
- **2.104** were complaints registered before 1 February 2020 and which were transferred in two stages, respectively **757** in the first phase and **1347** in the second phase;
- **950** complaints filed after February 1, of which:
  - 756 complaints from citizens;
  - 185 complaints from other institutions;
  - 9 complaints from other organizations.

Below there are graphically presented the complaints by months from different subjects (February - December 2020):

### COMPLAINTS FILED WITH THE HIGH INSPECTOR OF JUSTICE BY CITIZENS

(Year 2020)

February	March	April	May	June	July	August	September	October	November	December
152	66	19	47	87	72	39	79	87	49	59



The decline reflected in the period February - April is in fact not related to any parameters regarding public trust in the Office. The trajectory after February is understandable and may be explained by the state of general closure due to the measures imposed by the Executive regarding the pandemic situation.

After April 2020, there is a slow but steady increase in complaints.

The graphic curve reflects an increase in June and July 2020 due to the introduction of files for processing by the HJC. (First fund in June and second fund in July).

**COMPLAINTS FILED WITH THE HIGH INSPECTOR OF JUSTICE  
BY ORGANIZATIONS**

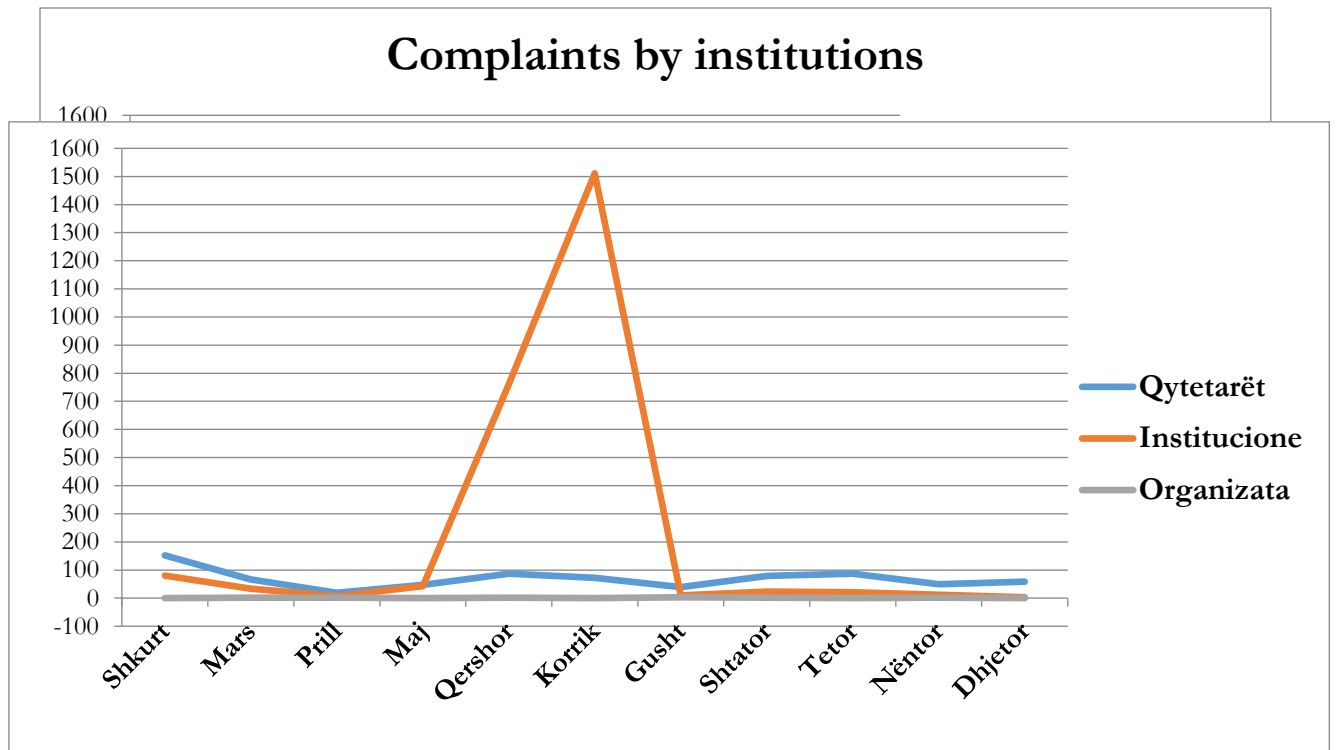
(Year 2020)

February	March	April	May	June	July	August	September	October	November	December
-	1	2	-	1	-	3	1	-	1	-

**COMPLAINTS FILED WITH THE HIGH INSPECTOR OF JUSTICE  
BY INSTITUTIONS<sup>1</sup>**

(Year 2020)

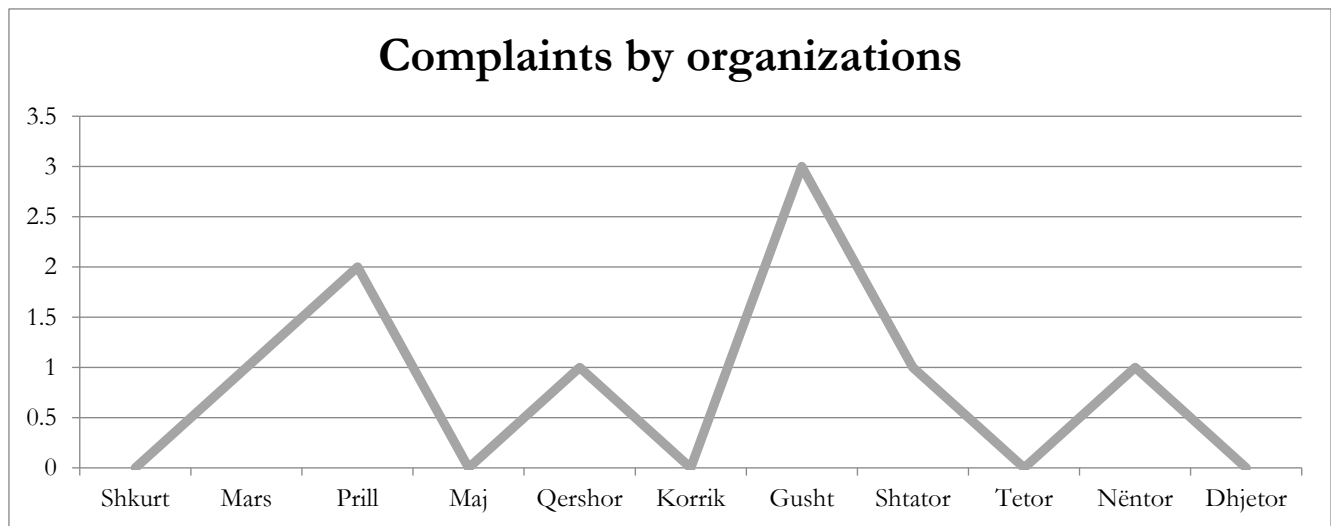
February	March	April	May	June	July	August	September	October	November	December
80	33	7	42	762	1511	10	23	21	12	3



