

MAY 2022 | № 16

NEWSLETTER

HIGH INSPECTOR OF JUSTICE

www.ild.al | info@ild.al



Inspektori i Lartë i
Drejtësisë



Inspektori i Lartë i Drejtësisë Artur Metani
@ILD_Albania



ILD
INSPEKTORI I LARTË
I DREJTËSISË





HIJ IS WORKING SO THAT THE PUBLIC AND POLITICS CAN HAVE CONFIDENCE THAT THE NEW INSTITUTIONS OF JUSTICE ARE FUNCTIONAL

During the hearing held by the Committee on Legal Affairs, Public Administration and Human Rights on the Annual Report on the activity of the institution during 2021, High Inspector of Justice, Mr. Artur Metani responded to the questions of the MP-s. When asked about the independence from politics and internal and external influences in the exercise of his duties, Mr. Metani said:
Today, magistrates in Albania are

guaranteed by law, this is also as a result of that good separation of powers, which has been done through the division of labor of the new justice institutions.

Do I feel pressured by politics? No! My short answer is no, because the Constitution and the law have given me the guarantee that we will not feel intimidated by politics, political institutions, or anyone else who might think of putting pressure of any kind on the High Inspector of Justice. Yes, I feel the pressure inside; pressure from my family from the society, pressure from you, in the good sense of the word, for the expectations you have for me personally but also for the institution, and of course there is pressure from the society. These are strong pressures, which one feels around the clock. That's why I am concerned about all the things you

"I definitely agree that the new architecture of the justice system today gives no chances to politics, political institutions, financial interests or whatever, to put pressure on magistrates in Albania"



mentioned in the report because I want the work to be as efficient and as fast as possible. Without a doubt the issue of intimidation coming from politics, has become a topic for debate here. I have personally been active in public reactions with statements, even against ministers, and in public conferences, the most recent one was a week ago, about what is being said regarding judges and prosecutors. I think it creates a cacophony among attack, criticism and intimidation. I think we should divide the relationship of the politics with the judiciary into 3 levels. First there are legal or institutional intimidation and these are phenomena that I am not aware of, to be fair, I do not see any legal attacks launched by the judiciary. The second level is the denunciations, and this is related to one of the questions you raised, the denunciations that are made public, especially by public institutions.

I suggest that denunciations should not be made in the media, but in institutions such as the High Inspector of Justice or other institutions, and the institutions and standards of the system with independent institutions be respected. We should put an end to the public denunciation of magistrates

who violate the law. And the third level is criticism of the magistrate's work. Anyone can express an opinion about the work of justice, no matter if it is criticism or evaluations, I do not think that once the justice speaks, everyone should remain silent. Everyone in Albania has the right to comment on the decisions taken by the judiciary, but respecting boundaries when talking about the judiciary is not a strong point of ours, as there are many cases of bullying judges and prosecutors' work. However, this is a matter of a democratic environment that politics should create in relation to the judiciary, this is not something said or written, it is something that is felt and proven. That is why we say that the justice reform needs its time to give its effects, because due to the democratic social environment it needs its time.

The independence of judges and prosecutors cannot function without democracy, and vice versa, there is no democracy without the independence of the judiciary. It takes time to understand this.

Regarding the question whether HIJ is

oriented in its activity towards being proactive or reactive, High Inspector Metani answered.

"I would like to make another comment. I think we have been proactive, not reactive, the inspections or procedures we have started, have undoubtedly been part of the complaints or information received from citizens, but they have also been reactions of our institution, aiming at giving the public the message that institutions are here.

Despite our difficulties we are here and we are working so that the public and politics, in the general sense of the word, can have confidence that the institutions are

functioning even though it is difficult for many reasons. Not only on human resources, but what is most important, on the work standards that this new institution must have, exactly for the weight you mentioned. Every act issued by the High Inspector of Justice is evaluated by the HIJ in details, not just as part of procedure, but because of the standard it sets, because for us it is very important that the independence of magistrates is not violated by the work of the

High Inspector of Justice; it is very easy to violate this unwritten balance, even with a letter sent by the High Inspector of Justice."

SURVEY OF HIJ

Communication with the public for the sake of transparency remains an ongoing priority for the High Inspector of Justice. In order to increase the communication with the citizens, the HIJ Office has drafted and published on the website a Survey, through which an opinion is sought on the work of the institution so far. The survey can be completed online or in person at the HIJ.

ON JUSTICE DAY HIJ INVITES CITIZENS TO EXPRESS THEIR OPINION ABOUT THE WORK OF THE INSTITUTION

On Justice Day, the High Inspector of Justice introduces one more way the institution can communicate with citizens, a survey on the work done so far.

Ever since it was established as the newest institution emerged from the justice reform, HIJ has paid special attention to its relationship with the citizens, as a way to improve and increase public trust in our institution.

After a 2-year journey, we think that the time has come to collect the public opinion through a direct communication, using this survey, which can be completed in just 3 minutes.

We have chosen Justice Day to publish this

Survey, because as High Inspector of Justice, Mr. Metani, said, “Creating a democratic environment of respect for the justice system is neither a matter of law nor a matter of decision-making. Constitutionality, rule of law, respect for other people’s work or for what is called separation of powers are standards that must be nurtured every day with foresight, outside the instant interests, considering in the long-term vision every word said and every stone thrown at the justice system. As a society we must be prepared to accept even decisions that we do not like.”

