

High Inspector of Justice

NEWSLETTER

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22 DISCIPLINARY PROCEEDINGS AGAINST 22 JUDGES AND PROSECUTORS ARE STANDARDS SET FOR ALL MAGISTRATES

High Inspector of Justice, Mr. Artur Metani in his interview with journalist Xhevahir Zhabina, of Euronews Albania talked about the work progress of the institution which turns two years old on February 1 of this year. Asked about the difficulties of this journey, Mr. Metani said that after two years, although there are still difficulties, they should be left behind, because now the focus should be improving the institution performance. As for the good work that HIJ may have been done so far, it is others who should judge.

"I would like not to dwell on the difficulties because in the end, the citizens are no longer interested in the difficulties we have in setting up

institutions. They are interested in standards, they care about our product, our work. "We need to focus on standards and performance enhancement to respond to the interests of citizens and society to enhance the performance of the justice system in general," said the High Inspector of Justice.

Speaking about the work figures of HIJ, a process that is transparent on the official website of the institution, Mr. Metani clarified the established methodology of handling over 4300 requests filed with HIJ, in order to avoid exceeding the legal deadlines of their review.

"There have been over 4300 complaints received so far and this



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During the interview

22 disciplinary proceedings means that 22 working standards are established from the High Inspector of Justice but even from the High Judicial Council and High Prosecution Council, which have accepted the requests from HIJ.

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figure includes the number of complaints received from the moment the institution was created, but also the number of old complaints, inherited by the former HCJ, the Ministry of Justice, the HPC, HJC, Prosecutor General. From this large group of complaints, about 1600 complaints have been handled during this working period, and this number of 1600 complaints includes new and old complaints. There is an order of the High Inspector of Justice, a methodical order, to evaluate how old and new complaints will be handled, so that there are no preferences when dealing with them, but there are properly defined criteria, pre-determined, which are based on law and the equality of the parties. From these 1600 complaints handled there are about 140 complaints in the process of verification, 40 in the process of investigation and 22 are disciplinary proceedings, which have been sent to the Councils, the High Judicial Council and the High Prosecution Council. They have been completed procedurally, apart from 2 or 3 of them that are in process with the Councils.”, explained Mr. Metani.

Asked if this figure could be perceived as low, the High Inspector of Justice explained the nature and procedure of a disciplinary investigation, from the way the audit is conducted, to the legal time it takes for an investigation, from 6-9 months.

“It is not a classic control of the work of courts and prosecutors’ offices, because that classic control is done by the system itself, by the higher courts or the higher prosecution offices. Secondly, the process followed by the High Inspector of Justice is a process provided by law and with its own deadlines, which means that the investigation of a case or violation lasts 6 months. Depending on the complexity of the case it can take up to 9 months. The issues are complex. So there may be a complaint about a magistrate, but the problem may be related to several magistrates and cases. Not every complaint that comes is within the nature and scope of the work that the High Inspector of Justice has. All these constitute a complexity of reasons, for which in the eyes of the public it may not seem a high number, the number 22 of disciplinary proceedings, but from a professional point of view, I think it is a considerable number, because in the end, what matters is the standard that is set through these disciplinary proceedings and not the number. So 22 disciplinary proceedings means that 22 working standards have been set by the High Inspector of Justice, but also by the High Judicial Council and the High Prosecutorial

Council, which have approved the requests made by the High Inspector of Justice. And these are working standards for all other magistrates, to effectively or naturally and logically lead to the idea that working standards will improve in the future. At least for these 22 disciplinary proceedings and so the work continues every day,” said Mr. Metani.

INTERVIEW OF THE HIGH INSPECTOR OF JUSTICE, MR. ARTUR METANI FOR EURONEWS ALBANIA

Journalist Xhevahir Zhabina: Mr. Metani, thank you very much for the opportunity to have this conversation. Two years after the start / establishment of HIJ, how would you consider the work of the institution you lead?

High Inspector of Justice Artur Metani: It has been two years since I was elected High Inspector of Justice. These are two years of intensive work for the establishment of the institution in every aspect, in every dimension, physical infrastructure, human infrastructure, sub-legal infrastructure, working standards, first work practices, and so on. However, this is not the time to identify difficulties, even though the institution has gone through them. Like all new institutions of the justice system in Albania, it faced many difficulties while being established. But these are difficulties and moments that belong to the past, and now we focus on the challenges, on raising standards, enhancing the performance of the institution.

Journalist Xhevahir Zhabina: What are the difficulties encountered during this period and the good work you have done?

