

High Inspector of Justice

NEWSLETTER

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HIGH INSPECTOR OF JUSTICE BECOMES PART OF EUROPEAN NETWORK OF JUSTICE INSPECTION SERVICES

The High Inspector of Justice is now officially part of the European Network of Justice Inspection Services, with observer status.

The decision was taken unanimously on December 10th, 2021, at the meeting of this Network, whose members include only the member states of the European Union.

The cooperation of the High Inspector of Justice with the European Network of Justice Inspection Services started this year in November, through an official visit of its three representatives, from the Inspectorates of Justice of Romania, Portugal and France, supported by the Council of Europe project, SEJ III, and a two-day training where magistrate inspectors from France, Italy and Romania introduced to the HIJ inspectors and assistant inspectors, the best practices of judicial inspections by the European Inspectorates of Justice.



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Happy and honored that #HIGH INSPECTOR OF JUSTICE is officially part of the European Network of Justice Inspection Services as observer.

Glad to work with homologues of EU member states on best practices of the inspection of magistrates and much more. #ILD#HJ#RESIJ



Complaint Process at HIJ

The Office of the High Inspector of Justice continues with intensive work to confirm the complaints carried and those administered since February 1, 2020, when it was established as an institution.

To facilitate this process for interested persons, HIJ has published on the official website a special complaint form, which:

- ⇒ can be completed directly and submitted online;
- ⇒ can be downloaded, completed and sent by email to info@ild.al

⇒ or by mail at the address Boulevard "Dëshmorët e Kombit", Building no.13, Tirana.

It can also be completed by presenting at the Office of the High Inspector of Justice, if necessary, to ask for assistance of the team

of the Complaints Office.

Upon receipt of the complaint, the High Inspector of Justice within 5 days confirms in writing its receipt.

The criteria for the admissibility of the complaint are published

on the official website of HIJ www.ild.al, in the section "How to receive complaints".



“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.”

DECEMBER OF HIJ IN NUMBERS

83 archived decisions, of which 76 decisions after the initial review, 7 archived decisions after verification (5 archived decisions after verification from the backlog of the former High Council of Justice and 2 archived decisions after verification from HIJ);

16 verification decisions;

1 decision to initiate a disciplinary investigation process;

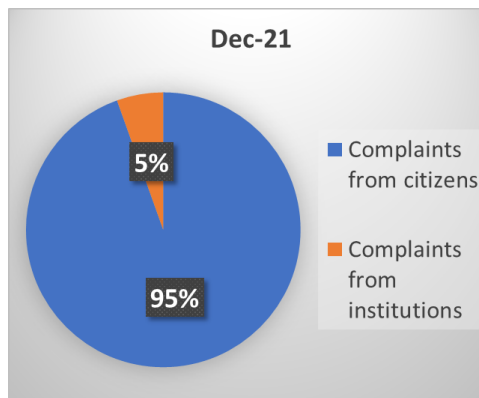
1 request for disciplinary proceeding.

STATISTICS

During **December**, the Office of High Inspector of Justice received **128 complaints** made by citizens, institutions and organizations.

This total figure resulted in:

121 complaints filed by citizens; **7 complaints** filed by institutions; **39 phone calls** with citizens, who asked information about the stage of their complaints or asked for assistance in how to complete the Form of the Complaint, **16 meetings** with citizens.



The High Inspector of Justice Office has performed the standard confirmation process of receiving complaints for all the new complaints submitted during December, 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.

COMPLAINT 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.



HIGH JUDICIAL COUNCIL ACCEPTS HIGH INSPECTOR OF JUSTICE REQUEST FOR DISCIPLINARY PROCEEDINGS AGAINST MAGISTRATE P.F.

The High Judicial Council accepted the High Inspector of Justice request to impose a disciplinary measure against Judge P.F. of Elbasan Court.

While announcing the decision, Chairwoman Naureda Llagami said that the HJC decided to accept the request of the HIJ and to impose the disciplinary sanction “salary reduction by 20% for six months” on the magistrate.

The High Inspector of Justice completed the disciplinary investigation against magistrate P.F., judge at Elbasan Judicial District Court, based on the practice initiated against her in 2017 by the Inspectorate of the HCJ (after some facts were broadcast by the investigative show “STOP” on Klan TV on 31.01.2017) and forwarded, at the request of HIJ, by the Ministry of Justice and the High Judicial Council.