Any suggestions, criticisms or evaluations conveyed through this survey, which can be completed online or even at the HIJ premises, will be extremely valuable to guide our ongoing work.

Survey link: <https://ild.al/en/survey/>

HIGH INSPECTOR OF JUSTICE Home About Us News Legislation Compl

Survey on HIJ activity

1. How informed are you about the High Inspector of Justice Office? Select one or more of the following statements. *

- I know a little about the scope of competencies of the HIJ.
- I know the competencies of the HIJ after reading the legal framework of the justice system.
- I was informed through the official website of the HIJ.
- I was informed through traditional / social media about the HIJ.
- I have been informed by acquaintances / public institutions about the possibility of complaining against the activity of magistrates at HIJ.
- I wanted to but I did not know any of the forms of communication.

2. Have you ever complained about the activity of magistrates? *

- No, this is my first complaint with HIJ.
- Yes, I have filed a complaint before.
- No, never.

3. Have you ever used one or more of the forms of communication with HIJ, for complaints or information? If yes, you can select one or more of the following statements: *

- Contact through the official website: www.ild.al
- Contact via email address: info@ild.al
- Contact via phone number: +35542217217.
- Physical contact at HIJ Office, from 09:00-14:00 from Monday to Friday.
- Contact through the postal address: Bulevardi Dëshmorët e Kombit, Godina 13, Tirana.

Next

HIGH INSPECTOR OF JUSTICE Home About Us News Legislation Co

Survey on HIJ activity

4. Have you visited the official website www.ild.al? *

- I have visited it and have been informed about the complaint procedures and the HIJ activity.
- I visited it, but I was not oriented regarding the complaint procedures and the activity of the HIJ
- I have visited it, but I have no opinion on the HIJ website.
- I have never visited the HIJ website.

5. How useful was the information about the complaint procedure through the official website www.ild.al? *

- Useful as I have received information about filling out the complaint form.
- Useful as I have completed the on-line complaint form.
- Useful as I have downloaded the complaint form.
- It's not useful, as there is no simple enough information to understand.

6. How do you evaluate the assistance provided by the HIJ administration? *

- I have always been offered assistance when I needed it and I have been fully clarified with my rights and obligations.
- I was offered assistance just as to fulfill the formal obligation to orient the public.
- I am still unclear, despite being assisted by the HIJ administration.
- I was not offered any help / assistance, even though I asked for it.

Back Next

HIGH INSPECTOR OF JUSTICE Home About Us News Legislation Com

Survey on HIJ activity

7. How do you evaluate the seriousness of your complaint treatment? *

- HIJ has shown to be formally correct and has notified me according to the legal provisions on the complaint progress, ahead of time.
- HIJ has shown formal correctness and has notified me according to the legal provisions on the complaint progress, exceeding the deadlines.
- I did not receive any information within the legal deadlines from the HIJ and I had to be personally interested in my complaint progress.
- I have never received any information about the complaint I filed with the HIJ.

8. How do you evaluate the work of the High Inspector of Justice Office? *

- Reliable, serious and rigorous institution in law enforcement.
- Institution that needs to be improved to increase public confidence in the justice system.
- Institution from which we expect more significant results in verifying the activity of magistrates.

Suggestions on how to improve HIJ work:

0 of 2600 max. characters.

Back Send

LEGAL AID AND COMPLAINTS SECTOR



While assisting the complainants

Communication with citizens is part of the daily work of the High Inspector of Justice.

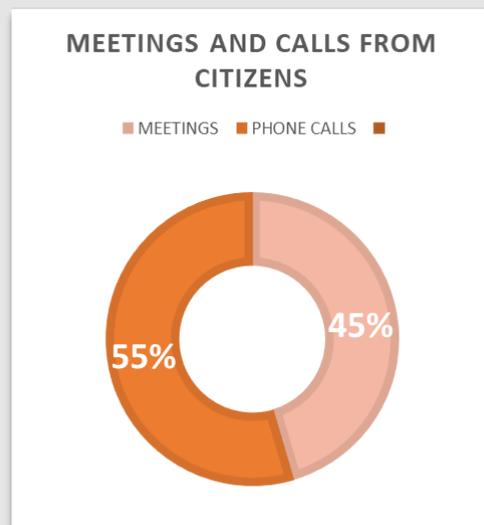
The HIJ Complaint Sector is responsible for guaranteeing the right of citizens to information and transparency to the public. This Sector monitors the complaints traceability in the system and provides answers to complainants on their complaint stage.

As part of the transparency program, in order to increase the communication with the interested citizens, the High Inspector

During May 2022, Legal Aid and Complaints Sector has met 25 complainants, which came at the Office of High Inspector of Justice and received 30 phone calls from citizens, which have requested information of the phase of their complaints or legal aid on how to complete the Complaint Form.



of Justice Office in addition to the official address and the official Web, has made available the telephone number +355 4 2217217.



COORDINATOR ON THE RIGHT TO INFORMATION



The Coordinator on the right to information at the Office of High Inspector of Justice enables each applicant the right to access public information, in accordance with the law and communicates with the applicant as needed to address the request for public information.

The request for information is submitted by citizens, legal entities, interested groups in the Office of the High Inspector of Justice, through Posta Shqiptare Sh.a., e-mail to the address: info@ild.al, as well as that of the coordinator on the right to information amanta.jasa@ild.al.

