

July 2023 | No. 29

# NEWSLETTER

## HIGH INSPECTOR OF JUSTICE

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Inspektori i Lartë i  
Drejtësisë



Inspektori i Lartë i Drejtësisë Artur Metani  
@ILD\_Albania

**AN OVERSIGHT MECHANISM BY THE ASSEMBLY, NECESSARY  
FOR THE PERFORMANCE MEASUREMENT OF JUSTICE  
INSTITUTIONS**





## AN OVERSIGHT MECHANISM BY THE ASSEMBLY, NECESSARY FOR THE PERFORMANCE MEASUREMENT OF JUSTICE INSTITUTIONS

High Inspector of Justice Artur Metani presented to the Members of Parliament the work done by the institution during 2022.

In his speech, Mr. Metani also emphasized the contribution as an institution to the justice system.

*“2022 has been a year during which the High Inspector of Justice has widely exercised his authority to increase the efficiency of his role and consequently that of the judicial power.*

*The standards established during the process of handling complaints, conducting investigations and disciplinary proceedings; conducting thematic inspections; increasing international co-*

*operation in the field of judicial inspection; organizing national and international activities to exchange experiences in judicial inspection, are some of the solid foundations of the work, in my view, that the Office of the High Inspector of Justice is building, giving priority to a long-term solution to the problems of the justice system and not to immediate problems or interests.”*

The High Inspector of Justice has underlined the importance of cooperation between institutions, but also the commitment of everyone to its implementation, as a contribution to the whole society.



*“This should be done through periodic meetings; exchange of experiences; the unification of methods and best practices in accordance with the standards of democracy and the rule of law; creation of legal, administrative or practical mechanisms of cooperation between justice bodies. In this context, the HIJ, during 2022 has continued the cooperation with the High Judicial Council, the High Prosecutorial Council, the Prosecutor General, the Ministry of Justice, civil society organizations and international partners. On the other hand, this requires a coordinated consultative process and the application of a broader coordination approach or oversight mechanism, analysis and an action plan for each institution at a systemic and strategic level.”* said Mr. Metani.

INSPEKTORI I LARTË I DREJTËSISË

RAPORT PËR PUNËN GIATË VITIT 2022



PËR PUNËN E ZYRËS SË  
INSPEKTORIT TË LARTË TË DREJTËSISË

PËR PERIUDHËN  
01.01.2022 – 31.12.2022



## SPEECH OF THE HIGH INSPECTOR OF JUSTICE DURING THE PRESENTATION OF THE ANNUAL REPORT IN THE ASSEMBLY

Speaker of the Assembly,

Members of Parliament,

As can be seen from the work report of the High Inspector of Justice Office for 2022, the institution I head results to have had a very dynamic year, in terms of verifying complaints against judges and prosecutors, disciplinary investigation and thematic inspections, which have been the focus of our work, also in relation to the recommendations of the resolution approved by the Assembly for the past year, but also the cooperation with institutions or organizations inside and outside the country.

Avoiding a rhetoric based on figures or analysis, as they are reflected in details in the report, I would like to take this opportunity today, through this reporting process, to share with you, not only some issues many of which I believe have been a strong point of the HIJ activity

during the past year, but also some reflections which can and should find solutions in the future.

During 2022, the High Inspector of Justice has continued his work by handling the inherited documentary practices or complaints with the view to reducing the backlog created as a result of the transitional period of establishing the new justice institutions. Also during this period, HIJ has handled the new complaints which were filed with the HIJ Office from both citizens and public institutions.

The verification of these practices (documentary practices part of the backlog as well as new complaints) is carried out in accordance with a methodology based on the principles of legality, equality and efficiency. The application of this methodology was intended to avoid the culture of forgetting and impunity among magistrates in relation to old complaints submitted by citizens

to previous institutions, as well as meeting their expectations in relation to new complaints.

Special attention has been paid to the unification of the acts drafted by the HIJ both in form and content. The main goal has been and still remains the application of the same transparent standards during the verification of complaints or claims made public and the conduct of disciplinary investigation against magistrates. The HIJ aim has also been to promote best practices in the interpretation and implementation of the legislation. In the absence of a consolidated administrative and judicial practice, the institution of the High Inspector of Justice has played an important role regarding the interpretation and implementation of the new legislation on the disciplinary liability of magistrates.

