

High Inspector of Justice

NEWSLETTER

May 2021



MESSAGE OF HIGH INSPECTOR OF JUSTICE ON JUSTICE DAY

“108 years ago, the signatories of Independence and the fathers of the creation of the Albanian state drafted the legal basis for the organization of the judicial system in Albania, which is known as "Kanun i Zhurisë". As a sign of respect for their historic act and the legal norms created by this act, May 10 is remembered and recognized as the Day of Justice.

I take this opportunity to congratulate judges, prosecutors and other judicial staff on Justice Day, and to encourage them all to be more motivated and more committed to their noble work.

It is a day to reflect on the long way the Albanian state and justice have come to where we are today.

It is a day for encouragement and motivation in the challenging journey that the justice system started 5

years ago, with the deepest and the most painful reform, it must be said, that it has ever known.

Of course, there is a lot to be done to reach the level where we ought to be but the constitution and the law today do not create any possibility for the institutions in their decision-making process to have illegal influences, political or any other kind. This independence guaranteed by law for every judge and prosecutor is a great power to influence the development of society and the consolidation of the rule of law, where the administration of justice is not considered a privilege or a coincidence, but an obligation and the right of every individual.

Every judge and prosecutor does a great service to our society and country by showing respect for the sacred principles of their profession and performing pure justice.



ILD
INSPEKTORI I LARTË
I DREJTËSISË

Speech of High Inspector of Justice Artur Metani at the event “Justice Day”:

108 years ago, the signatories of Independence and the fathers of the creation of the Albanian state drafted the legal basis for the organization of the judicial system in Albania. As a sign of respect for their historic act and the legal norms created by this act, May 10 is remembered, recognized and celebrated. This does not mean that today we can forget the problems the system has and the necessity to reform it, however,

Continues on pg. 2

SPEECH OF HIGH INSPECTOR OF JUSTICE ARTUR METANI ON JUSTICE DAY

I think that we discuss these problems and work hard all year round. Today is a day to celebrate and reflect. I take this opportunity to congratulate judges, prosecutors and other judicial staff on Justice Day, and to encourage them all to be more motivated and more committed to their noble work. Judges and prosecutors have a rewarding, inspiring and hard job. Such as it is!

Rewarding because through their profession, they help people solve their problems. It is rewarding because they are part of the administration of justice, of this sacred value, which is crucial to a functioning democratic society. It is also inspiring, as our society today needs more judges and prosecutors to transmit and inspire public confidence and optimism about the justice system.

It is definitely hard too!

In a society where politics finds it difficult to recognize its limits, it is the people of justice who must preserve the independence of the institutions of democracy. They are the ones who must uphold the principles of separation of powers and the independence of institutions. Often, these principles are delicate and difficult to be found in a written form in the Constitution or



other laws. This is the reason why the work of judges and prosecutors is rewarding and difficult. Finding the spirit of the law, the constitutionality of legal acts and the way institutions behave, as learned in the new and old texts of Aristotle, John Lock or Baron Monteskie, as well as in the jurisprudence of important Courts in the world, like that of the Human Rights in Strasbourg, or the American Supreme Court, is an intellectual and professional challenge, intriguing but also difficult. However, I think that if the Constitution and not the politics will guide us, if we will resist the efforts of politics or other interests, which will seek to impose the decision-making and impartiality of judges and prosecutors, if the interests of justice, sacred to every jurist, are pure, great service will be done to democracy, great service will be done to the country.

On the other hand, I think the importance of this independence must be first acknowledged by the judges themselves. The famous American judge Learned Hand, in 1944, spoke of the spirit of liberty and said: "If liberty dies in the hearts of the people, no constitution, no law, no court can even do much to help it." I would like to tell judges that if they are not aware of the great force that the independence of justice gives to the development of the state and society, neither constitution nor the laws can do anything. If the magistrates themselves are not convinced of the importance of their independence to the consolidation of a just society, neither the constitution nor the laws can do anything.

Once again, Happy the inspiring Day of Justice!

Thank you



TRAINING WITH THE HIJ ADMINISTRATIVE STAFF ON DISCIPLINARY INVESTIGATION

EURALIUS V Mission, in cooperation with the High Inspector of Justice Office, organized a training event with the HIJ administrative staff on the disciplinary investigation in Albania. The topics of this one-day training, which took place in the HIJ Office premises, were a general overview of the disciplinary system in Albania and the role



of the HIJ administrative staff. In his opening speech, the High Inspector of Justice, Mr. Artur Metani, underlined the importance of the capacity building of the administrative staff for the performance and coordination of the work with the inspectors unit and assistant inspectors, in the framework of the HIJ exercise of competencies, paying special attention to the citizens' complaints. The role of the administrative staff, the internal working rules, the public relations and the communication with the complaining parties, were discussed and illustrated with practical cases during the training sessions. Part of this event was also the presentation of the Manual on Disciplinary Investigation against judges and prosecutors. This activity was part of the set of training that EURALIUS V in cooperation with the HIJ, is providing in the function of strengthening the capacities of the HIJ Office.