The information provided in the transparency program is published and continuously updated in the register of requests and responses, within the legal deadline.

MONTHLY FIGURES

During May 2022, at the Office of High Inspector of Justice, **13 requests** for information were received, which were processed in all cases within 5 days (the law provides that applicants to return response within 10 days).

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.

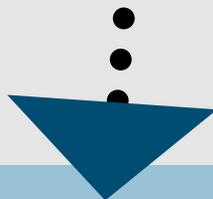
The criteria for the admissibility of the complaint are published on the official website of HIJ www.ild.al, in the section "How to receive complaints".

MONTHLY STATISTICS

During **April 2022** the Office of High Inspector of Justice has administered **93 complaints**, 92 of which have been filed by citizens and **1** complaint by an institution.

The High Inspector of Justice Office has performed the standard confirmation process of receiving complaints for all the new complaints submitted during April, 2022. 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.

“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.”



MAY OF HIJ IN NUMBERS

42 archived decisions from 65 reviewed complaints:

- ◆ 36 archived decisions after the initial review;
- ◆ 5 archived decisions after verification(HIJ);
- ◆ 1 archived decision after verification from files inherited from KLD;
- ◆ 10 verification decisions;

HIGH INSPECTOR OF JUSTICE INFORMS THE LAW COMMITTEE ON THE INSTITUTION WORK FOR 2021



High Inspector of Justice, Mr. Artur Metani presented to the Committee on Legal Affairs, Public Administration and Human Rights, the Annual Report on the institution activity during 2021.

In his speech, the High Inspector of Justice focused on the level of implementation of the recommendations of the Assembly resolution for the High Inspector of Justice Office for 2021, the work progress during 2021, the successes, challenges and priorities ahead.

Mr. Metani answered the questions of the members of this Committee on various aspects of the HIJ activity.

Read the full report by clicking: <https://ild.al/sq/2022/05/19/raport-per-vitin-2021/> .



PRESENTATION OF THE HIGH INSPECTOR OF JUSTICE TO THE COMMITTEE ON LEGAL AFFAIRS, PUBLIC ADMINISTRATION AND HUMAN RIGHTS



I also appreciate the opportunity to appear before you and have the institution evaluated for its good work but also for what has not been done well, obviously. This is also a very good opportunity for me to express the concern that the body of inspectors and I have had during these two years of the HIJ existence, because undoubtedly, we are all aware that these two years have not been easy for us to establish a new institution from scratch, in every aspect, infrastructure, human resources, work standards and so on.

You already have the Report and I would prefer not to tire you out with the description of the report, but I would like to dwell only on the points of the Resolution which was approved by the Assembly last year and on the extent to which the High Inspector of Justice has implemented these recommendations made by the Assembly.

It is about 8 recommendations, half of which

have been fulfilled and the other half have been partially implemented and remain in the process of final implementation with the support of the Assembly, as I will present below.

1. Regarding the first recommendation, it has been set up and implemented the internal case management system for the investigative procedure, in cooperation with the Euralius mission. It is a system requested by the HIJ itself, in the framework of Euralius assistance, as we need it for our daily work- facilitating the circulation of documentation procedure and ensuring its data security, according to the respective functions, the division of work, and the documents handling at the HIJ Office. The system is currently being used mainly by the Archive-Protocol, which performs the registration, scanning and updating operations of the written documentation for complaints, as well as by inspectors and assistant inspectors who upload in the system all the documents related to a complaint. In the future, the system will provide facilities for all users and generate reports and statistics. HIJ received this asset from EURALIUS in January 2022 and provided it with the necessary licenses for its use with a validity period until August 2022. In the following days, measures will be taken to make budget requests to the Ministry of

Finance in order to further develop the system and renew the relevant licenses in order to ensure the continuity of the system and the fulfillment of its goals. So, this is a recommendation that continues to be implemented.

2. Regarding **the backlog**, there are 2104 complaints and practices in different stages of their handling procedures, administered by the former HJC. HIJ has set up a database in order to reflect accurate data, related to the number of the complaints handled, their object, the claims presented in these complaints, etc., in order to group them and draft a review order of priority. After the recruitment of 8 inspectors (magistrates and non-magistrates), these complaints were distributed to 4 (four) inspectors so that they could be handled with priority. It is a work in progress that depends first on human capacity, which HIJ is lacking.
3. **The cooperation with the Councils** and transitional re-evaluation institutions has become part of the HIJ working practice regarding the information or updated lists of incumbent magistrates or when their status with the HJC and the HPC as well as with the IQC expires. The High Inspector of Justice Office in any case has given a high priority to the provision of information to these institutions. So, this recommendation on our part is considered fulfilled.
4. On the other hand, HIJ in cooperation with international partners have established **bridges of communication and institutional coordination** with both councils, in terms of the disciplinary proceedings process and periodic meetings between us with a view to identifying issues of common interest that are encountered during law enforcement, agreeing and coordinating the implementation of uniform standards, by guaranteeing a regular disciplinary process, respecting the independence of magistrates. This process is intended to continue as a communication platform among the three institutions and we consider it a fulfilled recommendation.
5. In order to simplify and expedite the work of inspectors, **the manual of disciplinary investigation** has been drafted, a recommendation of the Assembly as well, which aims to support the interpretation and implementation of a new legal framework regarding the disciplinary system for judges and prosecutors in the Republic of Albania. The manual contains the analysis and comments of the provisions, standard forms built based on the clear requirements of the articles of the procedural law for the disciplinary investigation of violations committed by judges and prosecutors and it mainly covers the procedures to be followed during the disciplinary process. Regarding **the inspection methodology**, so far HIJ, due to the insufficient number of inspectors and the high number of complaints carried out, has started 3 (three) thematic inspections which are in progress, namely: Thematic inspection of courts and prosecutor's offices attached to them on the treatment of requests related to "Conditional Release"; *Thematic inspection on taking administrative and procedural measures in the framework of the implementation of the general instruction on the regulation of relations between prosecutors and heads of the prosecution offices, information, transparency as well as guaranteeing the independence in prosecutors with general jurisdiction, as*