At the same time, the HIJ aim during 2022, was to exercise its authority in the most complete and professional manner with the aim of creating an accountable, functional justice system based not only on the standards of accountability or liability, but also on the ones of independence. This is a very delicate important process and it has not been easy, since the system of liability and accountability of magistrates must work by maintaining a fair balance between the public interest to be familiar with the administration of justice by judges and prosecutors and the independence of these magistrates.

The liability or disciplinary system must first of all play a preventive role through the identification of any problems with the functioning or not of the justice system, as well as the approval of recommendations for their improvement. This control system should never serve as a means of pressure on the work performance of magistrates, but as an important tool to measure the efficiency and quality of their work performance, professionalism or as a help to increase the quality of decision-making of magistrates.

Within this spirit, the institution of the High Inspector of Justice has also carried out its activity. In addition to handling individual cases, through conducting disciplinary proceedings, which have been applied only in special cases and as exceptional tools related to the activity of magistrates, an increased attention has also been paid to the preventive approach and the supportive role that the HIJ can play to increase the capacities of the judicial power. The institution of the High Inspector of Justice during 2022, has given special importance to the conduct of thematic inspections and their planning. This process of thematic and institutional inspections is continuing this year as well. This process has brought concrete and measurable results. Conducting thematic inspections, or initiating disciplinary proceedings in certain cases, has resulted in an increased responsibility of the magistrates to correctly apply the legislation or institutes of law and therefore has increased the quality of their decision-making.

**The liability or disciplinary system must first of all play a preventive role through the identification of any problems with the functioning or not of the justice system, as well as the approval of recommendations for their improvement.**

However, I deem in advance that there is a lot to be done! 2022 has been a year during which the High Inspector of Justice has widely exercised his authority to increase the efficiency of his role and consequently the one of the judicial powers. The standards established during the process of handling complaints, conducting investigations and disciplinary proceedings; conducting thematic inspections; increasing international cooperation in the field of judicial inspection; organizing national and international activities to exchange experiences in judicial inspection, are some of the solid foundations of the work, in my view, that the Office of the High Inspector of Justice is building, giving priority to a long-term solution to the problems of the justice system and not to immediate problems or interests

In order to achieve the goal which, the justice reform was conceived and approved for, so as to make it possible to live with the values of constitutionalism and the rule of law, all of us must cooperate. Without a doubt, what I am saying is not only in the broad sense of the word, of cultivating law as a social and political value, cultivating law as a standard and not a statistic but also in a narrower sense, of analyzing and coordinating altogether the methods of control and evaluation of justice institutions.

This should be done through periodic meetings; exchange of experiences; the unification of methods and best practices in accordance with the standards of democracy and the rule of law; creation of legal, administrative or practical mechanisms of cooperation between justice bodies. In this context, the HIJ, during 2022 has continued the cooperation with the High Judicial Council, the High Prosecutorial Council, the Prosecutor General, the Ministry of Justice, civil society organizations and international partners. On the other hand, this requires a coordinated consultative process and the application of a broader coordination approach or oversight mechanism, analysis and an action plan for each institution at a systemic and strategic level

During 2022, the High Inspector of Justice has continued to maintain transparency with the public as a stable priority, by interacting with citizens, through the data enrichment of the HIJ website and the engagement of the Legal and Complaints Office. The HIJ, within the framework of evaluating the information made public in the media, denunciations made by the public or even data provided during the exercise of its authority, has played a proactive role in evaluating and handling cases of alleged disciplinary violations by magistrates.

During 2022, the HIJ has also focused on using the information technology to facilitate the process of handling documentary practices as well as the work activity of the HIJ Office, completing the recruitment procedures of non-magistrate inspectors at the Office of the High Inspector of Justice, as well as further increasing the professional capacities of inspectors.

Distinguished Members of Parliament,

Finally, I would like to emphasize that the High Inspector of Justice has been attentive, has studied and referred, solved, completed and set in its objectives for the future, every single point of the resolution which this body has believed and chosen to transmit to us, through an act approved in this room.

Today I am keenly awaiting and fully attentive to your every decision-making, regarding what you recommend as challenges for the coming year. But not only!

I assure you that I am and will be fully attentive to your every discussion, of each of you, in order to be able to understand even more, beyond what you will approve in your resolution, as an act of this Assembly. I believe that each of you, through your own words, or even a debate between you, can contribute to make us understand if there are other issues that can be brought to our attention.

