

October 2023 | No. 31

# NEWSLETTER

## HIGH INSPECTOR OF JUSTICE

[www.ild.al](http://www.ild.al) | [info@ild.al](mailto:info@ild.al)



Inspektori i Lartë i  
Drejtësisë



Inspektori i Lartë i Drejtësisë Artur Metani  
@ILD\_Albania

HIJ MEMBER WITH FULL RIGHTS OF RESIJ



EUROPEAN NETWORK  
OF JUSTICE INSPECTION  
SERVICES



Inspectia  
Judiciară



MINISTÈRE  
DE LA JUSTICE  
*Liberté  
Égalité  
Fraternité*



Ministero della Giustizia



CONSEJO GENERAL  
DEL PODER JUDICIAL  
Servicio de Inspección



CSM  
CONSELHO SUPERIOR DA MAGISTRATURA



ILD  
INSPEKTORI I LARTË  
I DREJTËSISË



## HIJ MEMBER WITH FULL RIGHTS OF RESIJ

From 19.10.2023, the High Inspector of Justice is a full-fledged member of the European Network of Justice Inspection Services (RESIJ). This is a fulfilled goal for us, as only the European Union countries can be members of the Network, and after being a member with observer status for two years, now the HIJ is a full member of it.

### What is RESIJ?

In 2017, representatives of the inspection services of 14 European countries, but not only, agreed on the creation of the European Network of Justice Inspection Services (RESIJ)

in order to build concrete cooperation among them. The goals of the network are:

- to identify issues and conduct joint trainings at the European level;
- to increase the role of national inspection services in the quality, effectiveness and European level of Justice; to evaluate the European instruments of joint judicial assistance in civil and criminal cases;
- to cooperate for obtaining fundings from the European Union and the Council of Europe for a number of initiatives related to the work processes of the inspection services of RESIJ member states; to draw

up standard documents related to the inspection activity or the ethics of inspectors.

At the RESIJ meeting on December 10, 2021, it was decided that the institution of the High Inspector of Justice of the Republic of Albania would be part of this European network with observer status.

At the meeting of the RESIJ General Assembly, which took place online today, all members from European Union countries, unanimously decided to change the status of the High Inspector of Justice from a member with observer status to a full member.

The next RESIJ assembly will be held in Tirana on December 14 and will be hosted by the High Inspector of Justice.



# ILD

INSPEKTORI I LARTË  
I DREJTËSISË

## European Network of Justice Inspection Services (RESIJ)

*In 2017, representatives of the inspection services of 14 European countries, but not only, agreed on the creation of the European Network of Justice Inspection Services (RESIJ) in order to build concrete cooperation among them. The goals of the network are: o identify issues and conduct joint trainings at the European level; to increase the role of national inspection services in the quality, effectiveness and European level of Justice; to evaluate the European instruments of joint judicial assistance in civil and criminal cases; to cooperate for obtaining fundings from the European Union and the Council of Europe for a number of initiatives related to the work processes of the inspection services of RESIJ member states; to draw up standard documents related to the inspection activity or the ethics of inspectors.*



### THEMATIC INSPECTION IN TWO COURTS OF TIRANA ON PROCEDURE FOR REASONING AND DELIVERY OF WRITTEN COURT DECISIONS IS COMPLETED

The High Inspector of Justice has completed the thematic inspection “On the procedure for reasoning and delivery of written court decisions of the Court of First Instance of General Jurisdiction Tiranë, (civil chamber) and the Administrative Court of First Instance Tiranë”, for the period from September 1st to December 31st, 2022.

This inspection is part of the HIJ Inspections plan for 2023, in exercising the function of performing institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecution offices and the prosecution administration.

According to the inspection, during the inspection period September-December 2022, in the Administrative Court of First Instance Tiranë, 93.5% of the written decisions result to have been reasoned and delivered to the secretariat,

within the legal deadline of seven days. Other decisions were delivered within 10, 18 days and one decision was delivered within 107 days.

According to the thematic inspection in the Court of First Instance of General Jurisdiction Tiranë, it results that the total number of cases in this Court for 2020 was 34,382 cases. The court has 39 judges out of 76 provided for in the decree. The average workload of a judge in the Court of First Instance of General Jurisdiction Tiranë, is 1361 cases per year. During the inspection period from September 1st – December 31st, 2022, in the Court of First Instance of General Jurisdiction Tiranë, 1631 decisions result to have been delivered within the deadline of 20 days, while 981 decisions result to have been delivered out of deadline.

