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# NEWSLETTER

## HIGH INSPECTOR OF JUSTICE

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Inspektori i Lartë i  
Drejtësisë



Inspektori i Lartë i Drejtësisë Artur Metani  
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INTERNATIONAL CONFERENCE OF JUSTICE INSPECTION SERVICES  
TIRANA 2022



**ILD**  
INSPEKTORI I LARTË  
I DREJTËSISË





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## THE CONFERENCE

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Heads and representatives of Justice Inspection Services from European Union countries gathered in Tirana on 24 and 25 June 2022, invited by High Inspector of Justice Artur Metani to discuss the topic “Public interest in the administration of justice and independence of magistrates”. Magistrates of Inspection Services of Belgium, Bulgaria, France, Greece, Italy, Portugal, Romania, Spain, and Albania, discussed the topic “Public interest in the administration of justice and the independence of magistrates” during three working sessions at the Presidential Palace in Tirana.

This international conference was organized by the European Network of

Justice Inspection Services (RESIJ) and the High Inspector of Justice, in cooperation with CEPEJ (Strengthening the Quality and Efficiency of Justice in Albania, SEJ III), with the support of the joint program of the European Union and Council of Europe “The Horizontal Facility for the Western Balkans and Turkey 2019-2022”.

The conference was part of RESIJ activities and representatives of inspection services, members of RESIJ, depending on the form of organization, functioning or competencies, presented and exchanged their experiences, ideas and research related to the topics which were addressed at the conference.

*The European Network of Justice Inspection Services (RESIJ) was established in 2017 and consists of inspection institutions from European Union countries with the support of the European Commission. The High Inspector of Justice has been an observer member of RESIJ since December 2021.*



## QUALITY OF JUSTICE AND INDEPENDENCE OF MAGISTRATES IS ALL COUNTRIES PRIORITY

At the initiative of High Inspector of Justice Mr. Artur Metani, the International Conference on “Public interest in the administration of justice and the independence of magistrates” was held in the Presidential Palace. Participants were heads and representatives of justice inspection services from European Union countries, namely Belgium, Bulgaria, France, Greece, Italy, Portugal, Romania, Spain and Albania.

The conference was organized by the European Network of Justice Inspection Services (RESIJ) and the High Inspector of Justice, in cooperation with CEPEJ (Strengthening the Quality and Efficiency of Justice in Albania, SEJ III), with the support of the joint program of the European Union and Council of Europe “The Horizontal Facility for the Western Balkans and Turkey 2019-2022”

The European Network of Justice

Inspection Services (RESIJ) was established in 2017 and consists of inspection institutions from European Union countries with the support of the European Commission. The High Inspector of Justice has been an observer member of RESIJ since December 2021.

The conference was greeted by the Speaker of the Assembly Mrs. Lindita Nikolla; Charge d’Affaires of the EU Delegation Mr. Alexis Hupin; the Charge d’Affaires of the US Embassy Mr. Demian Smith, Deputy Head of the Council of Europe Office Mr. Olsi Dekovi, Coordinator of the European Justice Inspection Network (RESIJ) Ms. Delphine Agoguet and the Secretary of CEPEJ (European Commission for the Efficiency of Justice) Mrs. Muriel Decot.

In his welcome speech, High Inspector of Justice Mr. Artur Metani emphasized the need cooperation between inspection





services in order to use each other's best models and coordinate methods of controlling and evaluating justice institutions according to our common European values, despite the diversity of political, legal, social or economic cultures.

"History in Europe and outside of it, is showing that the independence of magistrates should not be taken for granted, yet it remains an issue that belongs to all countries. This is the standard of a common dimension of our societies. This is an international standard. Today all countries must step

up their efforts to strengthen this independence, and at the same time to increase the efficiency and accountability of the organs of the justice system. These are two things that cannot work separately. The more accountable the magistrate is, the more guaranteed is the citizen for his rights. The more independent a magistrate is, the more democratic is the society. Both these standards, the quality of justice and the independence of magistrates are a priority for all countries.", said Mr. Metani

Speaker of the Assembly Mrs. Lindita Nikolla praised in her speech, the change



*"History in Europe and abroad is showing that the independence of magistrates should not be taken for granted but remains an issue that belongs to all countries. This is the standard of a common dimension of our societies. This is an international standard. Today, all countries must step up their efforts to strengthen this independence, but also to increase the efficiency and accountability of the organs of the justice system. The two can not walk, except together. The more responsible a magistrate is, the more guaranteed the citizen is for his rights. The more independent the magistrate, the more democratic the society. "Both of these standards, the quality of justice, and the independence of magistrates are a priority for all countries," said Mr. Metani.*



that has taken place since the adoption of the justice reform. “Today, the real independence of judges and prosecutors is being consolidated in parallel with their “dependence” on the Republic, the Constitution, laws and the public interest. The justice system had reached a point where it did not hide its dependence, both political and financial one. Today, the threads that connected the system with the above corrupt forms have been torn and are being torn day by day. The judiciary is being built, strengthened and affirmed as an independent power. The other myth, that the system cannot self-reform, is also collapsing. In this regard, the High Inspectorate of Justice, one of the new and most important governing bodies of the system, has its own merit.”