Not only do I consider these sessions in the As-

sembly a legal and constitutional necessity, but also a great space for debate, a great opportunity to present theses for improving the institution performance. This is because in my point of view, the implementation of justice reform is not and should not be only a battle of justice institutions, but also of other institutions, and then of the whole society. Respecting the principle of separation and balancing of powers must be conveyed to citizens as a fundamental value of the rule of law in a democratic society.

Thank you!

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**MP Albana Vokshi:** The first question, the re-evaluation structures have sent the High Inspectorate of Justice a significant number of cases for evaluation, based on the verifications they have carried out against judges and prosecutors. On the other hand, it has been noticed a minimal number of cases reported as completed by your Institution. What are the reasons for this proportional situation between the cases referred to you and the completed inspections? The second question, the Institution of the Public Commissioner has asked the Special Appeal Chamber to

initiate administrative action for omission of the High Inspectorate of Justice, for the case of a former judge of the High Court. What is the spirit of cooperation between the two institutions? If there is a clash between the two new justice institutions, does this serve the greater public interest? The third question, the activity of the High Inspectorate of Justice, as well as the High Judicial Council, or any other institution created after the justice reform, are often characterized by a lack of transparency. I want to remind you that all institutions should in fact serve the public and I ask you about different standards that are followed by your institution. In cases of media reports on alleged violations by judges or prosecutors, you publish them, giving information if you have started verifications and inspections, while in other cases you are more hermetic and do not make public any concrete results of these inspections. Why do you treat them differently? Why are they not made public? After all, I repeat, they must serve the public and the institutions must be transparent. The last question, a few days ago the court decided to change the measure of detention in prison for the former minister Sajmir Tahiri. How do you consider this decision? Why is the medical report of his wife, which was taken into consideration for changing the sen-



tence from detention in prison to house arrest, not made public? Has the HIJ started an inspection on this case? If the High Court convicts him as being part of a structured criminal group, what happens to Sajmir Tahiri, because the punishment will be more severe, as a result the decision that took him out of the cell must be rendered invalid. Thank you.

**High Inspector of Justice Artur Metani:** Thank you for the questions, Ms. Vokshi. In relation to the first question, according to the information I gave in April, 2023, there are 39 cases referred by the re-evaluation bodies, 27 cases processed or handled by the High Inspector of Justice.

Regarding the second question about the Public Commissioner. The spirit of inter-institutional cooperation is correct and in compliance with the law. What I notice is... obviously the new institutions have been established and they are implementing a new constitutional and legal framework and obviously the implementation of these new notions, institutes or concepts will also bring about debates between institutions, in fact it belongs to the reevaluation bodies to produce jurisprudence, to produce opinion regarding these reports or these debates and not clashes between institutions. Without a doubt, there are legal debates on these issues, I see it as a positive thing that serves not only the institutions, but ultimately the public interest, the more legal debates there are between the institutions, not in the media, the better it is for development of the institutions and the spirit which the reform was approved for and the institutions continue to work.

Regarding the third question. Actually, to be honest, I consider transparency to be a strong point of the HIJ and for some of the

comments I would have a different opinion, but still to be fair to you and the question, every inspection that has been conducted by the HIJ is on the website from the moment it is approved, the thematic inspections I mean. Any case initiated due to media reports and processed by councils is obviously public because council sessions are public. Each case which the HIJ announced to have started verification for, I believe these should be 4 or 5 cases, only in one case the HIJ did not respond to the findings of the investigations or verifications, in all cases we gave a report on them, on their conclusions, only in this case it was our mistake to be honest, but it was a sporadic case.

Regarding the last question, well, the High Inspector of Justice first operates with complaints, this is the main approach. Any citizen, any public institution, anyone who has allegations of a magistrate's behavior, in a certain way contrary to the law, can file a complaint with the High Inspector of Justice, and this is in my view, the healthiest way that serves the system, because only in this way can the decision-making of the High Inspector of Justice be controlled, by appealing the decision-making of the High Inspector of Justice to the relevant councils.

There is a second way that the law provides, that in special cases the HIJ can be set in motion mainly due to announcements in the media, obviously this cannot be the main part of the HIJ work.

The HIJ is set in motion for those cases that the HIJ deems to constitute a cause or material for its work, this is more or less how the HIJ works. In the specific case, there is no inspection initiated by the HIJ, but there is no complaint filed with the HIJ.