High Inspector of Justice Artur Metani: “I would like not to dwell on the difficulties because in the end, the citizens are no longer interested in the difficulties we have in setting up institutions. They are interested in standards; they care about our product, our work and this is the reason why I previously said that these moments belong to the past. We need to focus on standards and performance enhancement to respond to the interests of citizens and society to enhance the performance of the justice system in general. Of course, even for the good performance of the institution, I would like not to be the one to do this analysis. I would like other institutions, even the media, to do this analysis, to see how the performance of the High Inspector of Justice and other institutions has been. For this reason we have started a very close cooperation with the civil society organizations, which I consider a very

strong monitoring mechanism of the work that we do and I would like these types of institutions or organizations to evaluate or point out any problematic result of our institution work, the work of the High Inspector of Justice.

Journalist Xhevahir Zhabina: Regarding the figures, what are the data that the High Inspector of Justice has in two years? So how many files are there, how many complaints are there, how many have been handled by you, which you also have on the official website.

High Inspector of Justice Artur Metani: The figures are also on our website. In the narrow or descriptive sense of the word there have been over 4300 complaints received so far and this figure includes the number of complaints received from the moment the institution was created, but also the number of old complaints, inherited by the former HCJ, the Ministry of Justice, the HPC, HJC, Prosecutor General. From this large group of complaints, about 1600 complaints have been handled during this working period, and this number of 1600 complaints includes new and old complaints. There is an order of the High Inspector of Justice, a methodical order, to evaluate how old and new complaints will be handled, so that there are no preferences when dealing with them, but there are properly defined criteria, pre-determined, which are based on law and the equality of the parties. From these 1600 complaints handled there are about 140 complaints in the process of verification, 40 in the process of investigation and 22 are disciplinary proceedings, which have been sent to the Councils, the High Judicial Council and the High Prosecution Council. They have been completed procedurally, apart from 2 or 3 of them that are in process with the Councils.

Journalist Xhevahir Zhabina: In fact, when you look at number 22, you can only see 22 and someone may think that probably there are a few. In your view as the chief inspector who follows the investigative process, is this a small number?

High Inspector of Justice Artur Metani: No! The short answer is "no". Firstly, by taking into consideration the nature of the High Inspector of Justice work, which is a nature of external control of the work of courts and prosecutors' offices. It is not a classic control of the work of courts and prosecutors' offices, because that classic control is done by the system itself, by the higher courts or the higher prosecution offices. Secondly, the process followed by the High Inspector of Justice is a

process provided by law and with its own deadlines, which means that the investigation of a case or violation lasts 6 months. Depending on the complexity of the case it can take up to 9 months. The issues are complex. So there may be a complaint about a magistrate, but the problem may be related to several magistrates and cases. Not every complaint that comes is within the nature and scope of the work that the High Inspector of Justice has. All these constitute a complexity of reasons, for which in the eyes of the public it may not seem a high number, the number 22 of disciplinary proceedings, but from a professional point of view, I think it is a considerable number, because in the end, what matters is the standard that is set through these disciplinary proceedings and not the number. So 22 disciplinary proceedings means that 22 working standards have been set by the High Inspector of Justice, but also by the High Judicial Council and the High Prosecutorial Council, which have approved the requests made by the High Inspector of Justice. And these are working standards for all other magistrates, to effectively or naturally and logically lead to the idea that working standards will improve in the future. At least for these 22 disciplinary proceedings and so the work continues every day.

Journalist Xhevahir Zhabina: Is the HIJ organization chart entirely completed? How many inspectors are currently on duty?

High Inspector of Justice Artur Metani: One of the concerns we have had, from the first moment of establishment till today has been the lack of magistrate inspectors. The law stipulates that half of the inspectors who work in the High Inspector of Justice Office should be magistrates, i.e. judges and prosecutors, and the other half non-magistrates, i.e. lawyers with 15 years of work experience. The staff approved by the Albanian Parliament for the High Inspector of Justice provides a number of 26 inspectors, which means that 13 of them must be magistrates and the other 13 non-magistrates. Today we effectively have 8 inspectors at work, 4 non-magistrates and 4 magistrates, 3 of whom prosecutors and a judge, inherited from the former High Council of Justice

I consider it very important that the group of magistrates be enriched and definitely have magistrate judges, because it is an important force, also because of the job profile they have, to monitor and inspect the work of magistrates in the justice system in Albania.

There have been 6 or 7 calls from the High Judicial Council for magistrate judges and there has been no interest, zero applications from magistrate judges. The reasons can be many, but the fact is that there are no applications for magistrate inspectors judges.

Journalist Xhevahir Zhabina: What difficulties does this bring for the HIJ functioning?

High Inspector of Justice Artur Metani: The first is that the staff is not complete. This means that the number of complaints that Inspectors have to deal with is much higher than what they should have. The second, most important, is that however crucial the complaints made by the citizens are for our work and the system, for many reasons, the important work that this institution should produce is thematic and institutional inspections and these thematic and institutional inspections should be done by the magistrates who come from the system, who know the system well, who produce legal analysis, and because of the nature of their work, magistrate judges are more inclined to be more productive in these thematic and institutional inspections. That is why I call every magistrate judge, even though I understand that for many reasons this may seem like a daydream because we have courts without judges today. In any case, it is a service that we must offer to the citizens, we must offer to the country.