<sup>1</sup> Including complaints received from the first fund (in June 2020 and the second fund in July 2020) from the High Judicial Council;

For the period covering February-December 2020, 1707 confirmations were made on receiving complaints at the Office of the High Inspector of Justice. Others are in the process.

Based on articles 121 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 review of complaints during the period February-December 2020, **a total of 184 decisions** were approved after the review of complaints, in specific terms:



- **42 decisions** for the verification of complaints, of which **13 were archived after the verification** and the remainder **29 are** in the process of review;
- **142 decisions** for archiving complaints; (**including 13 decisions of archiving after the verification mentioned above**);

**When referring to 142 archived decisions**, it would not mean **142 handled complaints**. This is due to the fact that a complainant files with the High Inspector of Justice more than 1 appeal, which means a repeated complaint, but that the Office of the High Inspector of Justice is invested for each complaint filed.

In cases of repeated complaints where it results that the complainant, the magistrates against whom the complaint is addressed, and the allegations raised are the same, the merger of the handling of complaints is decided.

Consequently, as per the above, in **142 decisions** archived until December 2020, it turns out that **173 complaints were handled** by the Office of the High Inspector of Justice.

With regards to the processing of **1347 practices** (inspection practices of the former HCJ transferred to the HIJ Office, during July 2020), a working group was set up by an order of the High Inspector of Justice, in order to continue the processing with priority by classifying them by object.

**2.870 practices remain to be reviewed.**

Against the decisions of archiving the above-mentioned complaints, 16 decisions of the High Inspector of Justice were appealed to the High Judicial Council.

On the basis of the complaints handled so far, it results that the problems or allegations raised mostly by the complainants may be categorized as follows:

- Complaint against the decision of the courts;
- Allegations of trial procrastination by magistrates;
- Violation of ethics by magistrates during the trial.

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 approved **8 decisions for the initiation of the disciplinary investigation, respectively for 2 (two) prosecutors and 6 (six) judges.**

Out of these disciplinary investigations conducted:

- **6** of them (respectively for 2 prosecutor magistrates and 4 magistrate judges), are disciplinary investigations initiated mainly by the High Inspector of Justice.
- **2** of them, respectively for 2 judge magistrates, are disciplinary investigations initiated by cases submitted by institutions at the HIJ.

For the period February-December 2020, 4 (four) requests were drafted for the initiation of the disciplinary proceeding by the High Inspector of Justice, 3(three) at the High Judicial Council and 1(one) at the High Prosecutorial Council.

At the end of the review in a public hearing of the request of the High Inspector of Justice for the initiation of the disciplinary proceedings against magistrates in two of the cases, the High Judicial Council has accepted the request of the High Inspector of Justice for judicial proceedings against magistrates and it was decided the end of their mandate, in one case the High Prosecutorial Council decided to reject the request of the High Inspector of Justice for the disciplinary proceedings against the magistrate. The fourth case is still in the process.

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, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecution offices and administration of prosecution offices.

The inspections are initiated on the basis of the motivated written request of the High Judicial Council, High Prosecutorial Council, Minister of Justice, Prosecutor General and the annual inspection plan.

Pursuant to this provision, based on the annual inspection plan, the High Inspector of Justice issued Decision No. 1 dated 11.02.2020, “On conducting the thematic inspection of courts and prosecution offices on handling requests with object “Parole”.

The above thematic inspection continues and is in the phase of processing the data sent by the courts.

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#### **LEVEL OF IMPLEMENTATION OF LEGAL OBLIGATIONS AND ACTS APPROVED BY THE OFFICE OF THE HIGH INSPECTOR OF JUSTICE DURING 10 MONTHS OF ACTIVITY**

Pursuant to Article 204, paragraph “c” of Law no. 115/2016 “On the governance institutions of the justice system”, as amended, the High Inspector of Justice during the period February - December 2020, continued with the preparation of the regulatory framework of the institutional activity, conducted general analysis, reports and gave an opinion in the framework of requests received from central institutions for proposed initiatives.