## HPC ACCEPTS HIJ REQUEST FOR THE DISMISSAL OF PROSECUTOR S.H.

The High Prosecutorial Council accepted the proposal of the High Inspector of Justice for the disciplinary measure “dismissal” against magistrate S.H., prosecutor in the Prosecution Office attached to Saranda Judicial District Court at the time of the disciplinary violation, for the violation provided for by Article 148/d, paragraph 2, letter “b” of the Constitution of the Republic of Albania, as well as article 104 of law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended.

According to the investigative report of the High Inspector of Justice, magistrate S.H. was found guilty by the Special Court of Appeal for Corruption and Organized Crime, for committing the criminal offense of “Passive corruption of judges, prosecutors and other justice officials”, and “Refusal to make a declaration or non-declaration of assets, private interests of elected persons or public servants or any other person

who has the legal obligation to make a declaration” and was sentenced to 2 years and 4 months of imprisonment.

The magistrate, subject to the disciplinary investigation, results to have committed actions during the exercise of his duty, which were deemed to contain elements of the criminal offense provided for by Article 319/ç of the Criminal Code, with a view to unfairly benefiting from them by showing bias in a court case. Prosecutor S.H. has seriously discredited the integrity, authority, and dignity of the magistrate and has reduced the public confidence in the administration of justice.

The HIJ investigation concluded that the magistrate’s actions constitute a very serious disciplinary violation and asked the High Prosecutorial Council to accept the request for the disciplinary measure “Dismissal from duty” against prosecutor S.H., a request which was approved.



*While assisting the complainants*

The team of complaints office welcomes citizens-complainants every working day from 09:00 am to 02:00 pm, while for increased communication with interested citizens, in addition to communication

through the website and official address, the Office of the High Inspector of Justice has made available the phone number +355 4 2217217.

*During the month of July 2023, the Complaints and Public Relations Sector received 14 complainants, who appeared at the premises of the Office of the High Inspector of Justice, and 15 phone calls from citizens, who requested information on the stage of their complaints or Information on completing the TIP complaint form*

Coordinator for the right to information is part of this sector



## COORDINATOR FOR THE RIGHT TO INFORMATION

In accordance with the principles and rules provided for in law no. 119/2014 "On the right to information", the coordinator for the right to information in the Office of the High Inspector of Justice, enables every applicant the right to be familiar with public information, as well as communicates according to the need with the applicant regarding the processing of the request for public information.

Requests for information are filed by citizens, legal entities, interested groups,

and can be send through the "Albanian Post", e-mail at the address: info@ild.al, as well as the e-mail of the coordinator for 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 **July 2023**, at the Office of High Inspector of Justice, **18 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](http://www.ild.al), in the section "How to receive complaints".



## HIGH INSPECTOR OF JUSTICE FINALIZES INSTITUTION INTEGRITY PLAN

The Office of the High Inspector of Justice, in cooperation with the European Center supported by the Helsinki Committee, has drawn up the Integrity Plan of the institution of the High Inspector of Justice for 2023-2024.

The draft document was discussed during a working meeting with the HIJ office team, where the general secretary of the High Inspector of Justice Office, Ms. Dëshira Pasko pointed out that the Integrity Plan will serve as an internal docu-





ment with a guiding character, which defines the objectives for strengthening ethics and integrity that will guide the employees of the HIJ office, in the exercise of their functions to fulfill the duties and responsibilities defined in the legal framework and internal acts of the HIJ. “At the same time, im-

proving performance, increasing transparency and accountability, integrity and professionalism in exercising duties, contribute to improving the image of the institution and, consequently, to increasing the trust of citizens towards the institution and the justice system. “



said among other things, Ms. Pasko.

After the presentation of the Integrity Plan by the legal expert Ms. Eda Nocka, the discussions focused on the objectives and measures of this plan, which serves the institution for the identification, evaluation and prevention of all the risks that affect the integrity of the institution and the individuals who work in it. It is also a working document that defines concrete measures for dealing with integrity risks as well as achieving the strategic and specific objectives of the institution.

This is a joint initiative between the European Center and the HIJ, supported by the Helsinki Committee through the funds of the Swedish government, which comes as the first product within the framework of a Memorandum of Under-

standing signed between the HIJ and 6 civil society organizations in March 2022”, said in her speech the executive director at the European Center Ms. Ina Xhepa.

