

High Inspector of Justice

NEWSLETTER

No.6

June 2021

HIJ TREATED THE 1000TH COMPLAINT

On June 18th The 1000th complaint was reviewed today in the Office of the High Inspector of Justice. This is an important moment of effectiveness and transparency, for a completely new institution, established only 16 months ago, which has over 3700 complaints filed for judges and prosecutors, most of them accumulated over years and forwarded by institutions as; the High Council of Justice, the High Judicial Council, the High Prosecution Council, the General Prosecutor and the Ministry of Justice.

The review of complaints is done according to a working methodology approved by the High Inspector of Justice (Order no. 65, dated 28.09.2020, Order no. 66, dated 28.09.2020 and Order no. 98, dated 12.11.2020), which regulates the manner of re-evaluation, categorization and level of priority in treatment. Giving citizens a timely response to their complaints, regardless of the time or institution when and they filed them, remains a priority for the office of HIJ.

The HIJ office has facilitated the complaining process, which can be done in three ways. The complaint can be filed electronically, by filling the complaint form and sending it to the official e-mail, which is available on the official website



of HIJ; by mail, or by coming in person at the HIJ Office to complete and submit the form. The process of submitting complaints to the HIJ takes place every day of the week, from Monday to Friday, from 09:00 to 14:00. Each complainant, if needed, is assisted by the Complaints Sector staff.

Because of the commitment of the institution to be as transparent as possible about its activity, the official website of HIJ reflects and updates every Monday the figures of complaints received by HIJ, those handled, complaints in the process of treatment and verification after the initial review, as well as the number of decisions taken by the High Inspector of Justice to initiate a disciplinary investigation and the number of requests for disciplinary proceedings against judges and prosecutors.

The High Inspector of Justice urges citizens, institutions, media and civil society organizations to continue to contribute in denouncing facts or violations that may be committed by magistrates.



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INSPEKTORI I LARTË
I DREJTËSISË

COMPLAINING AT HIJ IS EVEN SIMPLER NOW!

To further facilitate the complaint process, the High Inspector of Justice Office is introducing a new, more simplified form of complaint so that citizens or institutions can file their complaints concerning allegations of violations by magistrates or prosecutors.

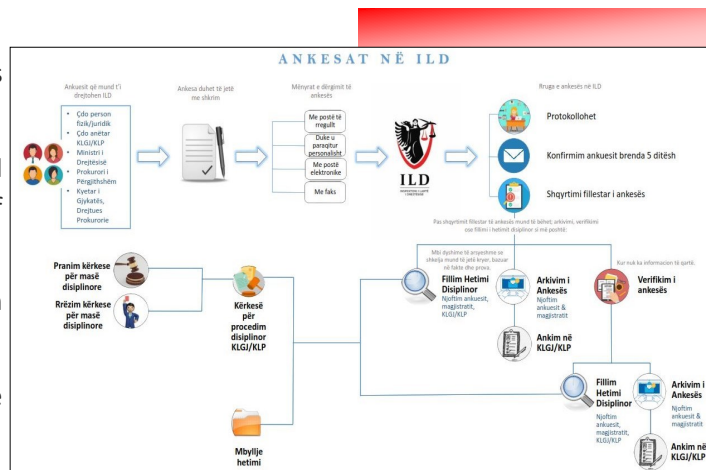
The new complaint form is already available on the official HIJ website, with the relevant guide and a concrete example of how to complete it.

In the special complaints section, the interested parties can learn about how complaints are received by the High Inspector of Justice Office, the manner and

deadlines of their handling procedure, as well as concrete examples of this procedure.

Every interested citizen or institution has several ways to file a complaint to the High Inspector of Justice:

- Fill out the online complaint form, available on the official HIJ website.
- Mail the complaint form to the address of the High Inspector of Justice Office.
- Submit the complaint in person to HIJ; complete the form, if necessary, with the assistance of the complaints' office team.