well as “Thematic inspection on compliance with conditions and criteria for imposing personal security measures ”for the criminal offense of “illegal possession and production of weapons, explosive weapons and ammunition”. After receiving data from the courts and prosecutor’s offices involved in this thematic inspection and analyzing them during the inspection procedures followed for the thematic inspection on “conditional release”, there were submitted 2 requests for disciplinary proceedings in 2020 and 1 request for disciplinary proceedings during 2021. As for the other two inspections mentioned above, the High Inspector of Justice is in the process of analyzing the data administered for each thematic inspection, the results of which are expected to be released during 2022. The inspection methodology to be followed has also been approved for each thematic inspection. However, I have to say that at this stage of human resource capacity, this measure remains partially implemented, due to the insufficient number of inspectors and the process of handling complaints inherited by the former HCJ, the HJC and the current ones, and also the lack of necessary infrastructure for inspections. Meanwhile, we have not stood by but have focused on capacity building, both for the methodology and the inspection itself, collaborating with international partners, both European and American ones, in order to get the best work practices for a process which is part of their tradition. We are currently doing research on the methodologies of some European countries in order to determine the rules on the manner of implementation and the procedural steps that must be followed in

an inspection process. Regarding **the regulation of complaints**, we are working on building an internal system of documents circulation, taking into consideration even foreign models by counterpart institutions. HIJ has been part of the European Network of Justice Inspection Services (RESIJ), since December 10, 2021, as observer because only EU countries can be members of it, and we have started exchanging work practices with inspection services of European countries. The cooperation with this network started in Tirana, last November when members of this Network paid a working visit to Albania and had intensive trainings with the HIJ team. HIJ is already sharing its experience in international activities organized by the European Network of Justice Inspection Services. A few weeks later, in June, we are hosting an international conference of this Network in Tirana, with the support of the Council of Europe through CEPEJ (European Commission for the Efficiency of Justice). për caktimin e masave të sigurimit personal” për veprën penale “Të mbajtjes pa leje dhe prodhimit të armëve, armëve shpërthyese dhe municionit”. Pas marrjes së të dhënave nga gjykatat dhe prokuroritë të përfshira në këtë inspektim tematik dhe analizimit të tyre gjatë procedurave inspektuese të ndjekura, për inspektimin tematik për “lirimin me kusht” janë paraqitur 2 kërkesa për procedim disiplinor në vitin 2020 dhe 1 kërkesë për procedim disiplinor gjatë vitit 2021.

6. Regarding the recommendation **for speeding up the recruitments** process and completing the HIJ with the necessary staff, HIJ has taken measures within its capacity, but we need the

support of the Albanian Parliament. The High Inspector of Justice continued to work with a single inspector during the first year of his activity, i.e., until February 2021, and has continuously requested to the councils the appointment of the other magistrates. The HJC has made seven announcements for appointing magistrate judges in the position of inspector at the Office of HIJ, but none of them has been successful in meeting the needs of HIJ. While the HPC, after completing the procedures, appointed 4 magistrate prosecutors for a period of 5 years. With its own announcement, the HIJ has recruited 4 non-magistrate inspectors, and at the moment we have a total of 8 inspectors out of 26 provided by law. On September 30, 2021, the High Inspector of Justice announced the call for 9 (nine) vacant positions for non-magistrate inspectors at the inspectors' unit. Selection procedures are underway for 19 candidates who have expressed interest. An imperative need for the High Inspector of Justice remains the completion of the Inspectors unit with magistrate Inspectors, especially the judicial profile, and for these we need legal interventions which I will mention again in the end.

7. Regarding the drafting and approval of **the annual plan of institutional and thematic inspections and its publication on the official website of the institution**, the work has started with the request addressed to the HJC, HPC and PG, for the presentation of topics or issues that may be subject to thematic or institutional inspection. The Prosecutor General has proposed 6 cases, which may be subject to inspection and which were discussed in a two-day meeting with international

partners, the same as the ongoing work for drafting an annual plan for inspections. In the analysis of human resources opportunities at HIJ and financial opportunities for this year, HIJ has evaluated that it has limited capacity in terms of human resources, institutional experience, but also financial opportunities to address all needs and make a plan. The identified objective impossibilities are conditioned by the high number of forwarded complaints, but also by the high number of complaints currently filed. Now there are about 4600 complaints administered by HIJ. SENIOR JUSTICE INSPECTOR INFORMS THE LAW COMMITTEE ON THE WORK OF THE INSTITUTION FOR 2021 Evaluating all factors with impact on the implementation of inspections, we have concluded that the appropriate tool for addressing the issues presented by the Prosecutor General is to conduct thematic inspection on taking administrative and procedural measures in the framework of the implementation of the General Instruction of the Prosecutor General "On the regulation of relations between prosecutors and heads of the prosecution offices, information, transparency and guarantee of independence in the prosecutions with general jurisdiction". HIJ has already approached and is now cooperating with international partners, who will assist through their best practices in designing an annual inspection plan related to inspections set out in the justice reform laws, but also from the experience gained so far in handling complaints, evaluating it in relation to the methodology followed by European counterparts. Specifically, the High Inspector of Justice has signed

specific memoranda of understanding to strengthen cooperation with counterpart inspectorates in Bulgaria, Romania and Italy. Thus, this is a recommendation in the process of being fulfilled.