On behalf of the Helsinki Committee, Ms. Servete Ceka in her speech, expressed her appreciation for the very good cooperation so far with the High Inspector of Justice, also with the support for drafting the Integrity Plan within the project “Improving the performance of the High Inspector of Justice, as a key institution for a professional judiciary in Albania.”

After reflecting on the suggestions made during the discussions in this working meeting, the plan will be approved by the High Inspector of Justice.





## HIGH INSPECTOR OF JUSTICE WELCOMED THE DELEGATION OF THE HIGH PROSECUTORIAL COUNCIL OF MONTENEGRO

At the invitation of High Inspector of Justice, Mr. Artur Metani, a delegation of the High Prosecutorial Council of Montenegro paid an official visit to Tirana.

Mr. Metani expressed his satisfaction that the communication started during his visit to Podgorica is continuing in Tirana, as a concrete opportunity to continue with the experience exchange, regarding the independence of the judiciary, the liability and accountability of the mag-

istrates, the professionalism and the encouragement of the best work practices.

*“The consolidation of the rule of law for a functional democracy remains a challenge for both countries, even within the EU accession process”, said among other things Mr. Metani, continuing that “communication and cooperation in the juridical field between the countries of the region should be developed through wider roundtables and not only bilateral ones.”*



## HJC on Twitter

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468 Tweets



Inspektori i Larte i Drejtesis... @ILD... · Jul 25 ...

Glad to welcome today Dr. Judithanne Scourfield McLauchlan in the institution of #HIJ. We had an insightful discussion about rule of law, civic education and democracy in 🇷🇸 and 🇺🇸



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Inspektori i Larte i Drejtesis... @ILD... · Jul 21 ...

Momente pune në #ILD 📍: pritja e qytetarëve nga zyra jonë e ankesave dhe e marrëdhënieve me publikun cdo ditë nga ora 09.00-14.00.  
[#përkushtim](#) [#përgjegjshmëri](#)



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Mr. Metani held a meeting with Mrs. Judithanne Scourfield McLauchlan, professor of political science at the University of Florida. Graduated and experienced in the field of law, she is the founding director of the Civic Education Center. Mr. Metani posted on Twitter after the meeting: "Happy to host today at the institution, Dr. Judithanne Scourfield McLauchlan. We had an in-depth discussion on the rule of law, civic education and democracy in Albania and the USA.

#### OFFICE OF COMPLAINTS AND RELATIONS WITH THE PUBLIC

Working moments at #ILD: reception of citizens from our complaint and public relations office every day from 09.00-14.00.

[#dedication](#) [#accountability](#)



**JULY OF HJC IN NUMBER**

During **July** the Office of High Inspector of Justice has administered 71 complaints, which were submitted 70 by citizens and 1 (one) complaint submitted by the institution.

The High Inspector of Justice Office has performed the standard confirmation process of receiving complaints for all the new complaints submitted during June 2023. 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.

**VERIFICATIONS**

**57 verification decisions, of which:**

- ⇒ **44 verification decisions (HIJ practices);**
- ⇒ **13 verification decisions (files carried by the former HCJ);**