Therefore, it was found that despite the deadlines provided for in the civil procedural law

(Article 308 of the CPC), these deadlines in most cases, have not been met by the judges during the exercise of their functions.

Nevertheless, the High Inspector of Justice believes that taking into account the unusually high judicial vacancies in courts and the large number of cases pending to be reviewed, a more cautious approach should be taken. The workload that accompanies magistrates today, also due to the process of re-evaluation of judges and prosecutors, is an objective criterion, which is taken into account with the total number of civil cases and the time needed to reason the judicial decisions given.

In consideration of the above, the High Inspector of Justice assesses that not in any case will the non-compliance with the deadlines set by the procedural legislation, and in particular the deadlines provided for delivering within a reasonable time the reasoned decisions, be considered a possible disciplinary violation. A violation is considered as such when there is lack of care and efficiency, negligence or lack of professional ability that cross the “boundary of reasonableness” and such behavior cannot be justified by the magistrate. The delay in reasoning and delivering written decisions, constitutes a disciplinary violation when it is repetitive, serious and unjustified, as well as when it does not result from any situation which is beyond the magistrate control and which may be related to the malfunctioning of the judicial system.

In this context, in order to reach the conclusion if the magistrates have undertaken actions/omissions which may constitute a disciplinary violation, or actions/omissions related to

their professional activity, we must analyze case by case through a verification process or a disciplinary investigation, all the cases where the deadline for reasoning and delivering the written court decision is exceeded, a deadline which is considered a “reasonable time” for the judge/court to deliver the final reasoned decision.

In the Court of First Instance of General Jurisdiction Tiranë, 89% of the decisions result to have been delivered within the 120-day deadline, which is considered in most cases the reasonable time needed by the judge/court to deliver the final reasoned decision. Consequently, only for the Court of First Instance of General Jurisdiction Tiranë, and only for the inspection period September 1st - December 31st, 2022, the High Inspector of Justice estimates that for the purpose of reaching the conclusion if there is a disciplinary violation, the reasonable time that the judge/court needs to deliver the final written reasoned decision, was 120 days.

Based on this reasoning and analysis, the inspection report recommends:

To begin the verifications, pursuant to law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, to ascertain whether there are sufficient facts for the initiation of the disciplinary investigation:

- for the judge of the Administrative Court of the First Instance Tiranë, for the delivery of decision which has been reasoned and delivered to the secretariat within 107 days;
- for the judges of the Court of First Instance of General Jurisdiction Tiranë, for the decisions which have been reasoned and delivered to the secretariat within 120 days;
- and for the judges of the Court of First Instance of General Jurisdiction Tiranë, for the decisions which were not delivered to the secretariat until 15.05.2023.

[Click here to read the full report on this thematic inspection.](#)



## HIGH INSPECTOR OF JUSTICE ROUNDTABLE DISCUSSION WITH CIVIL SOCIETY OF LEZHA

High Inspector of Justice Mr. Artur Metani held a roundtable discussion with the representatives of the civil society organizations operating in the municipality of Lezha.

The meeting, supported by the OSCE Presence in Albania, is part of the communication strategy of the High Inspector of Justice Office for presenting the institution to various interest groups where they live and operate, even outside the capital, as well as discussing with them on how they see the role of the institution, experiences and expectations in relation to the behavior of magistrates in the system. This direct communication helps to increase the transparency and the efficiency of the HIJ work as well as increasing and strengthening the public trust in the justice system.

High Inspector of Justice Mr. Metani made a presentation of the role of the HIJ, as the institu-

tion responsible for the verification of complaints, investigation of disciplinary violations and the initiation of disciplinary proceedings against judges and prosecutors of all levels in the country and responded to the interest of the participants on specific aspects of the work as well as of the justice system.

“Justice reform needs to convey to the citizens the importance of implementing the principle of the separation and balancing of powers, as the only standard that guarantees the future of the justice system independence. Transparency and open communication remain essential to increase and strengthen public trust in the institution’s performances. This is the reason why the HIJ devotes time and attention to the interaction with citizens and interest groups, through both the complaints office in the institution and the direct meetings, such as this table discussion, which is



proving to us how necessary such contacts are, said among other things, Mr. Metani.

There was an open discussion on how the HIJ complaints process works as well as the expectations of the participants based on concrete experiences. Inspectors, assistant inspectors and employees of the complaints and public relations office of the Office of the High Inspector of Justice were also involved in the discussion.