The High Inspector of Justice remains committed to the best standards, transparency and facilities for every complainant, whether a citizen or an institution, in terms of verifying and handling complaints as soon as possible, as well as investigating disciplinary violations of any magistrate in our country.

“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 **June**, the High Inspector of Justice Office handled **140 complaints**, made by citizens, organizations and institutions.

The total figure resulted as follows:

134 complaints filed by citizens;

6 complaints filed by public and non-public institutions. **31 phone calls** with citizens who asked information about their complaint stage or assistance to fill out their complaint forms. **31 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 June 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.

THE FIRST 11 MONTHS OF HIJ, A GOOD ROAD PREPARED FOR THE FUTURE

The High Inspector of Justice presented on June 3 to the Assembly the work report for 2020.

Speech of the High Inspector of Justice in the Assembly:

“It is my pleasure to present to you the first report of the High Inspector of Justice for 2020, which includes the first 11 months of work. I will try to be concise to save you time, provided that the full report is available to everyone.

The inspection of each magistrate’s work in the Republic of Albania, a practice that previously existed divided into separate institutions, has taken on a new dimension, through a Constitutional independent institution such as the High Inspector of Justice, established on February 1st, 2020. HIJ reviews, verifies, investigates and prosecutes every judge and prosecutor in the Republic of Albania, who is suspected of having committed a disciplinary violation.



“Five years after the reform was approved, the time has come for the citizens to see results, because strengthening the independence, responsibility and efficiency of the judicial system is crucial to a functional, impartial system, with integrity and whose focus is the citizen. These are the foundations of a strong and democratic rule of law, which we all would like to have”

According to the law, the High Inspector of Justice is set in motion based on the written complaint of any interested natural or legal person, or public body, including the Minister of Justice; Prosecutor General; members of the High Judicial Council or the High Prosecutorial Council; presidents of courts, heads of prosecutor’s offices, as well as on its own initiative. Since HIJ is a new institution, since in the beginning, I have considered a personal and institutional challenge, building and implementing the best standards and principles, without being influenced by the

wills or subjectivisms of the moment, or the heat of the current debate, but by seeing the issues in principle and at the core of maintaining an important balance of them. It has not been easy at all in the beginning, because being set up from scratch, our institution had the most basic challenges, from equipping offices and temporary staff, regulating legal, structural and physical activity, designing and devising the applications and recruitments methods, completing the staff while lacking workplace, to confronting an influx of inherited files since the very first days. The restrictions which

came as a result of the Covid-19 pandemic were another added element of difficulty, it was the same for every institution actually, but to the HIJ particularly, they brought the suspension of the competition and the recruitment process.

During its first year of work, HIJ had only 1 magistrate inspector, inherited from the former HJC and we relied on the assistant inspectors for the internal recruitment process. 13 magistrate inspectors in the Organizational Structure are selected by the HJC and the HPC, and 13 non-magistrate inspectors, a process still

unfinished for subjective reasons, mainly related to the lack of interest after calls for candidacy by the High Judicial Council and the High Prosecutorial Council, according to the law. As a statistics, the number of files submitted to HIJ by institutions, such as the High Judicial Council, the High Prosecutorial Council, the Prosecutor General and the Ministry of Justice, but also the complaints received since the establishment of the Institution until December 2020, exceeds 3054. (2104 transferred and 950 submitted to HIJ from February 1st to December 31st, 2020. 184 decisions have been approved and 1347 practices have been handled)

Being a person who likes to see the glass half full, I will not talk about difficulties, but about the work we have done, despite them. Since the first days of taking office, I have defined as an important priority the verification of releases on parole of the convicted persons. It was a highly sensitive issue of public interest. I would like to share with you the fact that only with one magistrate inspector available has voluminous work been done during the 11 months of work in 2020.