The Charge d’Affaires of the EU Delegation, Mr. Alexis Hupin underlined in his speech the great work that has been done with the justice reform, as a European practice yet a new practice for Albania which comes along with its challenges amid its rules in addition to relieving the burden of backlog cases, in addition to communicating with the public but also the recruiting more

inspectors in the case of the High Inspector of Justice. “However, after two years, we estimate that you have really met the expectations and there is still a lot of work to be done. As the Madam Speaker said, you have come a long way, but the inappropriate influences and interventions in the affairs of the judiciary still continue. They take different forms. They also take the form of attacks on justice reform as a whole, but sometimes they also take the form of attacks on judges and prosecutors. “Consequently, I would like to thank the High Inspector of Justice for his very professional behaviour towards this pressure to keep the judiciary accountable but also to maintain, what is very important, its independence,” said Mr. Hupin.

US Embassy Chargé d’Affaires Mr. Demian Smith mentioned in his speech that today we are starting to see a new era where the system can serve its citizens, and not just the politicians, politically connected people, the wealthy, and the criminal. “The United States encourages you to keep up the good work and the hard work, regardless of the obstacles you face. Alongside our EU partners – and I want to echo the comments of my EU colleague on the close U.S.-EU partnership on justice reform – we supported the initiation of Justice Reform in 2016, and we have been there every step of the way, through vetting and the creation of the new institutions. We are starting to see the impact of a cleaner judiciary and dedicated



anti-corruption prosecutors and investigators. It depends on the vigilance and commitment of institutions like the High Inspectorate of Justice to maintain progress against corruption and ensure the integrity of the judicial system. Today, you have important discussions with European partners on what is working and what can be done better. In the end, real, meaningful change, it is up to you, the stakeholders in the justice system, to embrace reform and to make the system work for every Albanian.”, said among other things Mr. Smith.

Deputy Head of the Council of Europe Office, Mr. Olsi Dekovi said: “The independence of the judiciary requires the co-operation of different institutions and legal instruments as well as a combination of conditions and measures

that may be different in different countries where each finds its own balance. I am confident that today’s conference will help build a platform for judicial inspectors to present, discuss and share their experiences, ideas and research, including the challenges of judicial inspection.”

Coordinator of the European Network of Justice Inspection Services (RESIJ) magistrate inspector Mrs. Delphine Agoguet thanked the High Inspector of Justice for organizing this meeting in Tirana and said that the Inspection services in Europe may have very different dependency organizations but have the same work objective. “A justice system cannot be efficient and independent if it cannot rely on an inspection system that possesses the same qualities. In all countries, all the authorities in charge of control have this great responsibility to establish and rebuild the citizen’s trust in justice. Contributing to the strengthening of these authorities and services is one of the main missions set by the European Network of Justice Inspection Services.» In her address, Muriel Decot – Secretary of the European Commission for the Efficiency of Justice (CEPEJ) focused on the important role of the High Inspector of Justice to ensure that judges and prosecutors uphold the highest professional standards and deliver



justice to all citizens. “I take this opportunity to reiterate CEPEJ’s commitment to continue supporting the justice reforms in Albania and the High Inspector of Justice as a key institution of the Albanian justice system”, concluded Decot.

The conference was attended by the chairwoman of the Committee on Legal Affairs, Public Administration and Human Rights, MP Klotilda Bushka; Charwoman of the High Judicial Council, Ms. Naureda Llagami; Chairman of the High Prosecutorial Council, Mr. Alfred Balla; Prosecutor General Mr. Olsian Cela; Head of the Special Structure against Organized Crime and Corruption, Mr. Arben Kraja; Member of the Constitutional Court Ms. Marsida Xhaferllari; Member of the Supreme Court, Mr. Ilir Panda; Counterterrorism Resident Legal Adviser at the US Embassy in Albania, Mr. Clay Stifler, Members of the Disciplinary Committee, also Members of the High Judicial Council, Ms. Marcela Shehu and Mr. Ridvan Hado; Members of the Disciplinary Commission, at the same time members of the High Prosecutorial Council, Ms. Mirela Bogdani,



Mr. Sokol Stojani and Ms. Esmeralda Keshi; Shkodra Appellate Judge Ms. Valbona Vata; Rector of the University of Tirana, Mr. Artan Hoxha; Deputy Attorney General at the Court of Cassation, Italy, Mr. Gianluigi Pratola; Mr. Giovanni Pasqua, Italian Project Manager supporting the School of Magistrates in Albania, Inspectors of the High Inspector of Justice Office and Cabinet Members.