The representatives of the OSCE Presence, Mr. Mauro Puzzo and Ms. Luljeta Krasniqi pointed out that the Presence is pleased to support such projects of the institution open communication with civil society, as an important dimension of the participatory democracy and the increase of public trust in the justice system.



# HIJ on Twitter



**Inspektori i Larte i Drejtesise Ar...**  
@ILD\_Albania

Follow

📍Rrjeti European i Shërbimeve të Inspektimit të Drejtësisë ⚖️🇪🇺 (RESIJ) mirëpret ILD 🇲🇰 si anëtare me të drejta të plota në Rrjet! Faleminderit kolegëve të mi të vendeve të BE-së për vendimin dhe mbështetjen për Shqipërinë! Shihemi në Tiranë në Dhjetor!

[Translate post](#)



**Inspektori i Larte i Drejtesise Ar...**  
@ILD\_Albania

Follow

Po ndodh: Diskutime shume interesante me studentet e Akademise se "Citizen in charge" mbi Zyren e ILD-se por edhe sfidat e sistemit te drejtesise. @q\_ytetare #ILD ⚖️



4:54 PM · Oct 16, 2023 · 213 Views

🗨️ 1 ❤️ 7 📌 📤



**Inspektori i Larte i Drejtesise Ar...**  
@ILD\_Albania

Follow

📍Po ndodh: Tryezë bashkëbisedimi me OJF të Lushnjës mbi rolin e ILD-së në verifikimin e ankesave, hetimin e procedimin disiplinor të magjistratëve. #ILD -@OSCEinAlbania #komunikim #publiku #drejtësia



11:09 AM · Oct 11, 2023 · 345 Views



**Inspektori i Larte i Drejtesise Artur Metani**

@ild\_albania · 11 Tet



Procesi i ankimimit, hetimit apo edhe procedimit disiplinor i shërbejnë llogaridhënies së magjistratëve, por edhe vendosjes e garantimit të standardeve më të mira të drejtësisë! 📌

🗨️ 🔄 1 ❤️ 1 Twitter



**Inspektori i Larte i Drejtesise Artur Metani**

@ild\_albania · 11 Tet



Diskutime efektive me përfaqësues të shoqërisë civile të Lushnjës mbi rolin e funksionet e #ILD-së si dhe administrimin e drejtësisë e pavarësinë e magjistratëve. 🙏 @OSCEinAlbania

🗨️ 🔄 1 ❤️ 1 Twitter



**OCTOBER OF HIJ IN NUMBER**

During **October** the Office of High Inspector of Justice has administered **61 complaints**, which were submitted **58 by citizens** and **3 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 **October 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**

- ⇒ **24 verification decisions, of which:**
- ⇒ **23 verification decisions (HIJ practices);**
- ⇒ **1 verification decisions (files carried by the former HCJ);**

**DISCIPLINARY INVESTIGATIONS**

- 1 decision to initiate a disciplinary investigation for 1 magistrate**
- 1 decision to continue the disciplinary investigation for 1 magistrate**

**ARCHIVES**

- **125 decisions out of 262 reviewed complaints, specifically:**
  - ⇒ **92 archiving decisions after verification by ILD practice, of which:**
  - ⇒ **64 archiving decisions after initial review**
  - ⇒ **28 archiving decisions after verification**
- **33 archiving decisions from inherited practices (files carried over from the former HCJ)**
  - ⇒ **4 archiving decisions after initial review**
  - ⇒ **29 archiving decisions after verification**



***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 ad-

dress, the Office of the High Inspector of Justice has made available the phone number +355 4 2217217. Coordinator for the right to information is part of this sector



*During the month of October 2023, the Complaints and Public Relations Sector received 27 complainants, who appeared at the premises of the Office of the High Inspector of Justice, and 24 phone calls from citizens, who requested information on the stage of their complaints or Information on completing the TIP complaint form.*



## COORDINATOR ON 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](mailto:info@ild.al), as well as the e-mail of the coordinator for 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 **October 2023**, at the Office of High Inspector of Justice, **16 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.**