8. **Promoting and increasing the interaction of the High Inspector of Justice with the citizens** is the last recommendation of the Assembly for HIJ in 2022, fully fulfilled. Public relations are seen by the HIJ, not simply as an obligation for transparency, but as a mechanism to build citizens' trust in the institution and a solid reputation. In view of this vision, the official website, ild.al, has been restructured with a new design, where anyone can easily search for information in real time. The main part of the site is occupied by activities, as an indicator of transparency on the HIJ work, but special attention is paid complainants. Through a special section, "How to receive complaints", in the most visible part of the page, you will find detailed and simplified information on how to complain with HIJ. This section contains the complaint form template, along with relevant instructions on how to complete it. In order to help the complainants, we have published a series of examples on the decisions taken by the High Inspector of Justice on whether or not to accept complaints. The complaint journey, from the moment it is filed with HIJ, i.e., from the first stage of its review until it ends in decision-making, is illustrated with a graphic map which clearly presents the process for each visitor of the site. The page publishes the figures of the administered complaints and the ones that are daily reviewed by the HIJ, which are updated every Monday so that everyone can understand the pace of work of our institution. This process, as well as the

activity of the HIJ, is reflected every month in the institution Newsletter, which also contains statistics produced by the Protocol Complaints Office, as well as the Coordinator for the Right to Information. The Newsletter is published monthly on the website, in Albanian and English. To facilitate the communication with HIJ, in accordance with the right of citizens to information, a telephone number and an official email address is available, the latter can also be used for sending complaints. In addition to the official website, communication with the public is also done through Twitter and YouTube accounts. This is all in the function of transparency because we think that it brings the credibility that we all ask for from the citizens. Two weeks ago, we launched a survey on the official website of the HIJ to collect public opinion on our work and this will definitely help us to continuously improve. The official HIJ website is functional and updated in Albanian and English, in order to provide more access and convenience to foreigner site visitors. Part of communication are also the interviews of the High Inspector of Justice- television interviews for news or TV shows as well as print media interviews. This is done to raise public awareness on the HIJ mission, but also in the context of transparency on the activity of the institution and on issues of public interest. I would like to emphasize that the HIJ office activity in these two years is oriented towards educating the public through the way of handling complaints. Specifically, the formulation of decisions aims not only and simply at analyzing complaints, verifying facts and practices, but often through them, we aim at clarifying,

informing and educating complainants about legal provisions, including their interpretation and fair reading.

This is all regarding the Assembly recommendations, but I would like to use this opportunity to bring to attention the ongoing challenge of HIJ to fill vacancies for magistrate inspectors. Filling the vacancies of the Inspectors Unit with magistrate inspectors would significantly help the process of handling complaints, the ones inherited from the former HCJ, as well as complaints directly filed with the HIJ. As I previously mentioned, all the calls of the HJC have resulted in no candidate interested in the position of magistrate inspector at HIJ. In an assessment conducted by us, we noted that the problems that dictate the need for solution range from the long time needed to complete an appointment request from the Councils- 12 months from the current practice in the Councils and 11 months for the recruitment of non-magistrate inspectors in HIJ, to the law requirements for such positions. In order to address the situation, it is required a work coordination with the competent bodies to:

- ◆ Equal financial compensation for non-magistrate inspectors.
- ◆ Revise the criteria that magistrates must meet to be appointed as inspectors at the High Inspector of Justice Office, by reducing years of experience in office;
- ◆ Temporary appoint the magistrate who has submitted the request, until the procedures of verification of property and figure are completed, or shorten the deadlines for the requests submission and the preparation of the opinion by the councils;
- ◆ Remove the criterion for having an equal number of magistrate and non-magistrate inspectors;

The High Inspector of Justice has sent the drafts and the relevant accompanying reports for the requested changes, to the Ministry of Justice on 02.12.2020. So far there has been no response from this Ministry to the HIJ proposal for legal changes. Due to the lack of a response from the Ministry of Justice, the proposals were addressed to the Assembly as draft amendments to law no. 115/2016 "On the governing bodies of the justice system" and law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania". While following with interest the progress of the process of reviewing legal proposals according to parliamentary procedures by the responsible committees, we got acquainted with the calendar of activities, according to which the draft laws were decided for review on 06.04.2021. Despite the date set in the committee calendar of activities, from the Assembly official website for the period from 06.04.2021 until December 2021, it results that no minutes on reviewing the initiative of a former MP for the draft law no. 115/2016, of the responsible committee or the committee for giving an opinion have been published.

Under these circumstances, the need for legal changes, in light of the above arguments, remains a priority for 2022 for the HIJ.



