

## ASSEMBLY

APPROVED

**SPEAKER**

**Gramoz Ruci**

*(signature and seal)*

## RESOLUTION

### **PERFORMANCE EVALUATION OF THE OFFICE OF THE HIGH INSPECTOR OF JUSTICE FOR 2020 (FEBRUARY - DECEMBER)**

#### **Assembly of the Republic of Albania,**

By way of evaluating the role of the High Inspector of Justice as 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, as well as institutional inspections of courts and prosecution offices;

Considering the role of the High Inspector of Justice in the investigation of suspected violations through complaints filed by any natural or legal person, but also mainly based on public data or provided in the framework of institutional and thematic inspections;

Underlining the importance of co-operation of the High Inspector of Justice with the High Judicial Council, the High Prosecutorial Council and the Prosecutor General in the framework of fulfilling their functional duties;

Underlining the importance of co-operation of the High Inspector of Justice with international partners,

#### **Evaluates the performance of the High Inspector of Justice in terms of:**

- Transferring and initiating the initial review of a large number of complaints related to the activity of magistrates, organization of human resources, as well as the initiating a new recruitment process of inspectors and Office staff.
- Detailed annual and periodic reports, as well as information addressed to the Ministry of Justice, the Ministry of Europe and Foreign Affairs and the Albanian Parliament on the activity of the institution.
- The engagement of the High Inspector of Justice in the preparation of the regulatory framework of the institutional activity pursuant to Article 204, letter "c", of Law no. 115/2016 "On justice system governance bodies".

**Based on the analysis of data for the period February-December 2020, referred to in the report submitted by the High Inspector of Justice, the Albanian Parliament finds:**

- Commitment to initiate reviewing a number of 3054 complaints registered from February to December 2020.
- Approval of 8 decisions for the initiation of disciplinary investigation, respectively 6 disciplinary investigations initiated ex officio and 2 disciplinary investigations initiated after the cases submitted by the institutions to HIJ.
- Issuance of 184 decisions for reviewing complaints, of which 142 there were made decisions for archiving complaints after the initial review and 42 decisions for the verification of complaints after the initial review.
- After carrying out the verification procedures, the approval of 7 decisions for the initiation of disciplinary investigations against magistrates, as well as the submission of 4 requests for the initiation of disciplinary proceedings before the High Judicial Council and the High Prosecution Council.
- Initiation of the thematic inspection at the courts of judicial districts, courts of appeal, as well as the new prosecutor's offices attached to for the treatment of requests surrounding the scope 'release on parole'.
- Drafting, elaborating and approval of the "Strategic Plan and action plan 2020-2022".
- Drafting and approval of the Code of Ethics of the institution.
- Drafting and updating the model of the complaint form.
- Concrete results of the disciplinary proceedings mechanisms of some magistrates, thus contributing to the return of public trust in justice institutions, as a tangible result of justice reform.
- The establishment from scratch of the physical and human infrastructure of a brand new institution in terms of form, as well as in content.

**Based on the above, the Albanian Parliament encourages the High Inspector of Justice to:**

1. Act promptly to review complaints filed with the Office of the High Inspector of Justice.
2. Further strengthening cooperation with the governance bodies of the justice system and other state institutions in accordance with the legal provisions in force for all processes that affect the implementation of tasks having been set out.
3. Informing continuously the Albanian Parliament on the problems encountered in the course of performing the tasks while recommending also appropriate solutions.

**The Assembly recommends to the High Justice Inspector;**

1. Establishment of a case management system for the investigative procedure, drafting of detailed provisions for the administration of this system, as well as making public the partial information as determined by the High Inspector of Justice

in accordance with and pursuant to Article 137 of Law no. 96/2016 ‘On the status of judges and prosecutors in the Republic of Albania’.

2. Establishment of a database of complaints transferred by the former HCJ and administered by the High Inspector of Justice, in order to categorise them and draft a preliminary review queue.
3. Coordination of the work and continuous exchange of information with the HJC, the HPC and the transitional re-evaluation bodies, which are responsible for the career system of magistrates regarding the existence or disciplinary proceedings initiated or complaints filed with the HIJ for magistrates applying for promotion within the career system.
4. Strengthening institutional relations with the High Judicial Council and High Prosecutorial Council, in order to handle disciplinary proceedings for prosecutors within a reasonable time.
5. Continuing to work intensively on drafting the disciplinary investigation manual, drafting the regulation for handling complaints and the methodology for inspection.
6. Continuing to work quickly to complete the recruitment procedures of inspectors at the Office of the High Inspector of Justice.
7. Drafting and approving the annual plan of institutional and thematic inspections and making it public on the official website of the institution.
8. Promotion and increase of the interaction of the High Inspector of Justice with the citizens through activities, periodic information, informative enrichment of the site, while using any other channels of public communication.

Approved on 3.6.2021.