The High Inspector of Justice adopted the following sub-legal acts:

- Order no. 106, dated 01.12.2020 “On the approval of the strategic plan and action plan for the Office of the High Inspector of Justice 2020-2022”
- Order no. 104 dated 23.11.2020 “On the approval of harmonized standard rules and procedures and work schedule for officials and employees of the Office of the High Inspector of Justice, order no. 13 dated 23.04.2020 is repealed.
- Order no. 98, dated 12.11.2020 “On the establishment of the working group for the continuation of handling complaints or practices forwarded by the High Judicial Council at the High Inspector of Justice;
- Order no. 71, dated 01.10.2020 “On the approval of the rules of ethics and conduct at the office of the High Inspector of Justice”;



- Order no. 66, dated 28.09.2020 “On the establishment of the working group for the administration and categorization of complaints filed with the competent bodies during the transitional period until the establishment of the institution of High Inspector of Justice”;
- Order no. 65, dated 28.09.2020 “On the approval of the complaint form template”
- Order no. 64, dated 25.09.2020 “On the approval of the regulation “On the prevention of the conflict of interest and the declaration of assets in the exercise of public functions in the office of the High Inspector of Justice”;
- Order no. 58, dated 18.09.2020 “On the authentication of the administrative document”;
- 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”;
  
- Order no. 7, dated 04.03.2020 “On the approval of the regulation “On the procedure and criteria for the evaluation, scoring and ranking of non-magistrate candidates for the position of inspector at the Office of the High Inspector of Justice”;

At present, a manual is being drafted regarding disciplinary investigations against judges and prosecutors in the Republic of Albania, the purpose of which is to support the interpretation and implementation of the new legal framework with the disciplinary system of judges and prosecutors in Albania. This manual intends to address and make comments about some provisions of the Status Law regarding the disciplinary investigation of violations committed by judges and prosecutors during their function.

In addition, the Office of the High Inspector of Justice is towards the end of the process for drafting the regulation on the organization and functioning of the Office of the High Inspector of Justice.

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### **NEED FOR CHANGE IN THE LEGAL FRAMEWORK THAT REGULATES THE ACTIVITY OF THE INSTITUTION OR IN LAW, SUB-LEGAL ACTS AND PROVISIONS THAT ARE BINDING TO THE HIJ**

In the framework of preparing the draft law on some amendments to Law no. 115/2016 “On the governance institutions of the justice system” (amended), the High Inspector of Justice with letter prot.no. 2922, dated 02.12.2020, addressed to the Ministry of Justice sent proposals for legal amendments to Law no. 115/2016 “On the governance institutions of the justice system” (amended), and Law no. 96/ 2016 “On the status of judges and prosecutors in the Republic of Albania” amended.

During the implementation into practice of Law no. 115/2016 “amended, there were also identified issues regarding:

- the differentiated financial remuneration of inspectors and

- the relation between the inspectors and the High Inspector of Justice.

The proposals were addressed to the Assembly in December as draft amendments to:

- Law no. 115/2016 “On the governance institutions of the justice system” and
- Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”.

In specific terms:

- Amendments to Law no. 115/2016 “On the governance institutions of the justice system” amended were related to the unification of the remuneration amount for magistrate and non-magistrate inspectors and to the reflection in the relevant file of the disciplinary investigation, of the opinion of the responsible inspector in charge of investigation in case of a different opinion with the decision of the High Inspector of Justice. The proposals also took into consideration the spirit of constitutional amendments regarding the nature of the Office of the High Inspector of Justice, which is anticipated to function as a monocratic and centralized body. Another issue that had to be addressed through the proposed legal amendments was related to guaranteeing the functioning of the Office of the High Inspector of Justice by filling the vacancies of positions for inspectors. The amendments proposed removing the limit on the reports of magistrate and non-magistrate inspectors. In order to ensure the functionality of the institution and the fulfillment of its constitutional and legal competencies, the proposal gives priority to the secondment of magistrates, but does not limit the filling of the body of inspectors in the event that magistrates are not interested in getting involved in secondment procedures.

- Amendments to Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania” were related to the restriction imposed in the provisions for inspectors coming from the ranks of magistrates. They had to meet the requirements to be appointed to the High Court or the General Prosecution Office in order to be seconded inspectors at the Office of the High Inspector of Justice. The condition referred to years of exercising functions as magistrates, (not less than thirteen years at the lowest levels). As per above, by balancing the need to guarantee a high standard in the process of disciplinary investigation (which is not necessarily related to the years of the magistrate in the system) on the one hand and on the other hand the protection of public interest and reputation of the judicial system and the prosecution office as a whole from actions that infringe and damage the position and image of the magistrate, we proposed to change the criteria for the secondment of magistrates to the position of Inspector at the Office of the High Inspector of Justice by providing the possibility of secondment in these positions of magistrates who meet the criteria to be promoted to positions in the courts or prosecution offices of the second instance.

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## **INTERNAL ORGANIZATION**

**(STRUCTURE/ANNEX 2 AND ORGANIZATION CHART/ANNEX 3)****- Internal structure and recruitments**

The High Inspector of Justice, from the day of taking office, has immediately taken the necessary measures for the organization and function of the office. The process was accompanied by the identification of financial costs, the provision of budget funds, the design of personnel organizational structures, the recruitment of staff, and the provision of the necessary infrastructure for its operation.

In order to commence the activity of the institution as soon as possible, pursuant to Article 283, paragraph 7, Law no. 115/2016 “”, amended, and Law no. 88, dated 18.12.2019 “On the budget of 2020”, the High Inspector of Justice initially approved the temporary structure of the institution with 40 employees (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).

In accordance with the approved structure the elaboration of job description were approved followed by an announcement of 27 vacancies on 8 February 2020.

The process was continued with the drafting and detailing of the final structure, which according to article 197, paragraph 4, Law no.115/2016 “On the governance institutions of the justice system”, amended, was sent on 06.03.2020 for approval to the Assembly of Albania and it was approved by the latter by decision no. 28/2020, dated 18.06.2020 “On the approval of the organizational structure, staff and classification of salaries of the staff of the High Inspector of Justice”.

Until 23 March 2020, the day when 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 pandemic and the cancellation of all civil service recruitment procedures.

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

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

Pursuant to decision no. 28/2020, dated 18.06.2020 “On the approval of the organizational structure, staff and classification of salaries of the staff of the High Inspector of Justice” of the Assembly of Albania, all the procedures for the recruitment of vacant positions were announced on 25 June 2020 and continued with the second round of announcements in September 2020.