The conference consists of three working sessions, moderated by European magistrates during which, heads and representatives of justice inspection services refer to a specific topic, within the theme of the conference “Public interest in the administration of justice and the independence of magistrates”.







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## **PUBLIC INTEREST IN THE ADMINISTRATION OF JUSTICE AND INDEPENDENCE OF MAGISTRATES**

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### **SPEECH OF THE HIGH INSPECTOR OF JUSTICE, MR. ARTUR METANI AT THE INTERNATIONAL CONFERENCE**

Good morning and welcome to Albania to all our guests and welcome to this conference to all of you.

Today I feel deeply privileged, as the host country, to open this conference and highly appreciated by all the participants and my colleagues from the European Justice Inspection Services, who are here to be part of this conference! Thank you everyone!

At the same time, Today I feel confident that undertaking this so ambitious initiative is priceless for us all and absolutely necessary.

The idea of organizing this activity was born quite naturally while sharing some thoughts and ideas with my Romanian counterpart Mr. Lucian Netoroju, on some issues regarding the administration of justice, the independence of magistrates as well as the role of inspection services in this process.

We both shared the same position: despite the differences and diversity of our political, legal, social or economic cultures, history in Europe and outside of it, is showing that the

independence of magistrates should not be taken for granted, yet it remains an issue that belongs to all countries. This is the standard of a common dimension of our societies. This is an international standard.

Today all countries must step up their efforts to strengthen this independence, and at the same time to increase the efficiency and accountability of the organs of the justice system. These are two things that cannot work separately. The more accountable the magistrate is, the more guaranteed is the citizen for his rights. The more independent a magistrate is, the more democratic is the society. Both these standards, the quality of justice and the independence of magistrates are a priority for all countries.

In this context, finding a balance between the public interest in the administration of justice on the one hand and the independence of magistrates on the other, remains a permanent challenge because the independence of magistrates and their accountability are dynamic values. Social developments undoubtedly bring



*"We all need to work together today. We all need to analyze, take each other's best models, and coordinate methods of controlling and evaluating justice institutions in accordance with our common European values, regardless of our political, legal or social differences. "*

about social and economic transformations and the independence/ accountability ratio always remains a professional and institutional challenge.

With this in mind, there is a need for all of us to find the right way to collaborate and identify the best opportunities and methods of communicating and exchanging with each other. This is how this idea was conceived, and day by day with the contribution of RESIJ and CEPEJ, who I would like to sincerely thank, this ambition became a reality today.

Dear ladies and gentlemen!

Justice has its own contribution to the life and quality of any society. Creating the rule of law model is not an easy process. In all countries, this is a dynamic and constantly evolving process in order to find the right mechanisms which ensure the compliance with a set of standards or values for an efficient, accountable and independent justice system.

Albania has carried out a profound legal and institutional reform in justice system. Specifically, to find these mechanisms and to adapt to the development stage of its society. This reform was strongly supported in every aspect by valuable

partners such as the European Union and the United States of America, and now the challenge of developing this reform is the responsibility of the actors of justice.

In this context, a conference like this one, today, in Tirana on this important topic, beyond discussions with each other, is a real contribution to the vision and daily work of the High Inspector of Justice Institution, but also of other bodies of justice system in Albania

Respect for human rights, democracy and the rule of law are key assets of the European Union and safeguarding or ensuring them is a shared responsibility of all EU institutions as well as its member states. Accessing them however, should not be seen as a boundary, a barrier or condition to other non-member states, but as a symbol which unites us all. Europe before being a political project is a system of human values. As in the words of Jean Monnet, the European Union does not aim at forming coalitions between states, but above all union among people who believe and live in the system of European values.

In this context, I believe that today we should all cooperate. We all need to analyse, use each

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other's best models and coordinate methods of controlling and evaluating justice institutions according to our common European values, regardless our political, legal or social differences.

I hope that not only does this organization for the first time in Albania, achieve these goals, but it can also be the starting point of a tradition which will continue.

Once again thank you for your attention and presence in Tirana! I would like to convey my best wishes for a successful and productive conference!

[Here](#) you can watch the video of the full speech of the High Inspector of Justice at the International Conference Tirana 2022.

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### THREE CONFERENCE WORKING SESSIONS AS EXPERIENCES EXCHANGE AMONG JUSTICE INSPECTION SERVICES

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The conference was held in three working sessions, each followed by questions and discussions from the participants.