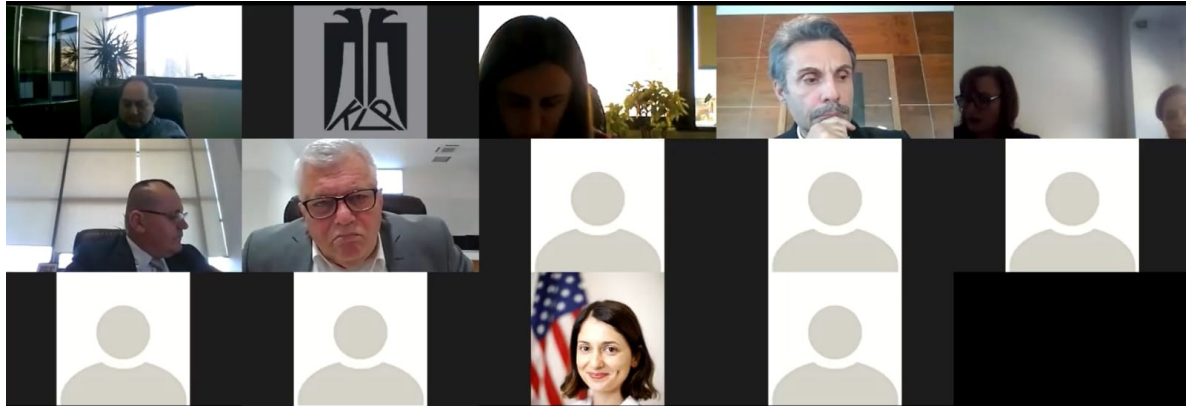
Having analyzed the facts, the HIJ concluded in his investigation report, that the magistrate subject to disciplinary investigation, has taken

actions which constitute a regular non fulfillment of duty failing to comply with the rules of solemnity, of the conduct related to the parties in the process, as well as the ex parte communication of the judge with two persons introduced as relatives of the defendant.

Despite her long experience in office, the judge has violated the principle of judicial impartiality, making the impression of a bias case solution instead of a fair one.

The actions performed by the magistrate have resulted in damaging the prestige of the judge as well as the public trust in justice. Public trust and the respect for the judiciary are guarantees of democracy and stability in a democratic society.

While presenting the conclusions during the hearing at HJC, the High Inspector of Justice requested to impose the disciplinary sanction “temporary salary reduction by 40% for six months”.



HPC ACCEPTS HIGH INSPECTOR OF JUSTICE REQUEST FOR DISMISSAL OF MAGISTRATE SH.K.

The High Prosecutorial Council accepted today the High Inspector of Justice's request for the dismissal of the magistrate SH.K., prosecutor in the Prosecutor's Office attached to the Court of First Instance of Pogradec, for serious professional violations, which discredit the position and image of the prosecutor. The disciplinary investigation against the magistrate SH.K., started after the Prosecutor General provided some information regarding procedural violations during the investigative activity, the representation of the criminal prosecution in the trial, as well as violations of ethical norms.

The disciplinary investigation conducted by the High Inspector of Justice on the investigative activity of the magistrate during 2018-2021, proved that the magistrate has repeatedly refused to review the files; has repeatedly missed hearings; has concluded cases with a decision as a prosecutor without transferring them to the court and has not issued orders for the execution of imprisonment court decisions.

The HIJ disciplinary investigation proved that magistrate SH.K. has repeatedly made serious violations of the rules of solemnity, the code of ethics in relation to the parties involved, the heads of the Prosecutor's Office, the judges, the judicial police officers, as well as with the judicial administration.

Magistrate SH.K. misconduct has led to serious professional violations, discrediting the position and image of the prosecutor, as well as undermining public confidence in justice.

Thus the High Inspector of Justice requested from the HPC the dismissal of the prosecutor SH.K. for the disciplinary violations provided in article 148/d paragraph 2, letter "a" of the Constitution of the Republic of Albania and in article 102, paragraph 1 letter "b" sub-paragraph "ii", article 102 paragraph 1 letter "ç", "d", "dh", "g" and article 102 point 2 letter "a" and "dh" of Law no. 96/2016 "On the status of judges and prosecutors".



METANI: BY PROTECTING JOURNALISTS WE PROTECT THE SOCIETY RIGHT TO JUDGE GOVERNANCE IN ALL ITS DIMENSIONS

Speech of the High Inspector of Justice Artur Metani at the conference held on 16 of December: "Security and protection of journalists: sharing standards and addressing common challenges"

Hello everyone and thank you for the invitation!


It is both a pleasure and a privilege to take part in this roundtable on the safety and protection of journalists as well as addressing joint challenges for free, professional media, which is a fundamental topic for the moral, political and constitutional health of a society.

This is my first meeting with media representatives on this topic and I hope it will not be the last because discussing and exchanging views, even when they are different, is the right way to find common communication bridges which do nothing but help the work of each of us, ours as institutions of justice and the media itself.

It is already an axiom that media freedom is one

of the crucial features of a democratic society. The freedom to speak up on government, public officials and social issues lay the foundation for the political and social development of a country. However, an independent judiciary and justice system is equally important for a democratic society. Both these values, these powers find protection and guarantees in the Constitution. But, neither is superior to the other – two powers with clear and separate profiles, but with essential similarities to each other. The power of both depends on the public and people trust.