As of December 31, 2020, 53 persons were employed by the Office of the High Inspector of Justice:

<b>Cabinet of the High Inspector of Justice:</b>	6 advisors;
	1 Assistant;
	1 Secretary;
<b>Magistrate inspectors:</b>	1 magistrate inspector;
<b>Senior management level:</b>	1 Director General;
<b>Middle management level:</b>	2 Director of Directorate ( <i>1 lateral transfer and 1 promotion</i> );
	14 Assistant Inspector ( <i>3 lateral transfers and 11 promotions</i> );
<b>Low management level:</b>	5 Head of sector ( <i>1 lateral transfer and 4 promotions</i> );
<b>Executive level:</b>	16 Specialists ( <i>5 lateral transfers and 11 admissions to civil service</i> );
<b>Supporting staff:</b>	6 employees as per the Labor Code;

- **Appointments of inspectors**

Regarding the appointments for the position of inspector at the HIJ, based on article 209 of law no. 115/2016 “On 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 remainder of the inspectors are appointed by the High Inspector of Justice according to the procedures defined by law.

However, pursuant to Article 209 and Article 211, paragraph 2, Law no. 115/2016 “On the governance institutions of the justice system”, as amended, paragraphs 3 and 77 of Decision no. 536, dated 25.07.2019, of the Council of Ministers “On the creation of conditions for the High Inspector of Justice to verify the fulfillment of conditions and legal criteria, verification of the background and assets of non-magistrate candidates for the position of inspector”, Order No. 7, dated 04.03.2020, of the High Inspector of Justice “On the approval of the Regulation “On procedures 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”, on 07.02.2020, the Office of the High Inspector of Justice decided the initiation of the selection procedure of non-magistrate candidates who have expressed interest for the position of inspector. Within these procedures, due to the resignation of some candidates from the candidacy for non-magistrate inspector, 9 (nine) decisions were approved, with object: « On the completion of the procedure of verification, evaluation, scoring, and ranking of the candidacy ..... due to resignation from the candidacy for non-magistrate inspector » ; In addition, High Inspector of Justice also approved 10 (ten) decisions regarding the prohibition of candidacy in vacancies for non-magistrate inspectors and 11 (eleven) decisions regarding the permission of candidacy in vacancies for non-magistrate inspectors.

### Appointments by the HJC

The High Judicial Council with Decision no. 69, dated 07 February 2020, temporarily seconded a magistrate inspector in the Office of the High Inspector of Justice. The secondment is temporary and remains in force until the end of the promotion procedures in the Court of Appeals in Tirana, where the magistrate seconded as an inspector has submitted his candidacy.

In the plenary meeting held on 26 February 2020, the High Judicial Council, decided to open the secondment procedure from the ranks of judges for 6 positions of magistrate- inspector, however there were no applicants. .

For this reason, on 10 July 2020 and 6 October 2020, the High Judicial Council reopened the secondment procedure from the ranks of judges for the position of magistrate- inspector, but as of 31 December 2020 there were no interested applicants.

### Appointments by the HPC

The High Prosecutorial Council with Decision no. 37, dated 05.02.2020, announced the opening of the procedure for 4 (four) positions at the Office of the High Inspector of Justice through the secondment procedure, and with decision no. 77, dated 04.03.2020, seconded a prosecutor, in the position of assistant magistrate (advisor) at the Office of the High Inspector of Justice.

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

### Recruitment of non-magistrate inspectors

Pursuant to Article 209 and Article 211, paragraph 2, Law no. 115/2016 “On the governance institutions of the justice system”, as amended, paragraphs 3 and 77 of Decision no. 536, dated 25.07.2019, of the Council of Ministers “On the creation of conditions for the High Inspector of Justice to verify the fulfillment of conditions and legal criteria, verification of the background and assets of non-magistrate candidates for the position of inspector”, Order No. 7, dated 04.03.2020, of the High Inspector of Justice “On the approval of the Regulation ‘On procedures 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”, on 07.02.2020, the Office of the High Inspector of Justice decided the initiation of the selection procedure of non-magistrate candidates who have expressed interest for the position of inspector. Within these procedures, due to the resignation of some candidates from the candidacy for non-magistrate inspector, 9 (nine) decisions were approved, with object: « On the completion of the procedure of verification, evaluation, scoring, and ranking of the candidacy. due to resignation from the candidacy for non-magistrate inspector» ; In addition, High Inspector of Justice also approved 10 (ten) decisions regarding the prohibition of candidacy in vacancies for non-magistrate inspectors and 11 (eleven) decisions regarding the permission of candidacy in vacancies for non-magistrate inspectors.

Pursuant to Decision no. 536 of the Council of Ministers, dated 25.7.2019 “On the creation of conditions for the High Inspector of Justice to verify the fulfillment of conditions and legal criteria, verification of the 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**.

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## REVENUES AND EXPENDITURES

### *1. Planning and review of the annual budget 2020 for the activity of the HIJ:*

By Law 88/2019 “On the budget of 2020”, on the activity of the High Inspector of Justice, it was approved by the State Budget a total of ALL 100.2 million of budget funds, out of which:

- ✓ Funds planned for current expenditures (salaries, insurance and operating expenses), in the amount of ALL 93.2 million.
- ✓ Budget funds for capital expenditures, in the amount of ALL 7 million.

Pursuant to the Normative Act no.15 dt.15.04.2020 “On some amendments to Law no. 88/2019, “On the budget of 2020” amended, the budget of the High Inspector of Justice was reduced by ALL 14 million in the item “Current expenditures”, specifically;

- ✓ Salary fund, in the amount of ALL 13 million
- ✓ Fund for social and health insurance contributions, in the amount of ALL 1 million.

By Normative Act no. 28, dated 02.07.2020 “On some amendments to Law no. 88/2019 “On the budget of 2020”, as amended, for the coverage of the financial effect of the increase in the number of employees referred to the new staff approved by the Albanian Parliament, an increase of 10 million ALL was approved in the annual budget, item 600 (salary).

Pursuant to the Decision no. 927 of the Council of Ministers, dated 25.11.2020, from the free funds of the institution in item 600, the amount of 4 million ALL was reduced.