The first session on the competencies, organization and functioning of the Justice Inspection Services, a comparative perspective was moderated by Head of the Judicial Inspectorate of Romania Lucian Netejoru. Mr. Netejoru himself addressed on the Judicial Inspectorate of Romania, various forms of organization, functioning and relations with other institutions. "Conducting inspections and disciplinary proceedings of magistrates in order to increase public confidence in the justice system in Greece" was the topic of Mr. Nikolaos

Pipiligkas address, Vice President of the Supreme Court for Civil and Criminal Cases "Areios Pagos", Greece. In this session there were delivered two addresses by the Bulgarian Inspectorate, namely, "Competencies, organization and functioning of the Bulgarian inspectorates responsible for the control of magistrates. "The practice of the Bulgarian Inspectorate regarding the declaration and control the property interests of magistrates as a guarantee of their independence and integrity in order to increase public confidence in the judicial system." By Mrs. Maria Neykova, Inspector at the Inspectorate to the Supreme Judicial Council of Bulgaria and Mr. Lyubomir Krumov, Inspector at the Inspectorate to the



Supreme Judicial Council of Bulgaria.

“Inspection and control of work of magistrates and courts according to Italian legislation. Role and activity of inspection services.” was the



address by the Head of the General Inspectorate of the Ministry of Justice of Italy, Mrs. Maria Rosaria Covelli. Discussions



The second session on “Independence and accountability of magistrates. Guarantees and

disciplinary proceedings of magistrates.” Moderated by Judge Vincent Delbos, former Chairman of the General Inspector of France, member of the Committee for the Prevention of Torture, Council of Europe

Mr. Darian Pavli, Judge at the European Court of Human Rights addressed online on the topic “The right of expression of magistrates and its restriction according to the requirements of the European Convention on Human Rights (ECHR). Disciplinary liability in these cases.”

Judicial Inspector at the High at the High Council of Magistracy of Portugal, Mr. Vitor Manuel Ribeiro, addressed the topic “Disciplinary responsibility of magistrates in relation to their independence” Mrs. Béatrice Del Volgo, General Inspector of General Inspectorate of Justice, France, addressed the topic “Investigation and disciplinary proceedings of magistrates in accordance with the guarantees of a due process of law provided for in Article 6/1 of the European Convention on Human Rights (ECHR).”

“Disciplinary responsibility and the limits of control of work of magistrates.” was the topic addressed by Mrs. Emanuela Aliverti, Inspector at the General Inspectorate of the Ministry of Justice, Italy. In the same session, the Vice President of the council of State of Greece, Mr. Michail Pikramenos referred on “Justice Inspection Service, between the independence and accountability of magistrates” The third session on “The role of inspection services as a guarantor for the proper functioning and independence of the justice system, in accordance with international and European standards. Methods and challenges of the future”, moderated by Mrs. Delphine Agoguet, Magistrate Inspector of the General Inspectorate of Justice, Coordinator of RESIJ, France.

“Development of control and inspection procedures of the justice system through the application of new technologies.” was the topic



referred online by Mr. Amparo Camazon Linacero, Head of the Inspection Service at the High Council of Judiciary, Spain and Ms. Elena Burgos Herrera, Judicial Inspector at the High Council of Judiciary, Spain. Mrs. Valérie Delfosse, President of the French Speaking Commission of Inquiry responsible for the control of magistrates at the Superior Council of Justice, Belgium referred to the topic “The role of inspection services, as a guarantor of the proper functioning and independence of the justice system in accordance with European legislation and best



practices.” The third session closed with an address by Mr. Vincent Delbos, Judge, General Inspector of Justice (honorary), France / Council of Europe on “Transition from inspection bodies based on the evaluation of judges and prosecutors (inspections to magistrates) to services responsible for evaluating the quality and performance of courts (court-based inspections). Some lessons from projects in Council of Europe member states and beyond. Possible methods and challenges for the inspection services.”

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## CONCLUSIONS OF THE INTERNATIONAL CONFERENCE OF JUSTICE INSPECTION SERVICES TIRANA 2022

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Thank you once again for your commitment today!

The agenda was a bit intense, as the issues discussed were numerous. However, it was a

necessary and very fruitful debate for all of us.

I tried to keep notes, as much as I could, and at the same time I tried to synthesize some thoughts and feelings and, related to the issues addressed today. But they are numerous and the time available does not promise us. However, I will try to address some of them.

Personally, I think, but also as far as it was presented by the participants in this roundtable, it is worth mentioning some moments:





### QUALITY OF JUSTICE

The quality of justice is a priority for all countries. There are problems which are the same for European Union countries. Some of them are on the same for all Council of Europe countries and others are specific to each of them.

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.



The activity of magistrates, but also courts, prosecutors' offices or other justice institutions should be subject to control or evaluation in terms of quality and efficiency of their activity. The concept of "justice quality" does not only include the quality of court decisions, which are generally subject to control within the judiciary itself, but includes a number of elements related



to the proper functioning of the justice system such as clarity of court proceedings and decisions, access of individuals to the organs of the justice system, infrastructure, deadlines or mechanisms made available to the public.

The efficiency of the work of magistrates on the one hand and of the justice systems on the other is a necessary condition for protecting the human rights, respecting the requirements of a fair trial, having legal certainty and guaranteeing public trust in the rule of law.