Taking into consideration that every request that arrives at the institution goes

through several stages, which are "review", "verification", "investigation" and "disciplinary proceedings", all of which have their working deadlines, during 2020 the High Inspector of Justice has approved 8 decisions to initiate a disciplinary investigation (2 prosecutors and 6 judges), 5 of whom (one magistrate-prosecutor and 4 magistrate-judges) are investigations initiated mainly by HIJ and the other 3 (magistrate-judges) are investigations initiated by cases submitted by institutions. (2 MJ, 1 HPC).

Thus, from February to December 2020, 4 requests were formulated to commence a disciplinary investigation, 3 at the HJC and 1 at the HPC. During this reporting period, the HJC accepted the request of HIJ for the dismissal of a magistrate judge, while the HPC rejected HIJ's request for a disciplinary measure against a prosecutor magistrate, a decision which HIJ has appealed. We consider this balance important for our conditions, as we have paved the way for the future. On the other hand, the High Inspector of Justice Office pays special attention to the requests coming from the citizens.

From February 1st to December 31st there were 756 complaints from citizens. This figure shows

considerable interest if we take into account the pandemic situation and the fact that we were a new institution without infrastructure.

Citizens' expectations are high and this imposes maximum seriousness and commitment on us. Being aware of this public approach, we have made it easier for the citizens to submit their complaints. Complaints can be made online through a form found on the HIJ website, along with a guide to filling it out, which is a time-saving process.

The complaint can also be made at the HIJ institution, where the special staff assists each citizen in the process of filling out the complaint form and the third way is by mail. So everything for the citizen to have the right access for every violated right claim.

Our work will continue with clear goals and objectives, which will result in setting standards on verifying complaints, handling them as soon as possible and investigating mainly disciplinary violations, a process that is of particular importance, to increase the responsibility of judges and prosecutors in their duty performances, increase public trust in the judicial bodies, increase the quality of judicial service and that of the prosecution, etc.

For a clear orientation, HIJ has drafted, with wide consultation, and has already approved the “Strategy and two-year action plan” with strategic objectives related to the independence, efficiency and professionalism of the HIJ Office; the development of the verification process, disciplinary investigation and inspection in accordance with the principles of disciplinary proceedings and international standards; active participation in the processes of coordination and institutional cooperation as well as increasing transparency and public access to the High Inspector of Justice Office. In the vision of the High Inspector of Justice, inspection should not be seen as to hammer prosecutors and judges.

There is no doubt that those who have committed violations

should be feared now and forever, yet it is important to find the right balance among the public interest to monitor and see the administration of justice by judges and prosecutors, the separation of powers, and the independence of judges and prosecutors.

I am aware that the fulfillment of the goals we have set for ourselves will require time, and especially wider cooperation with various national and international institutions and mechanisms. From the review, verification, further investigation to disciplinary proceedings, the goal of the High Inspector of Justice Office remains the radical change of the inspection concept to unify the best standards of justice for all. I have been pleased to note, in our working meetings with other

important institutions such as the HJC, HPC and PG, that this is a shared idea. It is a vision, which the High Inspector of Justice will share in the thematic inspections, which take place in every court and prosecution office in the country. To conclude, I would like to thank the Assembly and especially the Law Commission for supporting and encouraging the HIJ.

The institution of the High Inspector of Justice is open to the cooperation and contribution of all to finalize the common goal which such a profound major reform was carried out for: equal justice for all.

To watch the full video of the speech of HIJ, Mr. Metani, [click](#).

METANI: THE JUDGE SHOULD MAINTAIN HIGH STANDARDS OF JUDICIAL AND PERSONAL CONDUCT AS A MECHANISM OF TRUST FOR ANY JUDICIAL DECISION GIVEN

Today the HJC accepted the request of the High Inspector of Justice for the suspension from duty of E.K., magistrate in the Court of First Instance Elbasan, until the end of the disciplinary proceeding and asked the HIJ to conduct further investigations into the disciplinary violation attributed to the magistrate.