Perhaps due to this predisposition of public trust, court decisions are often said not to be commented on but enforced. Ok, they must be enforced. However, they can be commented on as well. If the public is not happy with a court decision or decisions of the justice system, everyone should be free to say it publicly. Especially the media, a power conceived and designed to give voice to what the public thinks. And no matter how difficult this may seem or be when dealing with the work of justice institutions, these institutions are obliged to make decisions and be



prepared to be criticized for them, through media reports or analyses. And this is a vital element of democracy; the justice system must be able to withstand any criticism if the public or the media has the perception that there are unfair procedures.

Of course, there are cases when criticism can be unfair or in certain cases, it has no bearing in the truth. There are also doubts that there is a lack of knowledge about the work of justice institutions or that it focuses more on sensationalism than the core of a problem. But, that's not the point I think. Despite the normal problems of its development, the media remains the main source of information for the public; it is the main means of transmitting different perspectives and the main means to make justice institutions reflect.

Personally and institutionally, I stand by the opinion that freedom of the mass media is essential in a democratic society, an asset that must be guaranteed and protected even by the institutions.

Through the protection and guarantees we give to journalists, not only do we protect them, but we also protect their mission, we protect the society right to have the opportunity to judge governance in all its dimensions. It is the society that evaluates whether the governance or a certain media reporting is correct or not, and not the institutions that can limit the information. Within the constraints imposed by the European Convention on Human Rights, no one can evaluate the role of the media by limiting its information, by limiting its access to the information or even worse, intimidating and denigrating the media.

It is a fact that a society can develop healthily, only if its members, i.e. citizens, have reliable information and this depends on the work of the media, which conveys the information. This can be achieved only by knowledgeable journalists, well informed on the role and duties of the justice insti-

tutions and magistrates in a democracy, who report and criticize with the responsibility of being obliged to provide the public with accurate and impartial information. And we are lucky to have such journalists in Albania, even at this table.

Of course, there are cases when even the media reflects the defects that society itself has. This is typical of a developing society and it can't happen the other way round. But we do not help the democratic development of society, the media and institutions by imposing restrictions and boundaries. Even when we are sensitive to the unfair criticism we receive, it does not matter. What matters is the transparency, the opportunity for debate on the truth and what is right. This is a process, it is a democratic development that requires patience and of course time, which is also a price that we must be ready and cooperative as much as possible to pay.

I often hear the expression, which I also see as a piece of advice, that "the battle with the press is always lost." And I think it is. It is lost because lost is the battle with the freedom of the society to see and understand the administration of justice. And precisely in the name of public interest, the freedom of the media means the right to oppose and criticize, and this right must be protected and guaranteed. A strong and professional media will undoubtedly affect the accountability of our institutions, yet it is also clear that misinformation or false news erodes the public trust in the media and institutions leading to obstacles that hinder the whole society from moving forward.

In this context, there is a specificity which I want to emphasize. There is a significant difference between criticizing magistrates and criticizing other public officials. Magistrates can not respond to criticism, they can not comment on their cases, even refute media distortions of their decisions. Unlike political institutions, independent institutions and magistrates have this kind of constraint,

which is part of their duty. However, in my opinion, judges, prosecutors and justice institutions officials do not have misunderstandings with the media. Their battle is with transparency. Indeed, magistrates can not express or comment on their decisions, but if their decisions express clearly and unequivocally simply and straightforwardly their legal opinion and their law-based discretion, then the public and the media will be clear about what they feel is a fair or unfair decision. The clearer the judges' decisions are and the more aware they are about the role they play, the simpler it is for the media to convey to the public the importance of this decision-making.

Today we will talk about increasing the guarantees for the journalists to perform their duty and fortunately, in Albania, there are no cases of murder of journalists, such as the case of the late Maltese journalist Dafne Galicia, which was brought to attention at the beginning of this conference. A mafia-type murder of a journalist who was doing her job, and which should humiliate every country where it happens. And the institutions can do a lot to prevent such events from happening and to guarantee the journalists protection. For this conference, I consulted some figures published by the International Federation of Journalists, according to which 2658 journalists have been killed since 1990, 42 of whom in

2020 and 235 journalists are in prison.

Fortunately, we do not have such situations in our country and I wish we never have but without a doubt, cases of intimidation, violence, obstruction of duty have already been publicly denounced, such as the case of the Fax News journalist recently reported or even lawsuits in the courts. Some cases can be testified in this room as well. These are acts that remain disturbing, and that should make us all reflect and take action before we have to deal with the consequences.

The High Inspector of Justice is willing to do his part in protecting and guaranteeing the right of journalists to perform their duty because I repeat, I stand by the opinion that by protecting journalists, we guarantee the right of our society to have the freedom to judge every dimension of everybody's work.

Thank you very much!





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Best wishes

from

The High Inspector of Justice!

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[Inspektori i Lartë i Drejtësisë](https://www.youtube.com/Inspektori%20i%20Lart%C3%AB%20i%20Drejt%C3%ABs%C3%ABs%C3%AB)



Spot prezantues ILD
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[youtube.com](https://www.youtube.com)

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