### PUBLIC TRUST

The level of citizens trust in the judiciary is a very important element of the justice system. In a democracy, justice is done on behalf of the citizens. Public trust is essential for the rule of law and this legitimacy requires the commitment of all societies to maintain this trust.



Public trust and respect for the judiciary are guarantees of democracy and stability in a democratic society. The level of citizens trust in the judiciary is a very important element for the justice system, as it is an important indicator to evaluate how the justice system works and the rule of law in a country.

In this context, not only should a magistrate be responsible for respecting or not the legal norms, but he should also be responsible for the people, society and state authorities, having in this way a direct affect on the public perception and trust in the justice system.

However, gaining the trust of the public does not mean that the judiciary must be under constant pressure to make decisions that the public must like, or necessarily agree with. On the contrary the courts should be independent and should not be influenced by the public perception on a particular issue.

A court decision may provoke public opposition and even anger or a sense of protest. But in this case the REACTION matters. The way the public reacts to a court decision, as well as the debate created, serves not only as inspiration and as an aid to building the social and political character of a country's society, but also as an indicator of its level of trust in the justice system.

Judicial decisions can be subject to public discussion and debate, but they are always binding. The highest form of public trust in the justice system is the respect and recognition of the "legitimacy" of the judiciary. This is achieved when the citizens of a country devotedly recognize, implement and respect the decisions of the judiciary, acknowledging its "legitimacy" in every case, no matter if they agree with it or not. Now our common challenge is no longer the time to gain the public's trust in the justice system, but to build a justice system that is respected by citizens.

### INDEPENDENCE OF MAGISTRATES

The justice system, in addition to the features and specifics that it may have in different countries, is characterized by the same values, and it operates on the same international standards and principles of its organization and functioning.

The basic principles applied to the organization of the judiciary 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 an indispensable pillar of democracy and the rule of law.

The independence of the judiciary can be accompanied by structural, institutional and legal changes, but it can only succeed when a country's society has faith in the legitimacy of the judiciary and shows a real commitment to this standard.

There is an important tendency to ensure the independence of the judiciary through formal guarantees and fixed procedures. However, it is important to acknowledge that the judicial systems in different countries have evolved or

have had different paths of their consolidation. Thus, it is debatable whether a uniform international standard should be applied.

### ACCOUNTABILITY SYSTEM

It should be acknowledged that increasing the competence and independence of magistrates should be accompanied by an accountable system

This is because independence is not a privilege, but a responsibility. In this case, there must be a continuous process of balancing independence and accountability. These processes must be characterized by action and counter-reaction at the same time. The more powers the judiciary possesses, the higher the demands for accountability must be.

The function of independent magistrates charged with interpreting and enforcing the law is universally recognized as the fundamental feature of the modern democratic state, the cornerstone of the rule of law itself, but this power is not absolute. This is because magistrates are representatives of public bodies and they have only that power which is assigned to them by the legal order.

To this end, it is necessary for the governing bodies of the judiciary to have an active approach to the accountability system of magistrates by applying new approaches, which consist in the combined application of the standards of their accountability and liability.

The accountability system of magistrates should not be misused by other bodies of government in order to control and violate judicial independence.

The accountability system should be guided primarily by the notion of magistrates' liability, as a preventive mechanism that ensures the

construction of an independent and impartial judicial system.

### LIABILITY SYSTEM

If these remedies are not effective, then in exceptional cases, as well as depending on certain circumstances, measures on their criminal, civil or disciplinary liability may be applied, always within a regular legal process, pursuant to Article 6/1 of the ECHR.

The most important consequence of the principle of independence of magistrates is the non-responsibility for the decisions they make according to their conviction, based on law. However, the consequence of the power and trust that society gives to magistrates is such that there must be several ways to hold them accountable, including removal in the event of violations that justify this action.

### ORGANIZATION AND FUNCTIONING OF INSPECTION SERVICES

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 the historical developments, the legal and constitutional tradition, or the political and social one of each country. These factors also dictate the result achieved.

While the exercise of the right to appeal and control by a higher court and within the judiciary itself 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 in the context of the proper conduct of court proceedings and the effective management of the justice system organs.

This important mission, regarding the guarantee of these standards is entrusted to our institutions, inspection institutions.

Inspection services should adapt and apply special control methodologies, and this process should be carried out gradually and based on a set of well-defined criteria, standards and guarantees.

The rules regarding their 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.

Another important aspect related to the organization and functioning of inspection services is the guarantee of independence and impartiality of its activity. 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 achieved through the application of policies or measures aimed at guaranteeing the 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.

#### COOPERATION BETWEEN INSPECTORATES

To achieve these things, we all need to work together. 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 accordance with the standards of democracy and the rule of law; creation of legal, administrative or practical mechanisms of cooperation; data exchange and mutual legal assistance between states.