By Normative Act no. 34 dt.16.12.2020, we have a reduction of unused funds for current expenditures, and specifically: item 600 amount ALL 44,500,000, item 601 amount 2,300,000 ALL, item 602 amount 2,500,000 ALL.

At the end of the 2020 budget year, **the total funds in the revised 2020 budget** for the Office of the High Inspector of Justice **is ALL 42.9 million**, detailed at the level of budget expenditure items, as follows:

- a) Item 600 – Expenditures for salaries, in the amount of ALL 25.8 million
- b) Item 601 - Contributions for social and health insurance, in the amount of ALL 3.6 million
- c) Item 602 – Operating expenses, in the amount of ALL 6.5 million
- d) Item 231 – Investments, in the amount of ALL 7 million

2. Realization of funds for 2020:

According to the updated information at the end of 2020, the total expenditures incurred is in the amount of ALL 40.2 million, at the rate of 93.6% of the total revised 2020 budget, with realization according to the expenditure items as follows:

- a) In the items “Salary and insurance” (600+601), which occupy 68.5% of the total budget of the institution for 2020, the realization is 99.9 % of the annual plan for these items.
- b) In the item “Operating expenses” (602), 72.9% of the revised budget was realized in this budget item.

Regarding the implementation of the procurement procedures anticipated for this item, the situation was unblocked in the last 4 months of the year, with the filling of the positions of the support services administration, as well as after the Public Procurement Commission left the offices and premises. Thus, 18 procurements were carried out in the group “Goods and services”, from 20 in total anticipated to be made with the funds planned in item 602.

- c) In the item “Investments” (231), the planned fund in the amount of ALL 6 million for the purchase of IT equipment was procured and realized, providing the necessary logistics for the staff recruited in this budget year. In addition, it was procured the approved fund for the realization of the design task for the project “Reconstruction of facilities”.

Below, it is given information on the total expenditures and by item from the budget of the High Inspector of Justice for 2020:

Ec. Acc.	Denomination	Annual plan at the beginning of the year (thousand ALL)	Revised annual plan (thousand ALL)	Factual expenses (thousand ALL)	Expected realization until the end of the year (thousand ALL)	Expected realization (in %)

600	Salary	77,300	25,800	25,790	25,790	99.9%
601	Social health insurance	6,900	3,600	3,586	3,586	99.6%
602	Operational expenses	9,000	6,500	4,737	4,950	76.1%
231	Investments	7,000	7,000	6,061	6,061	86.6%
<b>TOTAL</b>		<b>100,200</b>	<b>42,900</b>	<b>40,174</b>	<b>40,387</b>	<b>94.1%</b>

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### LIST OF CRIMINAL REPORTS AND ONGOING TRIALS

The Office of the High Inspector of Justice until December 31, 2020, was a party to the following lawsuits:

1. Plaintiff: High Inspector of Justice, Defendant: High Prosecutorial Council, third party: Elina Kombi, with object: *“Repeal/illegality of the administrative act of decision no. 269, dated 17.11.2020 of the High Prosecutorial Council, by means of which it was decided the rejection of the request of the High Inspector of Justice, for the disciplinary proceeding no. 251/31, dated 21.07.2020 against prosecutor Elina Kombi.* 2. *Resolution of the consequences of illegality, acceptance of the request of the High Inspector of Justice and assignment to the magistrate Elina Kombi the disciplinary measure of “public reprimand”, provided by article 105, paragraph 1, letter ‘b’ and Article 107 of Law no. 96/2016 “On the status of judges and prosecutors” amended, for the disciplinary violation provided by article 102, paragraph 1, letter ‘dh’ of Law no. 96/2016 “On the status of judges and prosecutors” amended; or: -The obligation of the HPC to decide against the magistrate Elina Kombi the disciplinary measure of “public reprimand”, provided by Article 105, paragraph 1, letter ‘b’ and Article 107 of Law no. 96/2016 “On the status of judges and prosecutors” amended, for the disciplinary measure provided by Article 102, paragraph 1, letter ‘dh’ of Law no. 96/2016 “On the status of judges and prosecutors”.* The case is in process at the Administrative Court of Appeal.
2. Plaintiff: Indrit Shtupi, Defendant: High Inspector of Justice, with object: *“Repeal of the administrative act, decision no. 85, dated 03.11.2020 “On the suspension of the procedure related to the candidacy of Mr. I. Shupi in the vacant position for non-magistrate inspector, announced by the High Inspector of Justice on 07.02.2020” and allowing the candidacy for*



- vacancies for non-magistrate inspector announced by the HIJ on 07.02.2020 and securing the lawsuit..*”. The case was dismissed at the Administrative Court of Tirana due to the waiver of the plaintiff.
3. Plaintiff: Fatmir Hoxha, Defendant: High Inspector of Justice, with object: “*Repeal of the administrative act of the High Inspector of Justice, decision no. 60, dated 28.10.2020 “On the prohibition of the candidacy of Mr. Fatmir Hoxhaj in the vacant position for non-magistrate inspector, announced by the High Inspector of Justice on 07.02.2020”*”. The case is in process at the First Instance Administrative Court Tirana.
  4. Plaintiff: Florian Kalaj, Defendant: High Inspector of Justice, with object: “Determining the illegality of the administrative action, a letter with the subject “Delivery of response” prot.no. 3181/3, dated 11.12.2017 of the High Inspector of Justice pertaining to Mr. Florjan Kalaja”. The case is in process at the First Instance Administrative Court Tirana.

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### **TRANSPARENCY TOWARDS PUBLIC AND MEDIA RELATIONS**

Based on Article 7 of Law no. 119/2014 “On the Right to Information” the Office of the High Inspector of Justice has prepared the Transparency Program for the High Inspector of Justice. This program defines the legal framework of the activity of the authority within the law no. 119/2014 “On the Right to Information” and is assessed as a concrete way through which the Public Authority builds and increases transparency in its institutional work, under the guarantee of law 119/2014. The HIJ systematically updates the Transparency Program, in accordance with the legislation in force.