**DISCIPLINARY INVESTIGATIONS**

**1 decision to initiate a disciplinary investigation for 1 magistrate**

**5 decisions to end the disciplinary investigation for 11 magistrates**

**ARCHIVES**

**267 archiving decisions from 400 practices specifically examined:**

**155 archiving decisions after verification by HIJ practice, of which:**

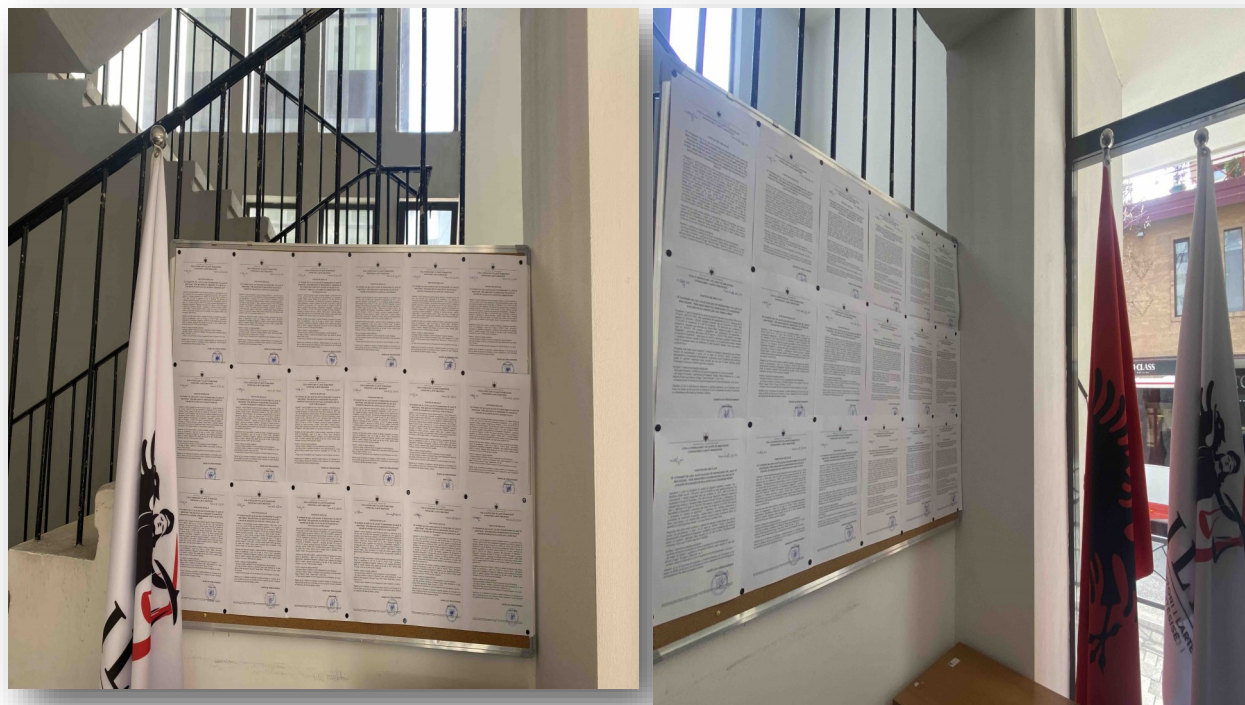
- ⇒ **134 archiving decisions after the initial review;**
- ⇒ **21 archiving decisions after verification**

**112 archiving decisions from practices handled (files carried by the former HCJ):**

- ⇒ **76 archiving decisions after the initial review;**
- ⇒ **36 archiving decisions after verification**

## PUBLIC ANNOUNCEMENT OF DECISIONS

Even during the month of **July**, the Office of the High Inspector of Justice made public announcements of archiving decisions for **10 complainants**, who were unreachable at the addresses communicated by them. In addition to the stands of the ILD, according to the law, these announcements are also found on our official website and posted in the stands of the municipalities where the complainants come from. The Office of the High Inspector of Justice has made a total of **277 public announcements**



### INFORMATION

*Due to the reconstruction of the building, the Office of the High Inspector of Justice has been transferred for a period of time to the address: Street "Abdi Toptani", Building No. 5, 3rd floor, Tirana (at the State Advocacy).*

*The schedules for communication with citizens who want information or to submit a complaint to the HIJ (High Inspector of Justice) will remain unchanged. The team of the Complaints Office will welcome you every working day from 09:00 am to 02:00 pm.*

*Citizens will be welcomed on the first floor of the institution.*

JULY 2023

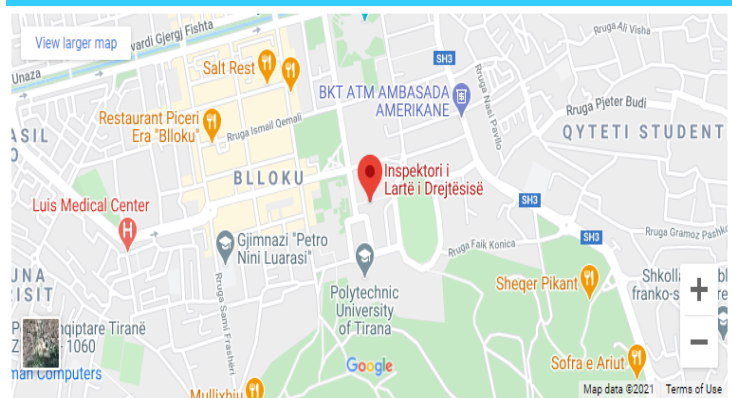
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## CONTACT ILD

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Building nr.13 Tirana, Albania



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