At the same time, this process should be carried out taking into account the implementation of European Union standards transposed into national legislation; principles, spirit and jurisprudence of the European Court of Human Rights, or 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 organs of the justice system and to the improvement of the quality of the justice system, thus, achieving our common goal. These are some of my thoughts on today's activity.

However, I would not like to end this remark without expressing some gratitude and thanks.

Thank you to the Council of Europe; Thank you CEPEJ, thank you Roland, Muriel and Olsi for their continuous contribution by building the capacity of member countries on the organization and functioning of judicial systems, constantly elaborating international legal instruments and mechanisms regarding the efficiency, quality and evaluation of justice systems. At the same time, in addition to technical support, without EC financial support, these activities would not have been possible. Thank you for your support and professionalism.

On this occasion I would also like to extend my gratitude to RESIJ, thank you Delphine, Lucian and other colleagues. RESIJ brought us all together here today. HIJ is the youngest participant in RESIJ, but during this short time I have had an intensive and very useful cooperation with this Network. Today's organization is a clear indication that the Network operates and brings concrete results and product in its work. For this reason, we must show confidence and we must have the good will to advance this initiative.

Thank you to all the leaders and representatives of the inspection service, representatives of justice institutions, as well as all participants in this conference, who share with great professionalism the experiences of their countries, models of organization and functioning of inspection services, standards and the best methods which we should all follow.

And finally, a special thank you to the HIJ office staff and my collaborators, Linda, Dëshira, Moza, Klodj, Adela and all the staff, who have worked hard, until late hours for this activity. I express my gratitude for your dedication, commitment and the support you have given me to undertake this initiative.

### **Dear participants!**

When I was discussing with my colleagues the undertaking of this conference, we had some big dilemmas. What would the conference theme be?! What would be the common issues that unite us all?! What are the differences?! Or maybe as I emphasized in my greeting speech, our political, legal or social diversity creates a great distance and division between us, which cannot be approached, or cannot bring us all together to share with each other ideas, the same problems, or the right ways to solve them.

But no, this activity showed the opposite! Now I can say with all my conviction that this organization was worth it and it has achieved the purpose for which it was conceived.

This is due to the fact that it is based on our common belief in European values such as democracy and the rule of law, partnership, successful communication, as well as the good will to contribute to the development of the role of inspection services.

Now that this activity is in its concluding phase, I believe that this tradition should continue and this is just the beginning of a long process of cooperation and interaction between us.

Thank you everyone!

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.

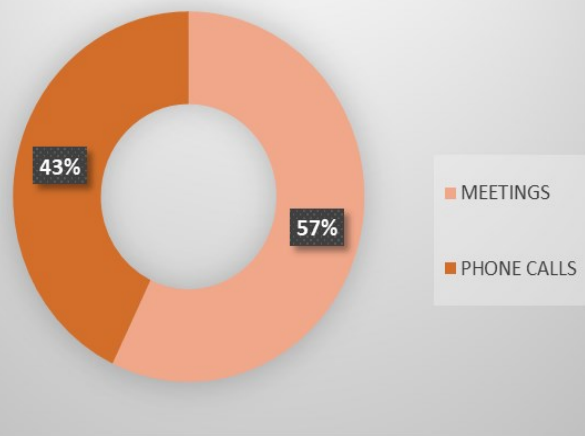
As part of the transparency program, in

During June 2022, Legal Aid and Complaints Sector has met 24 complainants, which came at the Office of High Inspector of Justice and received 18 phone calls from citizens, which have requested information of the phase of their complaints or legal aid on how to complete the Complaint Form.



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.

MEETINGS AND CALLS FROM CITIZENS



## 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](mailto:info@ild.al), as well as that of the coordinator on the right to information [amanta.jasa@ild.al](mailto: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 June 2022, at the Office of High Inspector of Justice, **17 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](mailto: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](http://www.ild.al), in the section "How to receive complaints".

## MONTHLY STATISTICS

During **June** the Office of High Inspector of Justice has administered 77 complaints, 77 of which have been filed by citizens, 1 complaint by OSHC and 1 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 **June**, 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.”*

### 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.

### JUNE OF HIJ IN NUMBERS

109 archived decisions from 142 reviewed complaints:

- ◆ 86 archived decisions after the initial review;
- ◆ 15 archived decisions after verification(HIJ);
- ◆ 8 archived decisions after verification from files inherited from KLD;
- ◆ 18 verification decisions;



## INTERVIEW OF HIGH INSPECTOR OF JUSTICE ARTUR METANI FOR “BREAKING” SHOW ON TOP NEWS



**journalist Elisa Gjerani:** We will talk about justice. An international conference with counterparts from EU countries was held on Friday to discuss the Albanian justice system. It is my pleasure to have via Skype, Mr. Metani, High Inspector of Justice. Thank you Mr. Metani!

**High Inspector of Justice Mr. Artur Metani:** Thank you for your invitation.

**Journalist:** Is the Albanian inspection system of judges and prosecutors similar to that of EU countries? What are the challenges seen from this perspective?