On May 30, 2021, High Inspector of Justice Artur Metani started on his initiative, a disciplinary investigation against magistrate E.K., Deputy President of the Elbasan Judicial District Court, who is also the President of this

court. The investigation started after some videos which bore the logo of the social network application “Tik Tok” went viral on print and visual social media. In these videos magistrate E.K. appeared in her office premises and inside a vehicle with provocative behavior and music in the background inappropriate for the image of a magistrate.

In his statement before the members of the High Judicial Council, the High Inspector of Justice said, among other things, that the disciplinary investigation proves that magistrate EK has committed acts contrary to



the principles of the magistrate integrity and the principle of good conduct and self-control, provided in the Code of Judicial Ethics. The magistrate's off-duty conduct and actions as well as the ones in her office premises, discredit the image and position of the magistrate and damage the public trust in the judicial system, and are considered a very serious disciplinary violation.

High Inspector of Justice Metani underlined that "The judge must maintain and enforce high standards of conduct and shall personally respect these standards in his judicial and personal conduct. Not only must the judge convey justice, but he should also convey high credibility, ethics and integrity in giving a court decision. To accomplish this, his conduct must reflect it in every aspect of his work and life."

Based on the conclusions of the disciplinary investigation, High Inspector of Justice Artur Metani proposed to the High Judicial Council, the suspension from duty of the magistrate E.K., until the end of the disciplinary proceedings and the disciplinary measure "Dismissal" provided by Article 111 of Law no. . 96/2016 "On the status of judges and prosecutors in

the Republic of Albania", as amended, for disciplinary violations provided by Article 140, paragraph 2, letter "a" of the Constitution of the Republic of Albania ", Article 103, paragraph 1, letter "dh" of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, as well as violations of the Code of Judicial Ethics approved by the High Judicial Council with Decision no. 171, dated 22.04.2021: Section "C" "Principle of integrity", letters "a" and "b", Section "Ç" "Principle of good conduct and self-control", paragraph 9, letter "c".



METANI: MY PERSONAL CONVICTION, BASED ON LAW, IS NOT NEGOTIABLE

High Inspector of Justice quotes on his official Twitter account:

"I am very interested in what is written in the media, because I want to see the perception of certain decisions or certain issues that are addressed. I try not to fall prey to pressure, for better or for worse. But, my personal conviction based on law, I do not negotiate with anything. With no article or public statement."



On June 10, the High Inspector of Justice, Mr. Artur Metani, gave an interview to journalist Mustafa Nano, on the show "Arnautistan", on MCN TV.

When asked about his perceptions regarding the position he has been holding for almost 16 months now, Mr. Metani compared it to a challenge full of surprises and satisfaction, but also a great moral and professional burden, among those who believed in him and especially the citizens' expectation. "Above all, there is a great burden from the entire Albanian society, which expects visible, fast results from these new institutions, such as the High Inspector of Justice."

Speaking about the justice reform and its progress, the High Inspector of Justice said that it is a process that needs time to prove itself, but it also requires commitment, not only from institutions but also from citizens. "I think that the success of the reforms and new justice institutions does not depend on the work of Artur Metani, or the work of the SPAK prosecutors or colleagues working in

the High Judicial Council and the High Prosecutorial Council. Justice is a lively, dynamic concept nurtured by all of us within the sphere and the obligations we have as citizens. Undoubtedly, most of it belongs to Artur, Arben Kraja of Spaku and so on with all the officials who work everywhere but it also belongs to us, citizens, including me, we have our obligations when we educate our children: do not cheat as it is wrong, do not park illegally, your dad will not ask your teacher to give high undeserved grades, your dad will not pay money for your school. It all amplifies, and then we come to the part where we ask for justice, for something we have not done ourselves since we were young children.

So, I mean we all need to help justice develop. It is not something that depends simply on the work of the institution but on all of us. Even on journalists, I think. "It is a concept that needs blood, food and love," said Mr. Metani.