Journalist Xhevahir Zhabina: If a judge decides to become part of HIJ, what are the benefits? So why should a judge or prosecutor be part of the HIJ?

High Inspector of Justice Artur Metani: This is an interesting question, because actually at some point, even I thought of launching a campaign in order to invite magistrate judges to be part of the HIJ. But we later evaluated that it was not the right way because this is a job for which the law has provided its benefits. I mean if a magistrate judge comes here he/she has the status of Appellate Judge, the salary and so on. Undoubtedly, this is important for the career of a judge, but I think that the institution where we work is also important, I mean the standards that we want to set in the justice system, which we have already created. And this is the moment to create these standards. It is a job, which is also professionally motivating because setting standards to monitor the work of judges and prosecutors is not an easy job, it is not an easy thing. It is a standard that requires very deep professional knowledge, very deep constitutional knowledge, but it also requires extensive knowledge from international practice, in terms of work done to monitor the work of judges and prosecutors, to balance what I have always said; it is

important to balance the independence of prosecutors and judges with the public interest in the administration of justice. And finding this balance is absolutely not simple. It is very delicate because we are talking about the independence of judges and prosecutors, not as a shield for their iniquities, but as a guarantee offered to ordinary citizens, who if they happen to be in a lawsuit against state bodies or interest groups larger than them, the independent judge has more guarantees to issue an independent judicial decision.

Journalist Xhevahir Zhabina: One last question Mr. Metani, has the 5-year statute of limitations prevented you from properly investigating?

High Inspector of Justice Artur Metani: We have a number of complaints inherited by the former High Council of Justice or by other previous institutions which have handled complaints against judges and prosecutors. There are complaints here since 2012 and obviously the 5 year deadline has passed. We have tried through that order, issued by the High Inspector of Justice, that all complaints, even though they are old, when they are still within the statute of limitations we try to handle them with priority, so that we can meet the deadline and the citizens can receive their replies for the alleged violations committed by the judge or the prosecutor. It is not always easy, not to say it is difficult, but we are trying to give an answer to everyone in time, answers that we think are in accordance with the law and we are transparent with our decision-making because we inform the citizen that any decision of the High Inspector of Justice is appealable before the relevant Councils. So if a citizen has a complaint against a magistrate judge and he/she is not satisfied with the answer he receives from the High Inspector of Justice for archiving the case, then the citizen is free to appeal this decision of HIJ to the High Judicial Council for the case magistrate judges or the High Prosecutorial Council for the case of magistrate prosecutor, as it is currently happening.

Journalist Xhevahir Zhabina: Thank you very much!

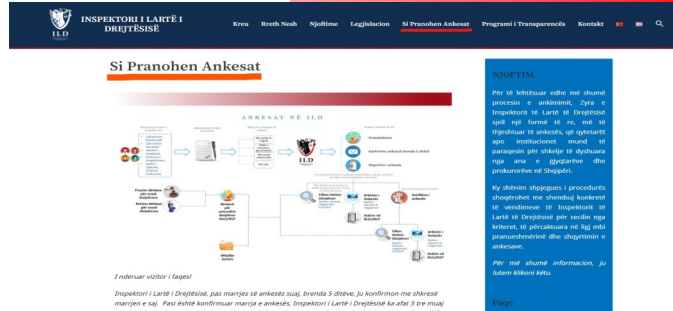
High Inspector of Justice Artur Metani: Thank you!

You can watch the full interview on the official channel or by [clicking here](#).

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 as-



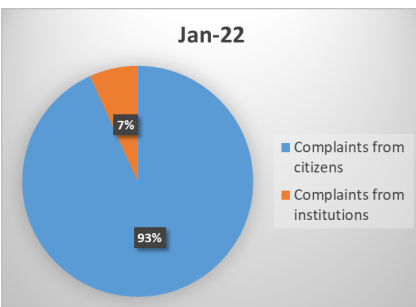
sistance of the team of the Complaints Office. Upon receipt of the complaint, the High Inspector of Justice within 5 days confirms in writing its receipt. The criteria for the admissibility of the complaint are published on the official website of HIJ www.ild.al, in the section "How to receive complaints".

“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.”