The information made public in this program, aims to make the transparency of the HIJ work activity, through its detailed coverage on the official website [www.ild.al](http://www.ild.al) and in the public reception areas. The transparency program is reflected in the sections, texts/content, timeline for becoming public, the manner of publication and the relevant structure, which produces or administers the document. The content of the transparency program shows the publication scheme, which reflects the menus where the document is addressed on the official website. In addition, each document is also accessible in the scheme. The documentation made public will be updated in form and content.

The official HIJ website is developed in such a way that it provides information to the public without request in easily understandable formats. The sections of the official website also reflect information that is characterized by restrictions on the identification of personal data due to the protection of the privacy of individuals/subjects, data, etc.

In September 2020, immediately after the movement of the Office of the High Inspector of Justice to the new infrastructural premises (the building of the former Ministry of Integration), the High Inspector of Justice enabled all interested citizens to file a complaint against every magistrate in the

Republic of Albania, including members of the HJC, HPC and the Prosecutor General, the online complaint service.

The electronic form is available on the official website of the High Inspector of Justice and to further help the citizens, it is accompanied by the relevant guide for filling it out. For those who file a complaint physically, the staff of the Legal and Complaints Office at the High Inspector of Justice assists any complainant who requests it, in completing the form, according to a set schedule, already published on the official HIJ website.

In addition, in the framework of transparency to the public, at the Office of the High Inspector of Justice, there were held about 42 meetings with citizens with representatives of the Office of the High Inspector of Justice, which focused on the progress of handling complaints by the HIJ, and information was provided to the subjects, regarding their requests, in the framework of the right to information.

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### **ACHIEVEMENTS IN THIS FIRST YEAR OF OPERATION OF THE INSTITUTION, AND THE OBJECTIVES BASED ON THE INSTITUTION STRATEGY 2020-2022**

#### Achievements in the period 1 February -31 December 2020

We must clarify that despite the fact that the office was established on February 1, 2020, we can only talk about effectiveness for the period from September to the end of the year.

During the 11-month period, the following was realized:

- organization of human resources for starting the activity;
- transfer and initiation of the initial review of a large number of complaints related to the activity of magistrates;
- drafting that part of the bylaws that are the competence of the High Inspector of Justice and that were necessary for the start of the activity of the Office of the High Inspector of Justice;
- initiation of the process for recruiting inspectors and staff of the Office of the High Inspector of Justice.

During the period February - December 2020, a total of **3054 complaints** were registered with the Office of the High Inspector of Justice, which required the maximum commitment of a structure that had to be set up first.

The office had to be designed for the first time starting from the premises where the files for transfer had to be sent, the deposition of new ones, the drafting of regulatory acts of the institution, the drafting, completion and follow-up of employment procedures, etc.

Despite the difficulties, it started with the review of complaints from the very first day, without waiting for the completion of the structure and increasing and distributing the work, after each new employment.

Due to the spirit of the team, it was achieved that within 31 December 2020, **184 files** were reviewed, **for 142 of which decisions have already been issued for archiving complaints after the initial review and 42 decisions for verifying complaints after the initial review.**

Following the verification procedures, the High Inspector of Justice has so far approved 7 decisions to initiate disciplinary investigations against magistrates, and 4 requests have been submitted to initiate disciplinary proceedings before the High Judicial Council and the High Prosecutorial Council.

The priority of the work of the Office of the High Inspector of Justice has been the review and evaluation with priority of issues with public impact. Following such priority, the High Inspector of Justice has initiated a thematic inspection at the courts of the judicial districts, courts of appeal, and the prosecution offices attached to them, on the handling of requests with object “Parole” for the period of time 01.01.2017 - 31.01.2020. Practices are still under development.

We must point out that two disciplinary proceedings have had this object.

This process initiated by the High Inspector of Justice is the concretization of the public promise of the High Inspector of Justice since the day he took office. The High Inspector of Justice, also due to the high public sensitivity, referred at that time that the issue of parole would be a priority of his work.

Data on other cases collected by judicial institutions are still in process and continue to be processed by the HIJ staff.

As per above, the Institution of the High Inspector of Justice has already started fulfilling a considerable part of the legal obligations, which will be finalized during the present year.

The activity of the Office of the High Inspector of Justice, the adopted acts and the maximum requirements in terms of quality in the selection of teams aim to realize the conditions for exercising the activity independently, efficiently, professionally, and transparent and reliable towards the public. All aiming at the development of the disciplinary investigation process in accordance with the principle of legality and international standards, and the development of an active participation of the HIJ Office in the processes of strategic planning and inter-institutional cooperation.

An important achievement for the path of the HIJ is the drafting, elaboration and approval of the “Strategic Plan and Action Plan 2020-2022”, in the framework of well-defined objectives and priorities of the Office of the High Inspector of Justice.

The preparation of this document has gone through a comprehensive process of inter-institutional and public consultation. After a 2-month work of the working group set up at the HIJ, the document was discussed in a two-day working meeting with all sectors of the HIJ, and was finalized as the Strategic Plan and Action Plan for the Office of the High Inspector of Justice for the period 2020-2022.

The Strategic Plan document then went through a consultation process with state institutions and civil society (domestic and foreign) organizations, focused on justice and human rights, which provided their suggestions regarding the Strategic Plan and Action Plan of the Office of the High Inspector of Justice for the next two years. In parallel with the consultation with institutions and organizations, the draft-document was published for 2 weeks on the official website of the HIJ, so that the public could provide opinions.