ORIENTATION TOWARDS VALUES THAT CONSOLIDATE THE JUSTICE SYSTEM, THE BIGGEST CHALLENGE FOR ALL



High Inspector of Justice, Mr. Artur Metani held his speech at the conference “Justice in times of challenges”, organized by the High Judicial Council in the framework of the National Day of Justice.

Considering it as a day of reflection on justice, as one of the most important moral values of a society, on the relationship that justice has with society and its institutions, Mr. Metani said that:

“New justice institutions have the historic duty and obligation to keep alive the efforts of those who, a century ago, drafted and adopted the Kanun of Zhuria”, because they are facing a strong test of public trust, and as a challenge by choice, there is no turning back”.

The High Inspector of Justice highlighted, in his speech, the public interest in justice, emphasizing that the discussion of topics related to justice, cannot but be part of the public debate, yet bullying the system serves to no one.

“For issues related to their functional duties, magistrates are part of a wide range of criticism. We cannot change this fact because freedom of expression gives everyone the right to express and comment freely on justice decisions.



Of course, there are cases when these comments also reflect the defects that our society has. There is no way it can happen otherwise in a developing society, where finding boundaries is not our strong point even though we must all agree that at least bullying justice serves to no one."

.In conditions when magistrates, unlike other public officials cannot respond to criticism, their challenge is transparency.

"The battle of judges, prosecutors and law officials is with transparency and with increasing their work quality."

It is true that, magistrates cannot comment on their decisions, but if their decisions they make, express clearly and unequivocally simply and straightforwardly their legal opinion and their law-based discretion, then the public will be clear about what they feel is a fair or unfair decision.

The clearer the judges, prosecutors and law officials' decisions are and the more aware they are about the role they play, the simpler it is for the public to understand the importance of this decision-making process and what is more to build respect for the work of justice."

On the other hand, notes Mr. Metani, building respect for the work of the judiciary seeks the contribution of other factors in the society, especially the political and media ones.



As a society we must be prepared to accept even decisions that we do not like. Antisystem solutions only prolong the agony of the traumatic difficulties that justice is going through today."

"Constitutionality, rule of law, respect for other people's work or for what is called separation of powers are standards that must be nurtured every day with foresight, outside the instant interests, considering in the long-term vision every word said and every stone thrown at the justice system."

Therefore, according to the High Inspector of Justice, we must all orient ourselves towards our best values, in order to consolidate the justice system towards principles and standards without turning back.

"Today and onwards, this is the biggest challenge for us all!"

SPEECH OF HIGH INSPECTOR OF JUSTICE AT THE CONFERENCE “JUSTICE IN TIME OF CHALLENGES”



Thank you for organizing this event Mrs. Llagami and for giving us the chance to get together on a festive day such as the **Justice Day**.

This is a symbolic day for the justice and the rule of law in Albania. It is a professional pleasure to see that over the decades and the years, the Albanian justice, despite its strong fluctuations due to political, cultural and democratic developments, has produced acts of justice that make us proud today. The history of

justice shows us today lawyers and law professionals who, with their legal opinions, have been in the vanguard of political, social and economic developments in the country. That is why today is the day to remember and honor in the first place all those people who, with their outstanding contributions, laid the strong foundations for the rule of law in Albania.

But it is also a day to reflect on justice as one of the most important moral values of a society, on its journey today and tomorrow in Albania, on the relationship that justice has with society and its institutions.

The justice system in our country has gone hand in hand with the social transition and during the three decades of pluralism they have had the same problems. I am sure that going from the end of the transition period to the period of development and European integration of Albania, has marked an important turning point for the Albanian justice.

The justice reform of 2016, created the model of the rule of law that we would like to apply and the new architecture of the

justice system.

The new institutions of justice have the historic duty and obligation to keep alive the efforts of those who a century ago drafted and adopted the Kanun of Zhuria.

New justice institutions do not have the opportunity to make mistakes!

New justice institutions do not have time to be quiet!

We are facing a strong test in front of those who have trusted and still believe in us!

On the verge of maximum difficulty, I know!

But, this is the challenge that we chose and there is no turning back!

We are aware that creating the rule of law model is not an easy process. It does not require only time, not only human and financial capacity, it does not require only the efforts of the justice system. Undoubtedly, the basic weight in creating the constitutional and legal boundaries of social relations remains with the justice system. But the role of other political, social and economic factors is of particular importance. A democratic constitutional and legal framework is a very important cornerstone in the well-functioning of the rule of law, yet the values of law are not

found only in written laws.

No matter how valuable constitutional guarantees, formal legal rules, and institutional guarantees are, they are not enough if they are not nurtured by the values of a society that believes in and builds a credible, effective, and independent justice system. The provision of formal guarantees is the starting point, but not the end of this process.

Justice has currently been and it still remains one of the hottest topics of public debate in Albania. Discussion of justice-related topics cannot but be part of the public debate. The judiciary is an important part of the state structure and for issues related to their functional duties, magistrates are part of a wide range of criticism. We cannot change this fact because freedom of expression gives everyone the right to express and comment freely on justice decisions. Of course, there are cases when these comments also reflect the defects that our society has. There is no way it can happen otherwise in a developing society, where finding boundaries is not our strong point even though we must all agree that at least bullying justice serves to no one.

However in this context there is a specificity, which I would like to emphasize. There is a significant difference between

critics against magistrates and critics against other public officials. Magistrates cannot respond to criticism, they cannot comment on their cases, even refute media or political distortions of their decisions. Unlike political institutions, independent institutions and magistrates have this kind of constraint, which is part of their duty.