**High Inspector of Justice Mr. Artur Metani:** The conference held in Tirana on Friday, with the Justice Inspection Services of European Union countries and the Albanian Inspector is part of the activities that the High Inspector of Justice Office in Albania, is organizing in relation to the international dimension of this office. Since the establishment of this office, the High Inspector of Justice has been in contact with the European Network of Inspection Services (RESIJ) and now that the Albanian Inspector is part of this network, in

the context of our cooperation, we organised this conference. The Inspection Services forms of organisation in Europe are different. I would mention three main ones. One is the Albanian model, where the High Inspector of Justice is an independent body elected by the Assembly, independent of the Councils, independent of the Minister of Justice, or of other justice institutions. There are systems such as Italy or France, in which the Inspector or Inspection Services are under the responsibility of the Ministry of Justice.

There are other places which offer a different overview of their organization, such as the report or the dependence of the Inspector, or the inspection service, i.e., it depends on the High Judicial Council as the case may be. However, the forms of organization for the idea of this conference did not differ much, but the important thing was the topic or principles on which the Inspection Services gathered to discuss. This is because despite the countries' differences, systems differences or inspection services differences, the problems remain the same, no matter the addressing level of these problems.

**Journalist:** Clear enough, on the other hand your conference topic was about the independence of judges and prosecutors. But in our country, there have been a lot of debates and dissatisfaction related to decisions given by the Courts or Prosecution Offices, what can be done about this? What has your Institution done about it?

**High Inspector of Justice Mr. Artur Metani:** The relationship between the public interest in the administration of justice, i.e., the way judges and prosecutors exercise their duties on the one hand and their independence on the other, as an important element for the democratic functioning of society is a ratio and a balance that is not easy to find, as it is a ratio or a balance present everywhere. According to the conclusions of the conference, this is a dimension that affects all countries, regardless their level, differences of the democratic, political or institutional system of inspection services or courts and prosecution offices. The important thing is that societies must find the right balance between these two important interests for the development of the society. Without a doubt these problems are more acute in Albania because such is the situation here, even after the adoption of the reform in Albania. The most important thing is that the heat of the moment, or the serious problems we face today, do not distract us from the main focus, which should be finding the right balance, because finding the right balance does not serve only to resolve a situation today, but to see or create a platform and vision for the functioning of institutions for years to come, for decades to come, because a bad precedent today is a precedent that cannot be undone tomorrow.

For this reason, the investment or initiatives taken by the High Inspector of Justice within the competencies he has are seen in this light and try to include exactly this democratic, constitutional balance, which is important not for the Office of the High Inspector Justice, which is important not for judges, but it is in fact healthy for the society, for the democratic development of the society.

**Journalist:** In fact, as an institution, you have been monitoring for 2 years and 4 months the behaviour of the judges and prosecutors in the context of the implementation of ethical and professional norms. What change do you think you have made in these two and a half years?

**High Inspector of Justice Mr. Artur Metani:** This is an important and fundamental question, and I would not like answer, about what has been done well and what has been done badly by this office, to come from the High Inspector of Justice. This is evaluated by the society; this is evaluated by the relevant institutions. It is important to me, or I would like this assessment to be based on indicators and concrete professional analysis and not on perceptions. This is very important, not just for evaluating the High Inspector of Justice work, but for evaluating the work of any institution emerging from justice reform because obviously the expectations were high, the problems that the system is facing are very large, institutions are functioning. But how they are functioning and how they are working should be measured based on professional, scientific and analytical indicators and not on a perception or a general assessment.

What is important for the institution is to work. The High Inspector of Justice Office from the moment of its creation has tried to touch every dimension of the field it covers, to exercise every competence it has. To bring a figure as an example, only last year the Institution of the High Inspector of Justice conducted 18 disciplinary proceedings, some with severe measures such as dismissals, some with lighter ones, precisely to show, first to judges and prosecutors, that the system is functioning, that the Office of the



High Inspector of Justice is active, it is here and it is constitutionally monitoring the work of every judge and prosecutor. But also, to show both the citizens and the institutions that the office is functioning as well and that every claim or complaint that citizens or institutions have against the judicial system, must be addressed to this institution, because they will find answers provided by law.

For me it is important to build confidence that the system is working, that the system must be respected, that every complaint must come to this office to be dealt with legally, as provided by law, and step by step the system will begin to recover if we respect the system we have set up, the system we want to respect, the system which will absolutely guarantee us the democratic functioning of the institutions. Only in this way can we move forward democratically, respecting the system we have set up and the values for which the new institutions were established.

**Journalist:** The justice reform was in fact approved and a series of expectations arose with it, expectations not only from the public, but also from other institutions that thought they would find justice based on this reform. Do you think that today it has fulfilled the mission which it was created for?