### 2020-2022 Strategy

Based on the assessments and analysis of the situation of the Office of the High Inspector of Justice, the activity of the HIJ Office is focused on strategic objectives, where each of them defines the general goal, broken down into specific objectives, as follows:

#### **Strategic Objective 1: Strengthening and independent, efficient and professional exercise of the activity of the Office of the High Inspector of Justice.**

- *Specific Objective 1.1: Development of the necessary infrastructure for the exercise of functions by the Office of the High Inspector of Justice through the provision of facilities, equipment and working conditions.*
- *Specific Objective 1.2: Guaranteeing the financial and administrative autonomy of the Office of the High Inspector of Justice.*
- *Specific Objective 1.3: Improving the internal, organisational management and communication of the Office of the High Inspector of Justice.*
- *Specific Objective 1.4: Development of an electronic information technology system for the Office of the High Inspector of Justice.*
- *Specific Objective 1.5: Increasing the professional knowledge and skills of inspectors and civil servants, by providing continuous opportunities for professional development, so that each of them, in the respective position, can effectively fulfill its functional tasks.*
- *Specific Objective 1.6: Establishment of an effective, transparent and objective system for evaluating the performance of non-magistrate inspectors.*

#### **Strategic Objective 2: Development of the process of verification, disciplinary investigation and inspection in accordance with the principles of disciplinary proceedings and international standards.**

- *Specific Objective 2.1: Establishing the basis for the proper interpretation and implementation of the legal framework related to the disciplinary responsibility of magistrates.*

- *Specific Objective 2.2: Standardization/Unification of working methods and processes for handling complaints or conducting inspection and investigative activity.*
- *Specific Objective 2.3: Approaching working methods/processes with International Standards for disciplinary investigation and inspection.*
- *Specific Objective 2.4: Increasing the number of complaints handled within the legal deadlines.*

**Strategic Objective 3: Active participation in the processes of coordination and inter-institutional cooperation.**

- *Specific Objective 3.1: Development of an effective, unified and systematic reporting system by all organizational units of the Office of the High Inspector of Justice for drafting, monitoring and reporting in the framework of cooperation with other institutions.*
- *Specific Objective 3.2: Follow-up / implementation of the activities that the Cross-cutting Justice Strategy has anticipated for the Office of the High Inspector of Justice.*

**Strategic Objective 4: Increasing transparency and public access to the Institution of the High Inspector of Justice**

- *Specific Objective 4.1: Increasing public access through communication and cooperation with citizens.*
- *Specific Objective 4.2: Development of information technology infrastructure and tools in order to cooperate with the public, and increase the transparency of the Office of the High Inspector of Justice.*
- *Specific Objective 4.3: Encourage the public to actively use the mechanisms for reporting corruption by inspectors.*

The action plan that is part of the 2020-2022 Strategy, will be subject to periodic annual review, a process which will be carried out with the contribution of all constituent structures of the institution, under the coordination of the General Directorate of Legal Affairs and Services to provide a more realistic assessment of its implementation, and to reflect the changes and progress of the activity of this institution towards the achievement of strategic and specific objectives anticipated in advance.

Reporting on the implementation of the action plan will be performed on a periodic quarterly basis based on the reports of the structures (*organizational units*) of the Office of the High Inspector of Justice, in order to establish an effective, unified and systematic reporting system by all organizational units involved in the implementation of the strategic plan and action plan.

The Office of the High Inspector of Justice has identified the objectives and expectations for 2021, focused on:

- Completion of the procedure for recruiting inspectors at the HIJ;

- Review of complaints or practices filed by the HJC-HPC-GPO, as well as by other institutions;
- Review of complaints and exercise of the activity in the most transparent and credible way for the public;
- Completion of legal procedures on full staff recruitment;
- Development of inter-institutional cooperation;
- Development of information technology infrastructure and tools in order to handle complaints or develop inspection and investigative activity;
- Determining the methodology of exercising the activity of the HIJ related to the disciplinary responsibility of magistrates;
- Design and implementation of management systems, operational activities, control and financial functioning in order to enable the management of the justice reform process.

### ANNEX I

#### Explanation of the procedure on which the HIJ exercises the activity

##### ➤ **Complaints and the phases of their handling**

The High Inspector of Justice is the state authority 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, 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”, amended, determines as follows 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;*

*b) a 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 hereunder:

#### **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” as 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, verification should be made, then the 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” as 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 Council, the relevant 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, against whom the request is submitted.

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 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 allegations are made by the complainant, the High Inspector initiates investigation.

### **Disciplinary investigation**

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

- 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.

If 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 the evidence collected, he decides 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 initiates 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 hearing and shall notify the parties within the deadlines set by law.