The High Inspector of Justice spoke about thematic inspections, the





already announced priority of the institution he leads, to identify and address the phenomena encountered in the courts and prosecutors' offices of the country.

When asked about the case of the magistrate from Elbasan, for whom ILD has requested suspension and dismissal in the High Judicial Council, Mr. Metani said that he understands the public sensitivity, but he acts on his conviction based on law, based on the public official personal conduct, and even more so a magistrate, who sits in judgment on the lives

of others. "For this reason, you have to be very strict in your conduct, you have to restrain yourself and you have to give up on a lot of things that others can do freely, even though they may be within the private sphere. This is crucial for the impact that your decision-making has on the citizens. "

The HIJ reaction was quick, said Mr. Metani, because the public deserved a quick response from the institutions responsible for that and consequently, although I pay attention to the perceptions that are conveyed to the public, the decision of the High Inspector of Justice is based on the law and nothing else. "I negotiate my conviction based on the law with nothing; no article or public statement." said the High Inspector of Justice.

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

HJC ACCEPTS THE REQUEST OF THE HIGH INSPECTOR OF JUSTICE FOR THE DISMISSAL OF THE MAGISTRATE K.S

The High Judicial Council in the session of June 2 accepted the request of the High Inspector of Justice for the dismissal of the magistrate K.S.

High Judicial Council in today's session accepted the request of the High Inspector of Justice for the dismissal of the magistrate K.S.

In the hearing session at the HJC, High Inspector Metani said: "In the analysis of the documentation administered within this disciplinary process, it resulted that Judge K.S., with the court decision of the Court of First Instance for Serious Crimes in Tirana (no. 69, 29.10.2019), upheld by the Special Court of Appeal for Corruption and Organized Crime Tirana (no. 19, dated 21.09.2020) was found guilty of the criminal offense "Passive corruption of judges, prosecutors and other officials of the justice bodies", provided by article 319 /



ç of the Criminal Code."

In relation to the facts proven in this disciplinary investigation process as well as accepted by the court, results that magistrate K.S. has taken active actions

through direct benefit, actions which are estimated to contain elements of the criminal offense provided by Article 319 / ç of the Criminal Code, committed during the exercise of the duty, with the direct intent to profit irregularly from them, favoring one litigant by issuing a civil court decision in his favor. While presenting the conclusions, Mr. Metani stated that “The actions of the magistrate K.S. have violated the regular activity of the judiciary through the irregular actions of the outsiders as well as their own actions as justice officials. These actions have violated the litigants and the public trust in the judiciary and their respect for the law, and have severely

discredited the position and image of the magistrate. Irregular exercise of duty by magistrate K.S. has had consequences for the administration of justice has severely discredited the position and image of the judge and has undermined public confidence in the justice system.” Consequently, High Inspector of Justice Artur Metani requested from the HJC the administration of the evidence presented by him in this disciplinary proceeding, the acceptance of the HIJ request for the initiation of the disciplinary proceedings and giving magistrate K.S. the disciplinary measure “dismissal”, a request that was accepted by the members of the High Judicial Council.

WE ARE STILL AWAY FROM WHAT IS EXPECTED FROM US, BUT ALSO FROM OURSELVES



On June 23, the High Inspector of Justice Artur Metani participated in the event organized by the Helsinki Committee, for the presentation of the monitoring results of the High Judicial Council and the High Prosecution Council, where he spoke about the challenges of justice reform and the role of civil society.

The speech of High Inspector of Justice:

Thank you for the invitation and for organizing this activity.

This meeting, as well as the discussion regarding the activity of the justice system new bodies, especially in the first phase of the High Judicial Council and the High Prosecutorial Council, in itself constitutes a clear indication that the Justice Reform has embarked on its journey and the results of this monitoring and report,

clearly show that this journey has no turning back now.

This reform is one of the largest undertakings for democracy and the rule of law in Albania. It is one of the deepest constitutional, legal and institutional reforms, which has affected the justice system not only in our country, but it is undoubtedly among the deepest reforms compared to other justice systems.

