



REPUBLIKA E SHQIPËRISË

**THE OFFICE OF THE HIGH
INSPECTOR OF JUSTICE**

**GENERAL PROSECUTION
OFFICE**

No. ____ prot.

No. ____ prot.

Tirana, on 05. 02. 2021

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COOPERATION AGREEMENT

“On carrying out thematic and institutional inspections on individual misconducts of the magistrates/prosecutors of the general jurisdiction prosecution offices”

- WHEREAS:** Being aware of the need and importance of the interinstitutional cooperation in carrying out the thematic and institutional inspections and for the individual misconducts of the magistrates, prosecutors to the general jurisdiction prosecution offices, through the implementation of the best practices to the disciplinary cases for increasing the performance of the criminal justice system.
- BASED ON:** The fact that the disciplinary proceeding goes in function and should serve to the accountability and responsibility of the magistrates/prosecutors and cannot be used in an abusive form as an instrument for harming the independence and autonomy of the prosecutors.
- AIMING TO:** Intensify the cooperation between the institution of the Office of the High Inspector of Justice (HIJ) and the General Prosecution Office, in carrying out the thematic and institutional inspections and/or for individual misconducts to the general jurisdiction prosecution offices.
- AFFIRMING:** The determination on respecting rigidly the Constitution and the laws during the respective work processes of both institutions, where the initiation and development of the disciplinary investigations shall be realised in equilibrium, based on the principles of public interest on the

administration of justice, the principle of legality, a fair and impartial trial as well as that of the separate of powers.

IN ACCORDANCE WITH: -The Law No. 115/2016 “*On governance institutions of the justice system*”, as amended, Article 204, paragraph 1 letter “a” and “b”
-Law No. 97/2016 “*On the organization and function of the Prosecution to the Republic of Albania*”, Article 38, letter “ë” and “i”.
-Law No. 96/2016 “*On the status of judges and prosecutors in the Republic of Albania*”, as amended, Article 119.

WITH THE SIGNING PARTIES:

The Office of the High Inspector of Justice (HIJ), represented by the High Inspector of Justice **Mr Artur Metani, herein after referred as party;**

And

The General Prosecution Office (GPO), represented by the Prosecutor General Mr Olsian Cela, herein after referred as party;

Now therefore

Agree on signing the Cooperation Agreement as follows:

Article 1

The Object

1. Ensuring the cooperation on the disciplinary proceedings against the prosecutors of all levels and thematic and institutional inspections of the general jurisdiction prosecution offices, for the fulfilment of the functions and obligation, as defined by the Constitution and the laws for both Parties, based on the principles of independence, accountability, transparency, a fair trial and the efficiency of the criminal justice system.
2. Establishing direct communication for the exchange of information, without affecting the respective discretion, the secret of the investigation and the protection of personal data.
3. Informing on other issues of mutual interest for the Parties of this Agreement.

Article 2

The contribution of the GPO

1. The Prosecution General submits to the HIJ the request on the investigation of individual misconducts, in cases where there are reliable data that a disciplinary misconduct has occurred, found/discovered through:
 - a. Monitoring the implementation of the general instructions;

- b. Periodical information on the exercise of constitutional and legal competences of the GPO;
 - c. Conducting analyses on the reports relating to the continuation of the activity of the general jurisdiction prosecution offices;
 - d. Information from other sources and information.
2. The request is accompanied by the necessary documentation regarding the facts, indications and proofs that have served to believe that a disciplinary misconduct has occurred.
3. The Prosecutor General, asks for carrying out the thematic and institutional inspections, arguing the need for inspection, the evidenced problem and suggesting the object of inspections, on a case by case basis.
4. The Prosecutor General ensures the cooperation between the general jurisdiction prosecution offices and the HIJ, in order to facilitate the process of collecting the information and the fulfilment of the functions that the Office of the HIJ inspectors have.
5. The Prosecutor General informs the HIJ regarding the information, related to the disciplinary proceeding of the magistrates/ prosecutors, collected in accordance with paragraph 1 of this Article.

Article 3

The contribution of the Office of the High Inspector of Justice

1. The High Inspector of Justice informs the Prosecutor General about each and every decision on initiating the disciplinary investigation against the magistrates/prosecutors, and also about the carrying out the thematic and institutional inspections.
2. The High Inspector of Justice informs the Prosecutor General regarding the results of the thematic and institutional inspections, as requested by the prosecutor general in accordance with the law.
3. The High Inspector of Justice cooperates with the Prosecutor General in the framework of ensuring the information during the exercise of their functions and competences, as defined by the Law.

Article 4

Bilateral Contributions

1. The parties agree to cooperate in relation to the transmission of the institutional memory on carrying out the institutional and thematic inspections on general jurisdiction prosecution offices.
2. The parties agree to organize mutual meetings and to exchange experiences between the inspectors of the HIJ and experienced prosecutors to the field of inspection and investigations of the GPO, aiming to share best experiences and to address of the evidenced problems during the inspections carried out by the HIJ.

Article 5

Coordination between the Parties

1. Each of the parties shall assign contact persons for the implementation of this Agreement.
2. The contact persons shall have continuous meetings between them, depending on the need for exchange of information. The object of exchange of information between them shall be defined in accordance with the Article 1 of this Agreement.
3. The contact persons shall inform in continuity the heads of their institutions regarding the implementation of this Agreement.

Article 6
Confidentiality

The shared information by and between the Parties shall be administered in compliance with the rules foreseen by the Law No 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, the Law No. 115/2016 “On governance institutions of the justice system”, as amended, The Criminal Procedure Code, The Administrative Code, the Law No 119/2014 “On the right of information”, the Law No. 9887 “On protection of personal data”, as amended and the relevant sublegal acts in force.

Article 7
Last provisions

1. This Agreement shall enter into force on the date of its signature.
2. The amendments shall be valid only my mutual consent, through the exchange of written communication, specifying the date its entrance into force.
3. This Agreement is drafted in Albanian language and is signed in 4 original copies, where two copies shall belong to the HIJ and two other copies to the GPO.

Signed on this day, 05/02/2021.

**HIGH INSPECTOR OF JUSTICE
GENERAL
ARTUR METANI**

**PROSECUTOR

OLSIAN ÇELA**