Therefore the battle of judges, prosecutors and law officials is with transparency and with increasing their work quality. It is true that, magistrates cannot comment on their decisions, but if their decisions they make, express clearly and unequivocally simply and straightforwardly their legal opinion and their law-based discretion, then the public will be clear about what they feel is a fair or unfair decision.

The clearer the judges, prosecutors and law officials' decisions are and the more aware they are about the role they play, the simpler it is for the public to understand the importance of this decision-making process and what is more to build respect for the work of justice.

But if judges and prosecutors must do their job, building respect for the work of the judiciary is an effort that goes beyond the work of the justice system. It is also the contribution of other factors in the society, especially the political and media ones. Creating a democratic environment of respect for the justice system is neither a

matter of law nor a matter of decision-making. Constitutionality, rule of law, respect for other people's work or for what is called separation of powers are standards that must be nurtured every day with foresight, outside the instant interests, considering in the long-term vision every word said and every stone thrown at the justice system. As a society we must be prepared to accept even decisions that we do not like.

Antisystem solutions only prolong the agony of the traumatic difficulties that justice is going through today.

Today, Albania is in front of historic moments of her European journey.

Let's all try to orient ourselves towards a new accountability approach!

Let us all strive to address our best values!

Let us all try to consolidate the justice system according to the principles and standards towards which we are directed without turning back!

Today and onwards this is the biggest challenge for us all!

Thank you!

HIGH INSPECTOR OF JUSTICE METANI PARTICIPATES IN THE REGIONAL CONFERENCE OF SOUTHERN MEDITERRANEAN INSPECTION SERVICES



Casablanca, Morocco. 11 May 2022

The High Inspector of Justice Mr. Artur Metani is participating in the two-day Regional Conference of the Justice Inspection Services of the Southern Mediterranean countries, which is being held in Casablanca, Morocco, organized by the CEPEJ project, the European Commission for the Efficiency of Justice in cooperation with European Network of Justice Inspection Services (RESIJ), of which ILD is a part and the General Inspectorate of Judicial Affairs of the Superior Council of the Judiciary of the Kingdom of Morocco.

The regional conference brings together representatives of the general inspectorates of justice of the countries of the southern Mediterranean region (Egypt, Jordan, Lebanon, Morocco, Palestine, Tunisia) and of certain European countries members of the RESIJ (Albania, Belgium, Bulgaria, France,

Italy, Portugal, Romania, Spain).

In his speech, the High Inspector of Justice Mr. Artur Metani focused on the statute and missions of justice inspection, the comparative approach between them, as well as the different forms of organization and interaction with other institutions.

“The quality of justice is a priority of all countries. Improving the quality of justice is a dynamic and constantly evolving process. Achieving this goal requires an ongoing need to respond to the challenges of identifying new mechanisms to protect them. There are problems which are the same for the European Union countries. Some are the same for all Council of Europe countries and others are specific to each of them.

In this context, we must all cooperate. We all need to analyze and coordinate methods of controlling and evaluating justice institutions.

This should be done through periodic meetings; exchange of experiences; unification of best methods and practices in line with the standards of democracy and the rule of law; creation of legal, administrative or practical mechanisms of cooperation; data exchange; or even mutual legal assistance between states.”, said Mr. Metani during his speech at this conference.

The conference contains a series of modules, in which participants discuss and reflects

about the status and competences of judicial inspection bodies, the monitoring of magistrates and the organization of courts, as well as the prospects for their new inspections and missions.

The second day of the conference will be devoted to the establishment of a South Mediterranean network of justice inspection services.



SPEECH OF THE HIGH INSPECTOR OF JUSTICE AT THE REGIONAL CONFERENCE OF SOUTH MEDITERRANEAN JUSTICE INSPECTION SERVICES



Statute and justice inspection missions: A comparative approach
Different forms of organization and interaction with other institutions

Casablanca, Morocco. 11 May

I would like to thank the organizers of this event for giving me the opportunity to be part of this conference and to share with the participants some of my personal thoughts and considerations regarding the activity of the justice inspection services.

The organization of this activity today provides an excellent platform for exchanging ideas, sharing experiences, as well as analyzing the needs for solutions to our joint challenges, as I personally think that justice system, apart from features and specifics that it can have in different countries, is characterized by the same values, and it operates on the same international standards and principals of organization and operation.

The basic principles applied to the judicial organization are based on the universal principle of judicial independence. An independent and impartial judiciary is the institution with the highest value in any society and constitutes a necessary pillar of freedom and the rule of law. At the same time, in a democratic system, every country must provide a justice system of the highest possible quality and ensure the accountability of the judiciary.

While the exercise of the right to appeal a judicial decision and the control by a higher court is the mechanism traditionally implemented by justice systems to guarantee the control, the quality of a judicial process, or the merits of the law, today this mechanism is complemented by other external forms of control to measure or monitor the quality of justice.

This important mission, regarding the

guarantee of these standards is entrusted to our institutions, inspection institutions.

Pursuant to international acts which proclaim international standards and principles of the judiciary organization, inspection services must adapt and apply special control methodologies, and this process must be carried out gradually and based on a set of well-defined criteria, standards and guarantees.