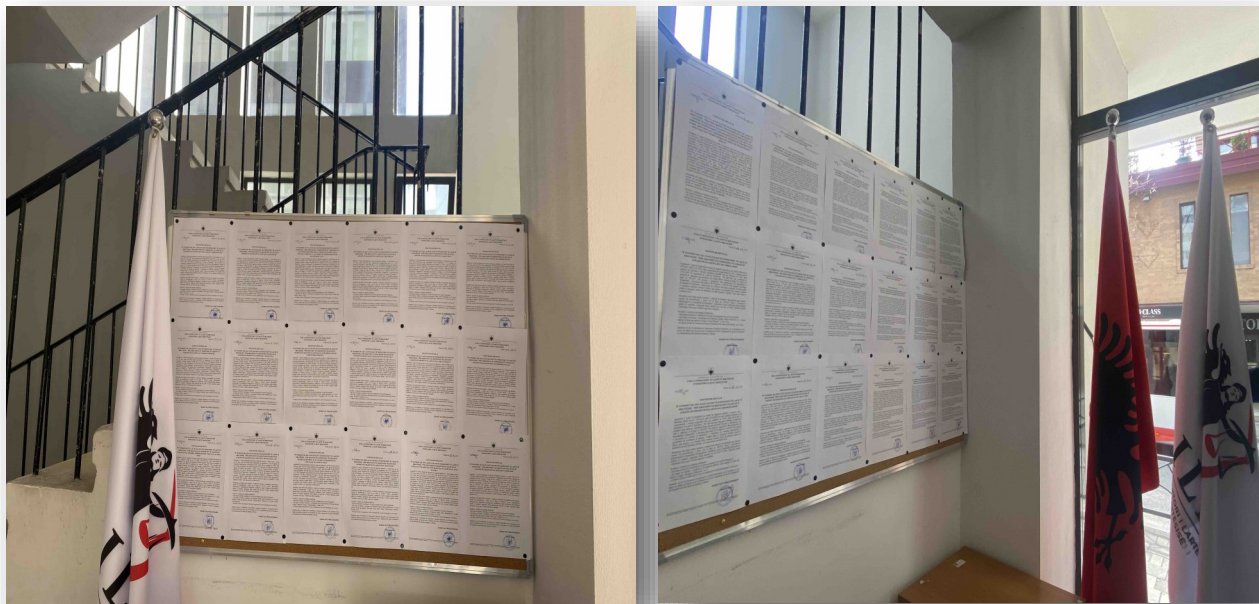
It can also be completed by presenting at the Office of the High Inspector of Justice, if necessary, to ask for assistance of the team of the Complaints Office.

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".

## PUBLIC ANNOUNCEMENT OF DECISIONS

Even during the month of **October**, the Office of the High Inspector of Justice made public announcements of archiving decisions for **23 complainants, including 1 for former magistrates** 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 **337 public announcements**





**HIGH INSPECTOR OF JUSTICE HOLDS AN OPEN LECTURE WITH STUDENTS OF “CITIZEN IN CHARGE” ACADEMY”**

High Inspector of Justice Mr. Artur Metani held an open lecture with law and political science students, participants in the “Citizen in charge” Academy of the “Civic Resistance” organization, well as the vision of the institution he heads, in relation to the monitoring of the magistrate’s work, verification, investigation and disciplinary proceedings.

Mr. Metani delivered a lecture on “The High Inspector of Justice role in the new architecture of the justice system and civic engagement in the society of the rule of law”, explaining the functions and challenges of the HIJ activity, as Responding to the students’ interest in various aspects of the HIJ work, but also in problems in the justice system in general, Mr. Metani highlighted the work philosophy of the institution he heads, which is to find a balance between the

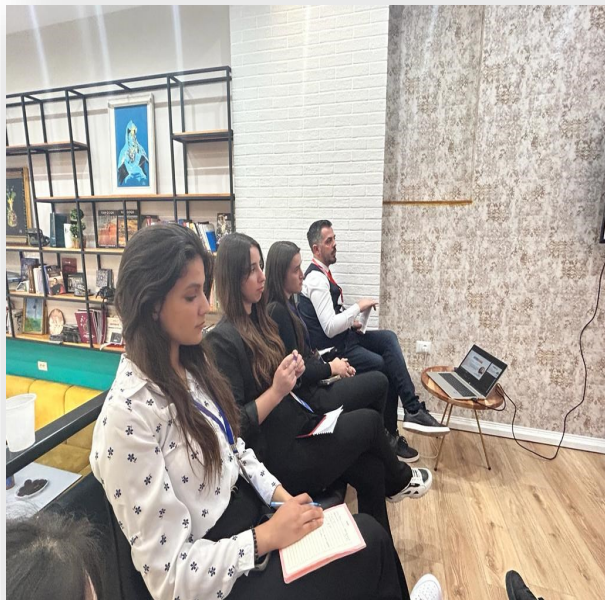




public and civic interest in the way justice is administered and the respect for the independence of magistrates.