Implementing the reform, of the new constitutional organization of the justice system, of the new powers, and the new philosophy of exercising these powers, is not easy. This is not only because the establishment and operation of the new institutions was and still remains a challenge, for many reasons, some of them do not even depend on the new institutions, but also because justice reform is a process of transformation, which takes its time to realize the purpose for which it was conceived and designed. However, I think that the new justice bodies have started to function, they have started to exercise their powers and to their greatest extent they have started to give concrete results.

Of course, this is not the place to emphasize achievements, because it is neither the time nor the place, nor the stage in which the process of implementing justice reform is. We are still far from what is expected from us, and from what we expect from ourselves. However, I think this is the place to say that the process of reforming the justice system and the functioning of the new bodies, their efficiency and success and the overall implementation of law in Albania, requires intensive and



process, which requires mutual will: the institutions should be open to this cooperation and civil society organizations ought to offer this cooperation.

I am confident that only through the full functioning of the new bodies of the justice system, the full engagement of civil society organizations, local and

continuous support and cooperation among these bodies and also among academics, experts, civil society organizations, the media and our international partners such as the EU and the US, who have supported this reform not only financially, but also in the creation and implementation of a new way of thinking or new mentality, to change the culture of corruption and impunity in Albania.

In this sense, I highly appreciate activities like this one today, as the role of civil society remains irreplaceable, in all this process in particular, but also in the functioning of the rule of law in general. Civil society organizations represent an alternative way to protect the citizens' interests, different perspectives, positive pressure on decision-makers and leaders of new justice bodies by overseeing their activities and rightly demanding accountability from these bodies.

At the same time, I think that this oversight process may not focus only on identifying problems and making recommendations.

The critical approach and problem identification are only one aspect. In this case, in the framework of effective oversight, there is a need for continuous cooperation between the new bodies of the justice system and the civil society organization. Cooperation is a necessary

international experts, will it be possible to have an effective practical implementation of the Justice Reform, based on professionalism and on the principles of accountability and independence, access for all, and above all the return of public trust in justice, which served as the impetus for the conception of this Reform.

Personally, I am convinced that the findings of this monitoring report are a very good starting point for a full analysis of the current state of the organization and functioning of the justice system new bodies, in order to identify the problems that have resulted from the exercise of powers during the initial activity, as well as the needs for improvement in the future.

Thanking Mrs. Skëndaj and the Albanian Helsinki Committee, regarding the monitoring of the establishment and functioning process of the new bodies of the justice system, I take this opportunity to also congratulate my colleagues, Mrs. Llagami and Mr. Ibrahim as well as the members of the Councils, who are fully engaged in performing their duties during this period, on the work done and the results achieved.

Thank you

[Click to listen to the speech of HIJ.](#)



HIGH INSPECTOR OF JUSTICE STARTS COOPERATION WITH THE INSPECTORATE-GENERAL OF THE JUDICIAL SERVICES OF FRANCE

On 26 of June, High Inspector of Justice Artur Metani held an online work meeting with the Inspectorate-General of the Judicial Services of France on the beginning of the cooperation between the two institutions. Mr. Metani thanked the European Commission for the Efficiency of Justice, CEPEJ for organizing the meeting, as part of the cooperation, which has already started, with HIJ. The head of the Inspectorate-General of the Judicial Services of France expressed his satisfaction for establishing the contacts and for the future concrete cooperation with the High Inspector of Justice of Albania.

Thanking his French counterpart Mr. Beynel and his team for their expressed willingness to cooperate, the High Inspector of Justice, Mr. Metani expressed his pleasure that the first European counterpart institution, which HIJ will cooperate with, is that of France; they will exchange concrete experiences in terms of capacity building for the best standards of justice for citizens.

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Spot prezantues ILD
Prezantimi i Inspektorit të Lartë të Drejtësisë
[youtube.com](https://www.youtube.com)

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