**High Inspector of Justice Mr. Artur Metani:** It is too early to answer this question, because at least the Office of the High Inspector of Justice, for example, has only been established for two years, so it is too early to make such analysis. First, I appreciate the new architecture of the justice system. For me it is a very good architecture that works, it is an architecture that preserves exactly what is important for the institutions, which is the separation and balance of powers. Today there is no possibility of new justice institutions overlapping; today there is no possibility that new justice institutions will unconstitutionally influence the work of judges and prosecutors; today there is no possibility that politics or other interest groups will, in the negative sense of the word, affect the work of justice institutions and consequently the work of judges and prosecutors.

I appreciate this model we have chosen. It is obviously too early to say that this model is the best, it is too early to say that this model works perfectly, it is too early to say whether this model should be changed or not, because to give such an assessment, first of all each organ must pass its systemic cycle. Second, situation in Albania, also because of this reform, is in a traumatic state and this is something we all accept and the challenge is not to accept this. The challenge is to find solutions as soon as possible, to respond as quickly as possible to the expectations of the citizen.

This is what the institutions are trying to do, first the Office of the High Inspector of Justice, but I believe, the other institutions as well, which are giving their own results. The effects of these results are obviously not automatic and mechanical to give an effect of

increasing expectation and confidence in 24 seconds, or 24 hours. This will take its time to confront these values for which the institutions of justice were created and which they are giving.

The important thing is that the institutions are producing, working and producing, a little more, a little less, it does not matter, it matters that the system is working.

**Journalist:** Finally, do you have a comment on the new court map?

**High Inspector of Justice Mr. Artur Metani:** The

Office of the High Inspector of Justice has not been part of the discussions on the new court map, because the law has provided the bodies to deal with the ideation, conception and approval of this map, such as the High Judicial Council, the Minister of Justice, and then the Council of Ministers.

So, I have no comment on that.

**Journalist:** Thank you very much Mr. Metani for being in Breaking.

**High Inspector of Justice Mr. Artur Metani:** Thank you.

## HIGH INSPECTOR OF JUSTICE ARTUR METANI PAYS WORKING VISITS TO BULGARIA



The High Inspector of Justice paid an official visit to Sofia invited by his counterpart Mrs. Teodora Tochkova, General Inspector of the Inspectorate to the Supreme Judicial Council of the Republic of Bulgaria.

Mr. Metani was accompanied by HIJ inspectors, cabinet members, the Ambassador of the Republic of Albania to Bulgaria, Mrs. Donika

Hoxha and the international expert Mrs. Anita Mihailova.

The visit was held within the framework of the cooperation agreement signed between the Inspectorate to the Supreme Judicial Council of Bulgaria and the High Inspector of Justice in September 2021, during the visit of the Bulgarian counterparts in Tirana.





The importance of exchanging best practices in the process of inspection and disciplinary proceedings of magistrates was discussed during the working meeting with counterpart Tochkova, High Inspector of Justice, Mr. Metani, underlined the importance of this cooperation in the further development of the institution, in the context of fulfilling its constitutional competencies.

Mrs. Tochkova and the experts of the institution



made a presentation of the competencies and composition of the institution, focusing on the procedures of conducting thematic and planned inspections, magistrates' integrity and assets inspections, inspections in case of allegations of procrastination and inspections on the use of personal data. The HIJ delegation was closely acquainted with the Complaints Registry Office work as well as the Electronic Complaints Registration System and their distribution.

High Inspector of Justice Mr. Artur Metani and



the accompanying delegation held meetings in the High Judicial Council, with Mr. Boyan Magdalinchev and members of the Council, with



the President of the Supreme Administrative Court, Mr. Georgi Cholakov; with the Deputy Presidents of the Supreme Court of Cassation, Judge Evgeni Staykov and Judge Mimi Furnadjieva, as well as Judge Galina Toneva; with the President of the Constitutional Court Mrs. Pavlina Panova and with the President of the Administrative Court of Veliko Tarnovo, Mr. Georgi Chemshirov.

During the meetings, delegations exchanged views on the importance of the rule of law in the functioning of a democratic society.

**JUNE 2022**

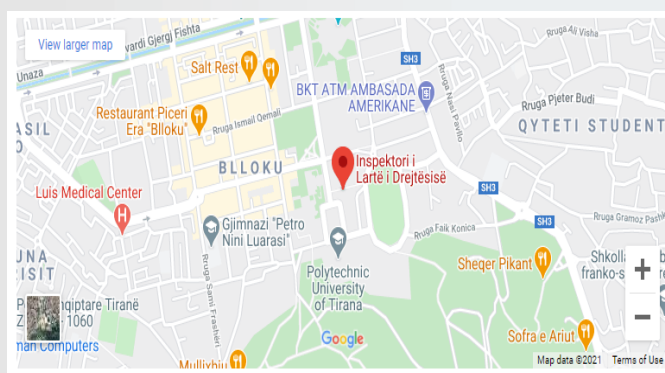
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