These standards and guarantees are related to: (i) the legal basis which regulates the organization and functioning of inspection institutions: (ii) the forms of their organization and functioning: (iii) the type and manner of exercising control, supervision and evaluation powers: (iv) composition, qualification and professionalization of employees; (v) substantial, structural and financial independence; or (vi) the adoption and application of control or evaluation methodologies which are based on pre-defined standards.

With regard to the legal basis which regulates the organization and functioning of inspection institutions, it is worth noting that taking into account the object of their activity, the rules related to the organization and functioning should be clearly and exhaustively defined in the highest hierarchical legislative acts such as the Constitution or at least in the primary legislation of each country.

This serves as a guarantee and stability for their activity.

With regard to the form of organization



and functioning, the justice system inspection institutions are organized in different forms; as executive structures at the Ministry of Justice, as structures at quasi-judicial bodies such as the Councils – bodies competent for the administration and governance of the judiciary, or as independent institutions.

In this context, it is worth noting that there is no single and only model to apply to all countries equally.

However, regardless of their form of organization and functioning, at the core of their activity should be the respect for the separation of powers principle.

With regard to the type and manner of exercising the control, supervision or evaluation power, this can be done in several ways. First by building a system of responsibility and accountability of magistrates in terms of ethical conduct and their judicial activity. However, the disciplinary system must be clear and transparent, with well-defined rules.

The accountability system of magistrates should not be misused by other bodies of government in order to control and violate judicial independence. Furthermore, it should be borne in mind when considering the use of disciplinary measures that these

should rather be extraordinary measures.

Another important aspect related to the organization and functioning of inspection services is the guarantee of its activity independence and impartiality.

The inspection service should be independent of the executive and the legislature and of the body that decides on the imposition of disciplinary sanctions. This should be done through the application of policies or measures aimed at guaranteeing substantial, structural and financial independence of these bodies.

On the other hand, in order to ensure credibility and legitimacy, the recruitment or selection of employees should be done on the basis of merit. Some of the employees who are involved in the control and evaluation processes must be magistrates and must be elected by the judiciary. While the rest of the staff must be chosen among individuals with the appropriate legal qualifications.

The Council of Europe has gradually developed a set of standards for the efficiency and quality of justice, taking care to respect and protect the independence and impartiality of the judiciary.

This has been achieved by defining concrete means to improve the functioning



of judicial systems in the member states, as well as by facilitating the implementation of international legal instruments relating to efficiency and justice.

The national legislations of different countries provide different models of organization, functioning, or relations that the inspection bodies of the justice system have with other institutions. Each selected model must be understood as a result of each country historical developments, legal and constitutional tradition, or political and social ones. These factors also dictate the achieved results.

However, the quality of justice is a priority of all countries. Improving the quality of justice is a dynamic and constantly evolving process. Achieving this goal requires an ongoing need to respond to the challenges of identifying new mechanisms to protect them.

There are problems which are the same for the European Union countries. Some are the same for all Council of Europe countries and others are specific to each of them.

In this context, we must all cooperate. We all need to analyze and coordinate methods of controlling and evaluating justice institutions.

This should be done through periodic meetings; exchange of experiences; unification of best methods and practices in line with the standards of democracy and the rule of law; creation of legal, administrative or practical mechanisms of cooperation; data exchange; or even mutual legal assistance between states.

At the same time, this process should be carried out taking into account the implementation of the European Union standards transposed into national legislation; principles, spirit and jurisprudence of the European Court of Human Rights, the European Court of Justice; acts of the Council of Europe; as well as in applying the methods, instruments and best practices of the European Commission for the Efficiency of Justice (CEPEJ), to increase the quality and efficiency of the judicial system.

In doing so, we will all contribute to the proper functioning of the justice system bodies and to the improvement of the quality of the justice system, achieving in this way, our common goal.

Thank you!

JUSTICE REFORM – HIGH INSPECTOR OF JUSTICE MEETS WITH MOLDOVAN DELEGATION



High Inspector of Justice, Mr. Artur Metani held a working meeting with Minister of Justice of Moldova, Mr. Sergiu Litvinenco and his accompanying delegation composed of representatives from the Parliament, the Superior Council of Magistracy, the Superior Council of Prosecution and justice experts, in the framework of their visit that is taking place in our country, to get acquainted with the implementation of the justice reform, the achievements and lessons learned from this process.

Mr. Metani acquainted the Moldovan delegation with the tasks and functioning of the High Inspector of Justice Office, as the newest independent constitutional institution emerged from the justice reform, responsible for verifying complaints, investigating disciplinary violations and initiating disciplinary proceedings against judges and prosecutors of all levels, members of the

High Judicial Council, High Prosecutorial Council and the Prosecutor General.

Moldova has launched a reform agenda for the justice system, aimed at combating corruption and establishing the rule of law, and in this context, the High Inspector of Justice, in response to the interest of the delegation from Moldova, underlined that:

...despite the expected difficulties for such a deep process, justice reform has created an effective system against the possibility of interference with the work of prosecutors and judges, but for their wish to do so, because the Constitution and the law in Albania today do not create any possibility for judges and prosecutors to be dependent on any political institution or other institutions that may put pressure on their decision-making process.

May 2022

All rights reserved

High Inspector of
Justice

© HIJ



CONTACT HIJ

WEB: ild.al

EMAIL: info@ild.al

ADRESA: Bulevardi “Dëshmorët e Kombit”,
Godina nr.13 Tiranë, Shqipëri



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

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