“They are both equally important, observed the High Inspector of Justice, – in the first place, it must be understood that the independence of magistrates is accompanied by accountability.

The system itself must be accountable, because the independence is not a privilege, but a responsibility. On the other hand, the way the public interest is given voice is very delicate, since the system cannot succeed if we do not create a democratic environment, if we do not support it.”





Asked about the sensitivities and expectations of the citizens from the justice reform, Mr. Metani again underlined the importance of understanding that democracy and the rule of law are interconnected and that the civic responsibility is a contribution to social democratization.

“The Justice Reform takes time to produce its effects. There are definitely elements of independence and this is evident and should be encouraged; because it is called independence

when you like a court decision, but also when you don't like it. We have to learn to accept this. This is legal but also democratic culture. On the other hand, as far as the people of the system are concerned, their independence consists of many elements, starting from the general gradual formation over the years, which is the investment in knowledge that helps to establish the professional image of the individual, because it must be understood that justice is quality.”, said Mr. Metani.





**HIGH INSPECTOR OF JUSTICE METANI SPOKE WITH REPRESENTATIVES OF CIVIL SOCIETY OF LUSHNJA**

High Inspector of Justice Mr. Artur Metani, accompanied by the members of the HIJ team, conducted a dialogue table with the representatives of civil society organizations, operating in the municipality of Lushnja.

This is the second table being organized under the care of the OSCE Presence in Albania, as part of the communication strategy of the HIJ Office, to make a presentation of the role and functions of the HIJ Office to various interest groups where

they live and work, even outside the capital.

In his welcoming speech, the High Inspector of Justice said that this direct communication with the interest groups on the way they see the role, experiences or even expectations from the justice system, helps the HIJ itself to improve its performance, transparency and of course, to strengthen the public's trust in the justice system.

After presenting the functions of the HIJ, as an institution responsible for the verification of







complaints, the investigation of disciplinary violations and the initiation of the disciplinary proceedings against judges and prosecutors of all levels in the country, Mr. Metani and his team answered the questions of the attendees about the institution working methods on the complaint system and disciplinary proceedings, but also the challenges of the justice system to gain the citizen's trust.

Mr. Metani focused on the HIJ work to find the right balance between the public interest in the administration of justice and the independence of

magistrates. "The High Inspector of Justice, through his own activity, works hard to gain the trust of magistrates as well as the public trust. It is very important for magistrates to understand that the process of complaint, investigation or even disciplinary proceedings promote the accountability as well as the establishment and guarantee of the best standards of justice, which are not only a legal obligation but also in relation to the public expectations, they serve the system in the long run, not just to solve "today's problem", said Mr. Metani.





Representatives of the OSCE Presence, Mr. Cailean Maclean and Ms. Luljeta Krasniqi assessed the efficiency of the HIJ open communication with the civil society, supported by the Presence.

“The OSCE goal, in supporting the justice reform, is not only to review the legislation and organize trainings, but it is also to support and strengthen the process of approaching the justice system to the public in order to increase the trust of every-

one in the judiciary. There is no other institution more appropriate to do this than the High Inspector of Justice. This is the institution that ensures a reliable, competent and responsible justice system for all Albanians”, said Mr. Cailean Maclean, Head of the Rule of Law and Human Rights Section.

The discussion with civil society organizations even outside Tirana, is part of the communication strategy, which the High Inspector of Justice has started with the law students in different universities of the country.