“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.”

STATISTICS

During May, the High Inspector of Justice Office handled **118 complaints** made by citizens, organizations and institutions.

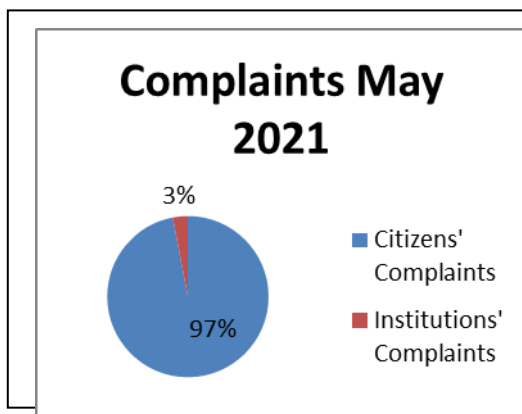
The total figure resulted as follows:

109 complaints filed by citizens;

9 complaints filed by public and non-public institutions.

27 phone calls with citizens who asked information about their complaint stage or assistance to fill out their complaint forms. **26 meetings** with complainants who were assisted during the process of completing the complaint form in HIJ premises. High Inspector of Justice Office has

performed the standard confirmation process of receiving complaints for all the new complaints submitted during May, 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.



COMPLAINANT SECTOR

The HIJ Complaint Sector is responsible for guaranteeing the right of citizens to information and transparency to the public. This sector monitors the complaints traceability in the system and provides answers to complainants on their complaint stage. As part of the transparency program, in order to increase the communication with the interested citizens, 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.

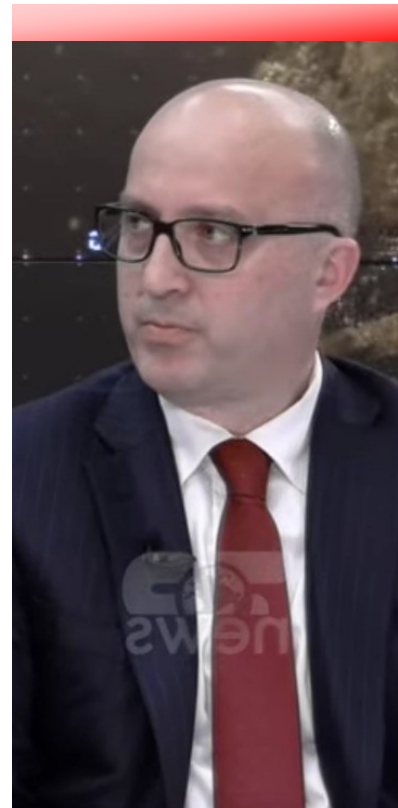
NO ONE IS AND WILL EVER BE ABOVE THE LAW



High Inspector of Justice Artur Metani gave an interview for "Breaking", a show on Top News, about the 15-month work of the institution he leads, with the journalist Sidorela Gjoni.

When asked about the dismissals of magistrates

during these months of work at the request of the High Inspector of Justice, Mr. Metani said that this is not the purpose of the institution. "The purpose of this institution is to help as much as possible that the judicial system and the justice system perform as well as possible to serve the interests of the citizens. Individual inspections, proceedings of certain judges as well as thematic inspections can also assist for the justice system. This is the cornerstone of the High Inspec-



"No guarantee for anyone. The law will apply to everyone equally, without regard to their social status, including me. No one is and will ever be above the law, in terms of the competencies I have."

tor of Justice work, thematic inspections, which means finding solutions to the problems the system has today and therefore I say, that finding the truth is our purpose not the disciplinary measures against the judges. Consequently, on the one hand, there is the protection of the civic interest and on the other hand there is the protection of the independence of judges and prosecutors."

However, independence goes hand in hand with responsibility, underlined Mr. Metani and as far as the High Inspector of Justice is concerned, no one is legally untouchable. "No guarantee for anyone.

The law will apply to everyone equally, without regard to their social status, including me. We are all part of a working, decision-making mechanism controlled and monitored by law and by the bodies which are appointed to control everyone's work. "No one is and will ever be immune in terms of the competencies I have."

When asked whether it is possible for a judge or prosecutor today not to be influenced by politics, the High Inspector of Justice said that now this is guaranteed by the new constitutional legislation for each justice institution. "The constitution and the law today leave no room for judges and prosecu-

tors to be dependent on any political institution, or other institutions, that can put pressure on judges and prosecutors in their decision-making process. In my view, this reform has firstly brought the benefit of creating an effective system against the possibility to interfere with the performance of the judges and prosecutors. Secondly, as I previously mentioned, this independence must be felt by all of us. We must feel independent, so that others respect us, as independent. "

[Click to watch the full interview.](#)

THEMATIC INSPECTIONS, THE NEW PRIORITY OF THE HIGH INSPECTOR OF JUSTICE

On the thematic inspections on May 21st, 2021:

EURALIUS V mission and the HIJ held the new training aimed to strengthen the capacity of inspectors, assistant inspectors and cabinet members of the High Inspector of Justice Office. The training which took place in the city of Korça focused on thematic inspections and the inspections of courts and prosecution offices as an important dimension of the work of the High Inspector of Justice Office.