STATISTICS

During **January**, the Office of High Inspector of Justice received **50** complaints made by citizens, institutions and organizations. This total figure resulted in:

44 complaints filed by citizens; **6** complaints filed by institutions; **38** 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, **14** 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 January, 2021. Complaints against judges and prosecutors

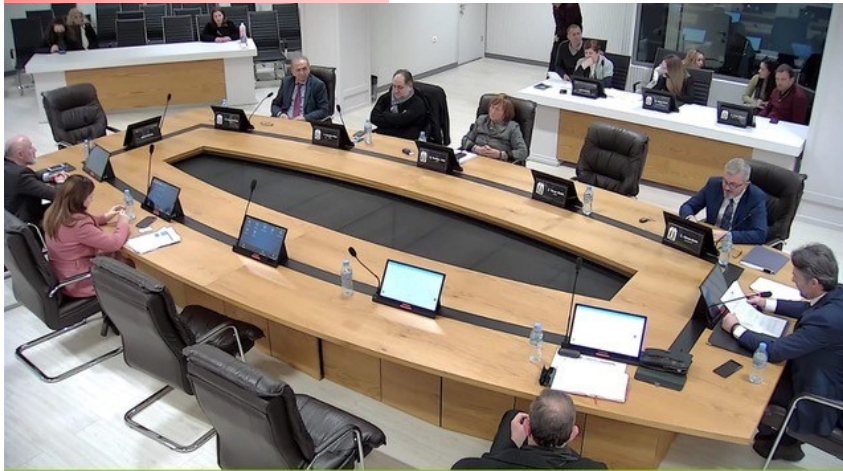
are referred to the inspectors and they are at different stages of the process such as the initial consideration, verification and the archiving together with relevant decisions.

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.

JANUARY OF HIJ IN NUMBERS

120 archived decisions, of which **91** decisions after the initial review **vendime arkivimi**, **8** archived decisions after verification, **21** archived decisions after verification from backlog from ex HCJ; **11** verification decisions, **2** decisions to initiate a disciplinary investigation; **1** decision for disciplinary proceeding. **2** accepted requests for disciplinary proceedings (1 from HJC and 1 from HPC)



HPC ACCEPTS HIGH INSPECTOR OF JUSTICE REQUEST FOR DISMISSAL OF MAGISTRATE B.Z.

The High Prosecutorial Council accepted on 31 of January the High Inspector of Justice's request for the dismissal of the prosecutor B.Z. of the Prosecutor's Office attached to the Court of First Instance of Diber. The investigation against the magistrate started after the Prosecutor General filed a complaint with HIJ.

The disciplinary investigation which included the magistrate's performance during 2013-2021, proved that the actions and omissions of the prosecutor constitute unjustified and repeated non-fulfillment of functions during the investigation, leading to unjustified delays of procedural acts, which are mandatory for implementation by the magistrates.

The magistrate has committed the same violation, during the period 2013-2021, making this violation a continuous one.

The actions of the magistrate B.Z. have had consequences in the administration of justice and did damage to the image of the prosecution body by undermining public confidence in justice.

They constitute a very serious disciplinary violation, which discredits the position and figure of the prosecutor during the exercise of duty and the High Inspector of Justice proposed to the High Prosecutorial Council the disciplinary measure "Dismissal", provided by Article 105, paragraph 1, letter "dh" and article 111, paragraph 2 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, as well as Article 148 / d, paragraph 2, letter "a" of the Constitution of the Republic of Albania, a measure that was accepted by the High Prosecutorial Council.



HJC ACCEPTS HIJ AGREEMENT WITH MAGISTRATE E.K.



As part of the additional disciplinary investigation, the High Inspector of Justice has accepted on 17 of January the request for agreement of judge of Elbasan Judicial District Court E.K. (provided in Article 135, paragraphs 1-4 of Law no. 96/2016), admitting her disciplinary violation in exchange for a more lenient disciplinary measure.

The High Judicial Council accepted, in today's hearing, the agreement between the parties and the disciplinary measure "Suspension" with the right to receive the minimum wage for a period of time for 6 months against the magistrate.

The disciplinary investigation against the magistrate EK, conducted in accordance with the 3-day suspension period of the magistrate, was initiated by the High Inspector of Justice in May, 2021 after some videos were posted on social networks and social media in which the magistrate appeared in her office premises and inside a vehicle with provocative movements and behavior, accompanied by inappropriate music for the image of a magistrate. On 07.06.2021 the HJC accepted the request of HIJ for the suspension of magistrate E.K. and requested additional investigations into the proposal for dismissal for serious disciplinary violations.

Judge E.K. filed a "Request for reaching an agreement" with HIJ, as part of the continuation of the disciplinary investigation, admitting her disciplinary violation in exchange for a more lenient disciplinary measure.

HIJ decided to accept the agreement based on the new circumstances, as the magistrate, unlike her negative attitude regarding the disciplinary violation during the initial disciplinary proceedings, has assumed the weight of moral responsibility, has apologized, and has shown remorse regarding the acts committed by her. She has also been cooperative and has not been an obstacle regarding the continuation of investigations as well as providing the necessary information or tools for the HIJ.

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

[Click](#) to watch the introduction video of HIJ