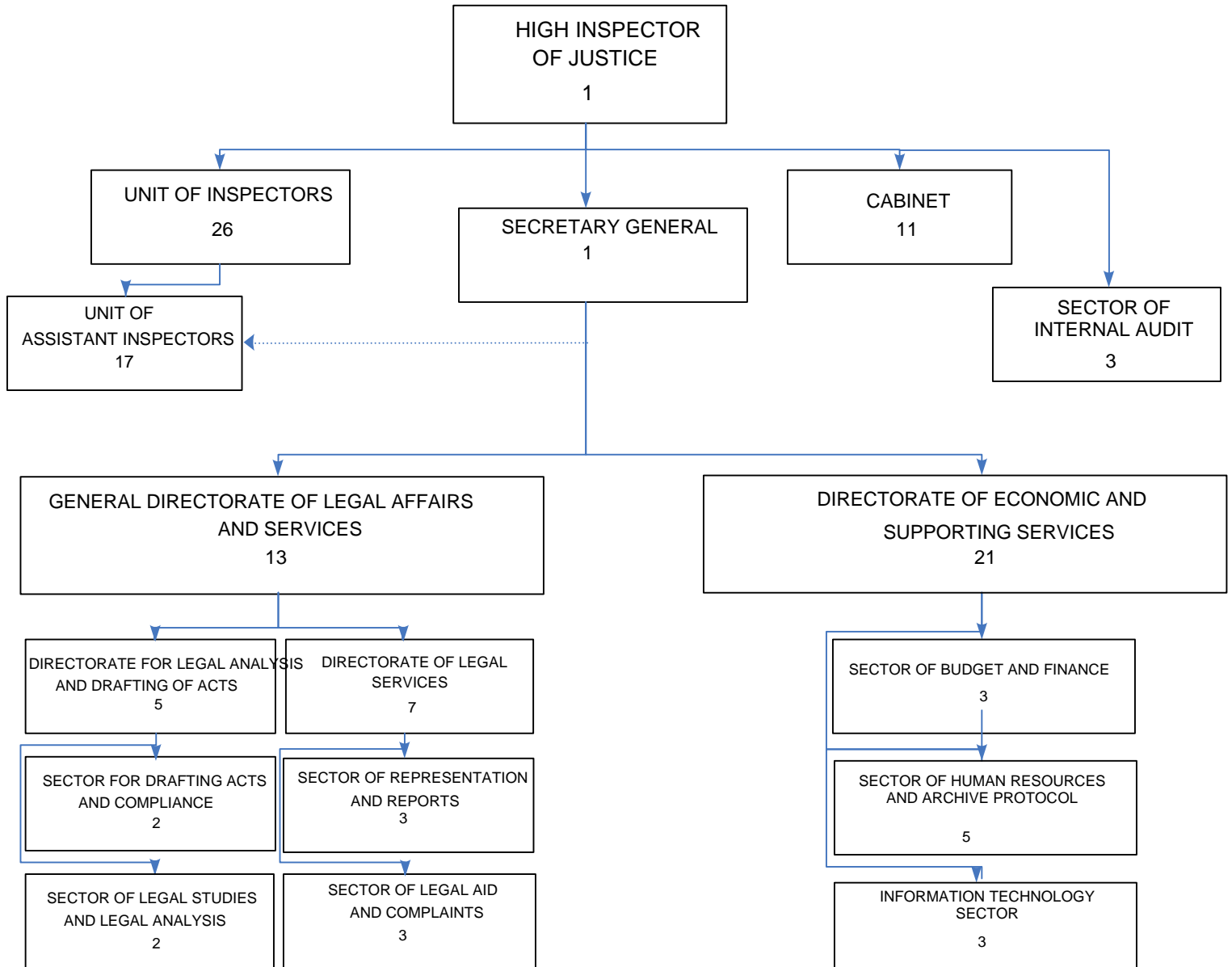
After reviewing the facts and evidence, the Council shall:

- a) reject the request for disciplinary proceedings, because the alleged facts have not occurred or they do not constitute a disciplinary violation;
- b) 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.



**ANNEX II  
ORGANIZATIONAL STRUCTURE**



**ANNEX III  
ORGANIZATION SCHEME**

<b>POSITION NUMBER</b>	<b>CATEGORY</b>
<b>I. HIGH INSPECTOR OF JUSTICE</b>	<b>1</b>
<b>CABINET</b>	<b>(11)</b>
ADVISORS 9	SALARY VICE MINISTER
ASSISTANT 1	III-a
SECRETARY 1	
<b>II. PANEL OF INSPECTORS (26)</b>	
MAGISTRATE INSPECTORS 13	G-2
NON-MAGISTRATE INSPECTORS 13	I-b
<b>III. SECRETARY GENERAL (1)</b>	I-b
<b>IV. INSPECTORS' ASSISTANCE UNIT</b>	<b>(17)</b>
ASSISTANT INSPECTOR 17	II-b
<b>V. GENERAL DIRECTORATE OF LEGAL AFFAIRS AND SERVICES</b>	<b>(13)</b>
DIRECTOR GENERAL 1	II-a
<b>V/1. DIRECTORATE FOR LEGAL ANALYSIS AND DRAFTING OF ACTS</b>	<b>(5)</b>

DIRECTOR	1	II-b
<b>1. SECTOR FOR DRAFTING OF ACTS AND COMPLIANCE</b>		<b>(2)</b>
SPECIALIST	1	III-b
SPECIALIST	1	III-b
<b>2. SECTOR OF STUDIES AND LEGAL ANALYSIS</b>		<b>(2)</b>
SPECIALIST	1	III-b
SPECIALIST	1	III-b
<b>V/2. DIRECTORATE OF LEGAL SERVICES</b>		<b>(7)</b>
DIRECTOR	1	II-b
<b>1. SECTOR OF REPRESENTATION AND REPORTS</b>		<b>(3)</b>
HEAD OF SECTOR	1	III-a
SPECIALIST	2	III-b
<b>2. SECTOR OF LEGAL AID AND COMPLAINTS</b>		<b>(3)</b>
HEAD OF SECTOR	1	III-a
SPECIALIST	2	III-b
<b>VI. DIRECTORATE OF ECONOMIC AND SUPPORTING SERVICES</b>		<b>(21)</b>
DIRECTOR	1	II-b
<b>1. SECTOR OF BUDGET AND FINANCE</b>		<b>(3)</b>
HEAD OF SECTOR	1	III-a
SPECIALIST	2	III-b
<b>2. SECTOR OF HUMAN RESOURCES</b>		<b>(5)</b>

**ARCHIVE PROTOCOL**

HEAD OF SECTOR	1	III-a
SPECIALIST (HUMAN RESOURCES)	1	III-b
SPECIALIST (ARCHIVE/PROTOCOL)	2	III-b
SPECIALIST EDITOR	1	III-b

**3. INFORMATION TECHNOLOGY SECTOR (3)**

HEAD OF SECTOR	1	III-a
SPECIALIST IT	2	III-b

**4. SECTOR OF GENERAL SERVICES (9)**

HEAD OF SECTOR	1	III-a
SPECIALIST (SERVICES AND PROCUREMENT)	1	III-b
CLEANING EMPLOYEE	1	
DRIVER	4	
WAREHOUSEMAN	1	
INFORMATION EMPLOYEE	1	

**VII. SECTOR OF INTERNAL AUDIT (3)**

HEAD OF SECTOR	1	III-a
SPECIALIST	2	III-b

**TOTAL 93**

Note:

If you use data from this report please cite the Office of the High Inspector of Justice as a source.

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