In his speech at the beginning of the training, High Inspector of Justice Artur Metani underlined that the current challenge of the HIJ is to move to another working dimension, which consists of thematic inspections. “Thematic inspections in courts and prosecution offices of all levels in the country will be the priority of this institution in the future, through the identification and solution of the problems that the system has today without having the intention of taking disciplinary measures against the magistrate, but to help the good performance of the justice system, in the best interest of citizens by answering in due time, fairly and impartially to the needs of the society for justice. This will be realized through the thorough, professional and not individualistic study, inspection and analysis of judges and prosecutors ” said Mr. Metani.

Euralius mission expert, Anita Mihailova and the HIJ Magistrate Inspector, Marsela Pepi presented previous inspection experiences in Albania, key rules for thematic inspections and inspections of courts

and prosecutors’ offices as well as best practices and international standards.

The participants also discussed practical inspection cases, as well as made proposals for the inspection plan, which will be enriched with the proposals of the High Inspector of Justice Office, of the High Judicial Council, the High Prosecutorial Council and the Prosecutor General.

The manual for Disciplinary Investigation of judges and prosecutors drafted by the office of the High Justice Inspector in cooperation with experts of the EURALIUS V mission was presented during the training event.

Representatives of the OPDAT mission in Albania participated in this two-day training as well.



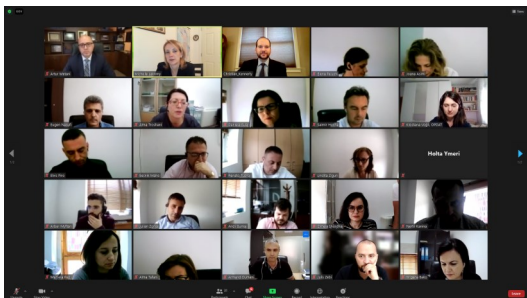
HIJ AND OPDAT CONTINUE TRAINING ON THE MISCONDUCT ALLEGATIONS OF MAGISTRATES



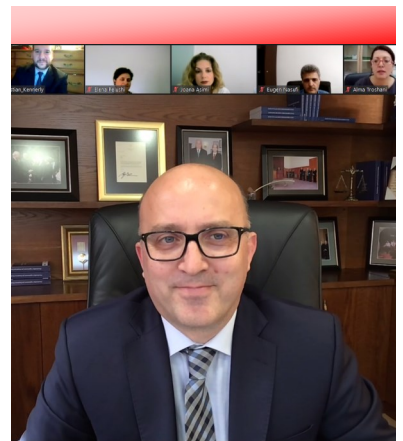
Assessing the misconduct of magistrates, a view from the United States judiciary was the topic of the virtually organized roundtable, which was attended by the inspectors' unit and the HIJ assistant inspectors' unit.

At the beginning of the training, the High Inspector of Justice, Mr. Artur Metani highlighted the importance of organizing such forums for the exchange of ideas and best practices to address common issues and thanked for the commitment the resident legal advisor of OPDAT from the U.S. Department of Justice, Ms. Michelle Lakomy.

The participants were acquainted with and discussed concrete cases and practices which were presented by Mr. Christian Kennerly, Attorney Advisor, Clerk's Office of the United States Court of Appeals, Eleventh Circuit.



This is the second virtual roundtable held by the HIJ Office in cooperation with OPDAT, regarding the improvement of the processes to accept, review, and act upon allegations of misconduct by magistrates performing the duties in Albania's new justice institutions.



OPDAT AND HIJ

The Office of the High Inspector of Justice in cooperation with the Overseas Prosecutorial Development, Assistance and Training (OPDAT) continue the training session to strengthen the capacities of the HIJ, for the disciplinary investigation of magistrates.

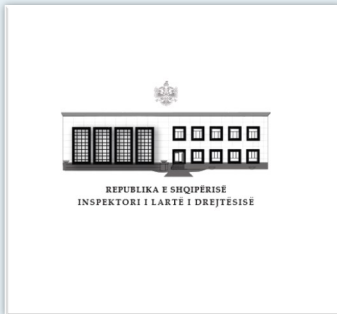


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CONTACT HIJ

WEB: ild.al

EMAIL: info@ild.al

ADDRESS: Bulevardi "Dëshmorët e Kombit", Godina nr.13
Tiranë, Shqipëri



 [Inspektori i Larte i Drejtësisë Artur Metani @ILD Albania](https://twitter.com/ILD_Albania)

 [Inspektori i Lartë i Drejtësisë](https://www.youtube.com/channel/UC...)



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Prezantimi i Inspektorit të Lartë të Drejtësisë
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[Click to watch the introduction video of HIJ](#)