**REAL-TIME STATISTICAL PROCESSING OF COMPLAINTS,  
NEW CHALLENGE OF HIGH INSPECTOR OF JUSTICE**

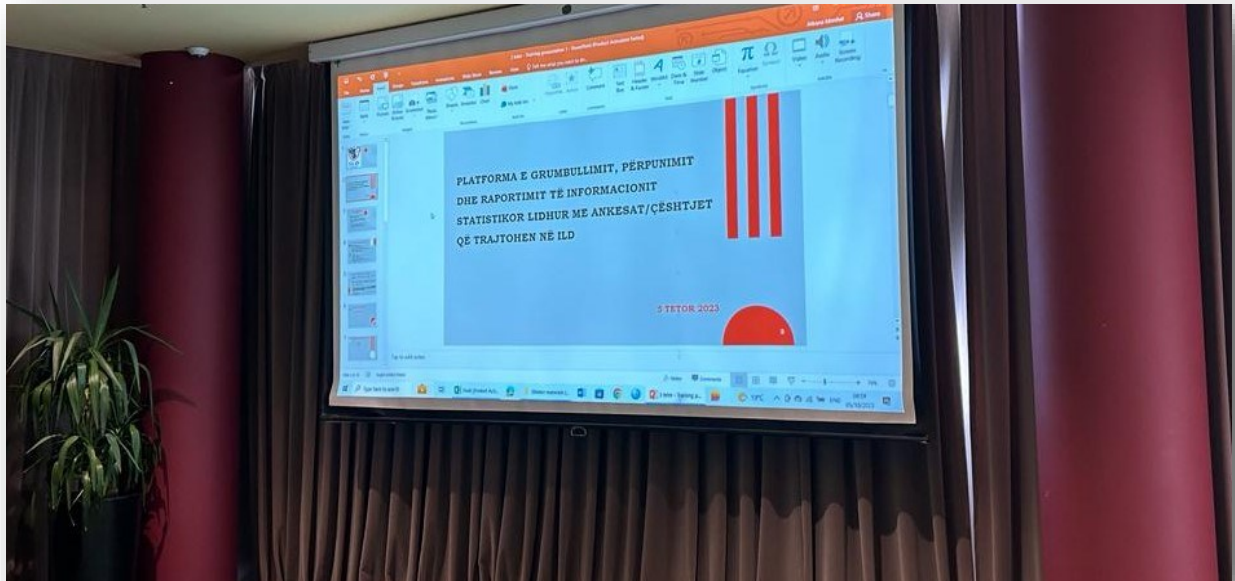
The High Inspector of Justice Office is consolidating the process of handling complaints/cases in the institution, with the aim of providing transparent and real-time information, which will serve to facilitate the process of analysis and periodic reporting of the institution.

eral, the cabinet and administration staff, there was a presentation of the documentation package for the collection and processing of statistical information related to the process of complaints review.

During a working meeting with the team of inspectors, assistant inspectors, the Secretary Gen-

In his speech, High Inspector of Justice, Mr. Artur Metani emphasized that the collection of statistical information should produce a complete anal-





ysis of the problems arising from the process of complaints review, in order to increase work standards. Mr. Metani stated that the HIJ Office aims to raise and strengthen the practices and best work standards, in order to contribute to the improvement of the quality and efficiency of every sector of the institution.

Part of the documentation package for the collection and processing of statistical information re-

lated to the review of complaints is also the Registration Platform (Lists Application), which ensures the real-time registration of information on complaints/cases mainly, the transparency and access during the stages of their review, for all the structures involved in the process, the collection of complete statistical information in the database for the purpose of processing, analyzing and preparing reports, periodical bulletins, etc.





**HIJ STANDARDIZED FORMAT AND METHODS OF LEGAL REASONING OF PROJECT DECISIONS**

With the unit of Inspectors and Assistant-Inspectors of the HIJ, we discussed the standardized formats of the content and method of legal reasoning of the draft decisions at different stages of the review of complaints, as far as the content and method of legal reasoning are concerned. The purpose of the discussion was to coincide

with the practice of the work of the Councils and the Special Appellate Panel. In this context, we also deal with proposals for the standardization of other cases, which may require unification in the way of legal reasoning based on the evidenced work practices in HIJ.



**OCTOBER 2023**

All rights reserved High  
Inspector of Justice

© ILD



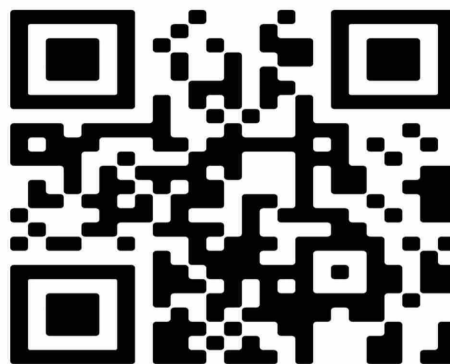
**KONTAKT ILD**

**WEB:** [ild.al](http://ild.al)  
**EMAIL:** [info@ild.al](mailto:info@ild.al)  
**ADDRESS** Boulevard“Dëshmorët e Kombit”,  
Building nr.13 Tirana, Albania



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

**HIJ spot [https://  
www.youtube.com/watch?](https://www.youtube.com/watch?)**



**Më skano!**